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CAPABLE AGENTS AND JUST INSTITUTIONS: A RECONSTRUCTION OF PAUL RICOEUR'S "ETHICAL AIM" USING ANTHONY GIDDENS' THEORY OF STRUCTURATION

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Introduction – Understanding the Ethical Aim

The fact of diversity, felt in many of our interactions at the everyday level, impresses itself upon our modern society. This fact alone does not mean that diversity is a good, there are some who would argue that it is a weakness, a limitation, a barrier to realizing our full potential. But such position must make distinctions of degree; how much diversity is allowed. After all, no individuals are exactly the same. And so, diversity persists, and if we are to seek out our full potential in such a reality, one of the challenges is to figure out how to live with that diversity, how to perhaps harness it, benefit from it, and protect ourselves from the potential limitations of it. Diversity in this respect presents numerous challenges to modern society. Among these challenges is its potential impact on the pursuit of justice; if we are different, can justice be different? What does justice look like in a diverse society? What does it mean to seek justice in a diverse society? To what do we aim when we aim at justice?

The question of the nature and possibility of justice in a diverse society implicates both individuals and institutions. Accepting diversity as constitutive of modern life there is, on the one hand, the individual who experiences diversity, who understands herself in light of the relations and interactions that she has with others, be they like her or otherwise. Here one sees the self emerge as an affected element of a diverse world, in both its conflict and its value. On the other hand, there are the institutions that exist or that we create in order to navigate our social world, to enhance the benefits or allay the conflicts grounded in diversity. It is often in institutions, that mediate and even represent diversity, that the selves that make up society experience justice or its lack. Linked to

base experiences though not exhausted by them, I hold justice to be measured by the impact of human activity on human flourishing.[1] In this view, how exactly are we to understand the moral relationship of self to institutionally organized society within the context of radical diversity?

Aiming at greater justice in society, this dissertation will address this question of moral and institutional existence in the following ways. Firstly, drawing primarily on the thought of Paul Ricoeur, I will argue for a human social existence that is marked by both capability and vulnerability. Both of these characteristics are present at the level of the individual, but also at the level of the institution. It will be a primary argument of this dissertation that the ways in which institutions bear on these characteristics is an important indicator of their justness. Secondly, with the characteristics of capability and vulnerability in place, this dissertation will directly address the way in which Ricoeur conceives of the institution. A detailed analysis of the different ways in which this concept is deployed in Ricoeur's work will reveal some limitations with respect to understanding the possibilities for justice at the level of the institution. These limitations will lead to, thirdly, a description of the concept of institution as developed by sociologist Anthony Giddens. Special attention will be paid to the way in which Giddens argues for a bidirectionality in the individual/institution relationship, which he calls structuration. I will use this theory to propose an ethical analysis of institutions based on their constitutive practices. Finally, I will apply the practice conception of institutions to

[1] This is, without a doubt, an incredibly broad and not very helpful definition of justice. It does, however, gesture towards a model of justice that has at its heart what it means to be a human being and the goods inherent to such being. But, following Ricoeur, I also want it to make space for a universal conception of morality by which right and wrong can be at least minimally judged.

Ricoeur's ethical aim - living with and for others in just institutions - to both propose a broader conception of institutions, and thus broader application of a conception of justice, as well as develop a criterion for the adjudication of the justness of those institutions. This criterion will bring full circle the early assertion of human social being as both capable and vulnerable.

The connection of practice to capacity provides a link between the practice oriented social theory of Giddens and the *homo capacitans* of Ricoeur. It also combats a view of institutions as merely exercises of power, while at the same time emphasizing their human element. In the final analysis, the just institution, conceived in terms of practices carried out by fragile people that rely on sets of rules and available resources for their potential flourishing, is the institution that places the fewest limits on human capacity, within the context of a social necessity and interpersonal relations. But more, the just institution, against the background of difference of capability, is one that attends to those with the least capabilities, promoting practices that enable, rather than constrict the capacities necessary for flourishing.

Background

Contemporary reflections on both the ethical self and the ethical nature of institutions provide little in the way of a constructive normativity. While the self undoubtedly appears in numerous places across contemporary scholarship,[2] reflections

[2] There has been much reflection on concept of self over the years. Important contemporary contributions on this topic, often emerging out of or responding to the challenges of post-structuralism, include the work of Charles Taylor, Judith Butler, Jean-Luc Nancy, and Seyla Benhabib, to name but a few.

on the formation and transformation of the ethical self appear almost exclusively in the field of moral psychology. While providing a valuable perspective, these works largely represent a scientistic approach to morality that denies or at least challenges the knowledge attained or created and passed on by historically embedded traditions.[3] In accordance with a general social scientific methodology, they refuse to prescribe or proscribe ways of acting and being in the world that may be more conducive to human flourishing. Similarly with institutions, though there is much diverse literature dealing with institutions. In this literature, institutions are often seen as artifices that either aid or impede the development of larger parts of society, usually, but not always, the economy. But if institutions are a simple fact of life together,[4] they should not be viewed as merely instrumental to the realization of desired societal goals. Certain institutions, or certain forms of institutions, should be seen as part of a teleological conception of society because they are necessarily tied to the achievement of that telos. If a just society is what is sought, then just institutions must be sought as well. And since the measure of justice as I describe it is the impact on human flourishing, the relation of those institutions to the self is a way of getting at the justice of institutions.

The claim that justice is linked to human flourishing comes out of Ricoeur's ethical reflections. Specifically, Ricoeur describes justice as a response to suffering that

[3] Don S. Browing's article, "Moral Development," has been useful for identifying the different ways in which morality has been addressed by a social scientific approach. William Schweiker, ed., *The Blackwell Companion to Religious Ethics*, (Malden, MA: Blackwell, 2008): 544-551.

[4] Someone might argue that institutions are not a simple fact of life together. I would simply refer to my use of institution, outlined below, to demonstrate that language, and likely even the crudest form of communication depends on perduring shared practices that establish meaning through a set range of expectations. If one can imagine a life together with no communication whatsoever, perhaps institutions become unnecessary.

recognizes a victim and seeks to remediate a wrong or restore the victim to wholeness.[5] But this is not all justice is. I will argue that, inchoate in Ricoeur's reflections, justice is also the proactive formation of a world in which the possibility of being victimized is diminished and diminishing. This means that the aim of justice is both to repair past wrongs and prevent future wrongs. A focus on victimization might lead one to wrongly think that there must then be an evil actor who victimizes others. The very fact of natural disasters demonstrates this to be false.[6] But in the area of social structures and forms that impact individuals and groups there is very much an agent, individual or group. This is very much the case with institutions, which are often form or are formed in order to further the goals of society, aimed at protecting and promoting, even producing good. But at times institutions create victims and thus serve to perpetuate and also further injustice. The aim of justice with respect to institutions is to reduce the incidences of such victimizations, and the claims of justice are dependent on claims of human good.

What does victimization have to do with flourishing? The claim of injustice that illuminates a sense of justice is linked, in Ricoeur's work, with the realization of fault, failure, even simply weakness or incapability. To realize these things is, in part, to recognize that something has fallen short of its potential, that there is not the flourishing that might be. As noted above, I hold justice to be measured by the impact of human activity on human flourishing. In this respect, a victim is one who is prevented from

[5] This is seen most clearly in Ricoeur's claim that a sense of justice is illuminated by the cry "Unjust!" See Paul Ricoeur, *Oneself as Another*, (Chicago: University of Chicago Press, 1992), 198.

[6] The idea of victimization is presented as one half of the dialectic between blame and lament, developed by Ricoeur. Lament refers to suffering, whether caused by another person or otherwise, and thus can reasonably be deemed to include such things as natural disasters. See Paul Riceour, "Evil, a challenge to Philosophy and Theology," *Journal of the American Academy of Religion*, 53, no. 4 (1985): 635–48.

flourishing in the context of a given society. But the forward-looking nature of justice as outlined in the above section refers not only to past victims but also the possibility of future victimhood. Following Ricoeur, I thus find it incredibly useful to address victimhood in terms of fragility, which can address the fact and the possibility of being harmed. Humans are by our very nature fragile: our bodies are fragile, our relationships are fragile, our social fabric is often fragile, and our institutions can be fragile too. Far from being a hinderance to achieving our potential, of flourishing, fragility drives the continual pursuit of justice in so far as when we recognize fragility it motivates us to enact change. The response of justice to fragility is thus an attempt to bring flourishing to those crying out of injustice.

The “Ethical Aim” as the Heart of Society

The relationship between individuals and institutions with respect to justice is given by Ricoeur in what he calls the “ethical aim.” This aim, Ricoeur tells us, is "living well with and for others in just institutions." His "little ethics," developed in *Oneself as Another,* includes reflections on the nature of the self in relation to others in order to both develop an understanding of the ethical self and to provide a framework for achieving a level of justice in our communities intended to aim at overcoming impasses of conflicting values. In a move uncommon in contemporary scholarship, Ricoeur offers a way into this ethical space of relation by beginning with the self, demonstrating the impact of diversity on the self, and appealing for a more just organization of society in institutions. These three areas of self, plurality of selves, and institutions, will be referred

to throughout this dissertation as a “ethico-moral framework.” I will demonstrate how they are an analytic framework for mapping the multiple fronts to which ethics, in Ricoeur, is addressed. Ricoeur returns to them again and again in his discussion of both ethical aims and moral norms. For purposes of analysis, Ricoeur separates them and deals with them in a rather linear fashion, implying a movement from the individual self, through the self of others, and ending with institutions. However, these areas must ultimately be taken together as being in dynamic and constant interplay. One of Ricoeur’s points in detailing these three areas is that ethics cannot be confined to considerations of social issues. Ethics is about who we are with and to ourselves, with and to others, and with and to society as a whole. The normative ethical landscape is ultimately given shape by the norm implied in Ricoeur’s ethical aim: “living with and for others in just institutions.”

Central to the ethical aim, in so far as it represents a social teleology, is the just institution. But this is not a simple concept to define, and its shape is not clearly drawn in Ricoeur’s work. The difficulty with institutions is at least threefold. First is its connection to intersubjectivity, which is anything but trivial. Institutions both produce particular kinds of relationships and are also products of relationships as well. This dual nature, so to speak, ensures a complexity in analyzing the place of institutions in society that is not easily resolved. Secondly, and related to the dual nature of institutions just noted, is the question of what constitutes an institution. It is not helpful to say that every organized element of social existence is an example of an institution, nor is it beneficial to confine the institution to only the massive elements of society that seem to dominate

our lives.[7] Thus, I will argue for a practice model of institutions that addresses the central concern of Ricoeur's ethic while also overcoming the inconsistencies inherent in his use of concepts of institutions. Finally, the possibility of developing just, or more just institutions requires the possibility for institutional transformation. On the face of things, institutions seem to be stable, often static elements of society, unchangeable due to their history, size, and entrenched nature. But this illusion is addressed by acknowledging and understanding the human element in institutions, already present in the previous two considerations noted. The recognition that humans are active participants in institutions serves to humanize those institutions. Such a humanization of institutions, I will argue, enhances the possibility of achieving justice at the institutional level. Below I provide a more detailed explanation of these difficulties.

The "Institution" in the Ethical Aim

The institution has continual presence in Ricoeur's reflections on ethics. Johann Michel has written about how a sense of institutions permeates Ricoeur's work, without Ricoeur ever addressing a text directly to this topic.[8] George Taylor echoes this sentiment in his article entitled "Just Institutions"[9] when he turns to a collection of Ricoeur's writings for insight into this key element of Ricoeur's ethical aim - living well, with and for others in just institutions. And while Taylor is primarily interested in sussing

[7] This latter point could be contended, though below I will argue that limiting the conception of institutions in the extreme fails to allow for the kind of human participation in institutions required for making them just.

[8] Johan Michel, "Le sens des institutions," *Il Protagora*, 39, no. 17 (2012): 105-117.

[9] George Taylor, "Ricoeur and Just Institutions," *Philosophy Today*, 58, no. 4 (2014): 571-589.

out the content of justice as it applies to institutions, his appeal to a diversity of sources is telling of a missing theorization of the concept of institutions as well as a vision of just institutions, two key ideas this dissertation will address.

The lack of clarity on institutions and just institutions inherent in Ricoeur's work leaves open numerous avenues for the possibility of the ethical aim. Taylor aims at uniting spirit and form within the concept of institution, thereby making good on Ricoeur's commitment to both teleology and deontology. A meaningful relation between spirit and form, convincingly argued as Ricoeur's position on institutions, enables Taylor to give strength to Ricoeur's emphasis on the process of institutionalization, and thus institutional transformation, found in *Memory, History, and Forgetting*. Thus, Taylor gives insight into the possibility of institutional transformation made necessary by the aim at life in just institutions.

While Taylor notes numerous institutions, including language, in his essay, he focuses his attention on law and politics. This move follows Ricoeur, who emphasizes by way of focus institutions of law and politics, and occasionally economics, in his reflections on just institutions. But, if one considers language as an institution, then one should consider other basic forms of interpersonal relation and interaction that are also referred to as institutions. Sociologists have included such mundane things as the handshake in theorization about institutions.[10] We also often refer to such things as Sunday football or a local eating establishment as institutions. It can certainly be debated whether or not these count as institutions, or if Ricoeur would be interested in

[10] Robert N. Bellah, *The Good Society*, (New York: Vintage Books, 1992).

their inclusion, particularly when one considers their bearing on justice, defined in terms of distribution or otherwise. I contend, however, that consideration of such mundane activities provides an important link between the interpersonal and institutional spheres that Ricoeur addresses in *Oneself as Another*, and thus are vitally important for grasping the possibilities for just institutions.

One of the questions is whether an extension of an aim at just institutions beyond the central institutions of politics and the legal system is either possible or warranted, or both. My contention is that Ricoeur's description of language as an institution, a description that is wholly justified, demands that we think of institutions not only in their largest forms, and thus as those things that touch our lives only occasionally though often severely. Rather, what is needed is a conception of institution that gives us the tools to identify and correct injustice wherever it may be found, particularly in those institutions that affect the living of our lives on a daily or at least regular basis.

One of the reasons that it is necessary to consider the movement from the interpersonal sphere to the institutional sphere, as articulated by Ricoeur, is because many of the things usually deemed institutions, both popularly and by social scientist, regulate not only the interaction of anonymous and face-less others, but the interactions of people in one-on-one encounters. Here language is the most obvious, but the handshake or Japanese tea ceremony must be considered too. If by institution Ricoeur means only those regulatory elements of society that operate on a non-personal basis, then certainly the handshake may be excluded. But the personal and interpersonal nature of language suggests that institutions cannot be merely non-personal. Language

is about both solicitude and justice, among other things. A sphere wholly separated from the personal thus cannot thoroughly capture the institution.

Nevertheless, even if one considers only non-personal institutions, say democracy or war, careful attention to the relationship of the interpersonal sphere and the institutional sphere makes possible an analysis of institutions that does not divorce individuals from those institutions. Indeed, Ricoeur notes and defends the refusal to conceive of society as nothing more than a collection of individuals or that it is something altogether different than the individuals that constitute it. And yet Ricoeur is content to say that there is no transition from the interpersonal to the institutional on the basis of the Aristotelean golden mean. Such a move effectively removes the individual from institutions.

In *Critique & Conviction* one finds a possible reason for the leap that Ricoeur makes in *Oneself as Another* from the interpersonal sphere to the sphere of institutions. He distinguishes between the institutional nature on the one hand of the social and economic, and on the other hand of the political. In his 1950s work on politics, Ricoeur proposes that politics has "an irreducible, all-inclusive character, defined by a feature no other institution possesses, namely sovereignty".[11] For Riceour, sovereignty is "what is supreme in the ultimate order of decision",[12] where the decisions over which it rules have to do with the distribution of power. This leads to concentration of the right to violence in the hands of the state, something that is reflected in the "irrational" aspect of

[11] Paul Ricœur, François Azouvi, and Marc B de Launay, *Critique and Conviction*, (Paris: Calmann-Lévy, 1995): 96.
[12] Ibid., 97.

the political that Ricoeur juxtaposes with the political contract, notably a constitution. Oddly, Ricoeur does not note the contract in this text, preferring rather the Hegel's argument that the political is formed outside of the choice or decision of individuals, or, put differently, that one does not join the political, one is born into it.

The structure of politics, according to Ricoeur, includes both a vertical and a horizontal relation. The vertical relation is of command and authority and is characterized by Ricoeur as irrational. The horizontal relation is of the wish to live together with others, and marks the rational aspect of politics, the contractual element as he often prefers to put it. This leads to Ricoeur's position that "the democratic projects would then be defined as the set of measures that are taken so that the horizontal tie of wishing to live together in general prevails over the irreducible, hierarchical relation of command and authority."[13] Ultimately, the human good of community takes precedence over exercises of power. These claims provide some basic guidance for understanding Ricoeur's view of the political.

We might then understand the "with and for others" of Ricoeur's ethic as standing against the conception of institutions dominated by the political. If in fact the irreducible and irrational nature of the authority and command structure of politics is to be overcome, then the inclusion of politics in a broader conception of institutions is problematic. Institutions are not to be overcome, only institutions that exhibit particular characteristics, notably those that unjustly limit human capacity for flourishing must be denied. This does not mean that Ricoeur is grossly wrong in the characterization of the

[13] Ibid., 99.

institutions of politics as different than social and economic institutions with respect to their concern with sovereignty. But ways in which the interpersonal sphere feeds into either of these types of institutions remains missing in Ricoeur's thought.

In the last part of the seventh study in *Oneself as Another*, Ricoeur claims that it is his appeal to the golden mean, borrowed from Aristotle, that enables a move without transition from the interpersonal to the institutional sphere. The mean, conceived by Ricoeur in terms of equality, makes distribution the central consideration for the just institution. Only a couple of pages later Ricoeur writes of justice in terms of the distribution of roles, in following with Aristotle. But without holding to a hierarchy of being, it is never made clear by Ricoeur what a just distribution of roles would look like. Contrary to Ricoeur's claim, it is not sufficient to link institutions to justice by way of the concept of distribution. Rather, careful consideration of the mode of such distribution is required. While Ricoeur is justified in not wanting to give a detailed picture of such justice, his reflection also does not provide any mechanism for developing appropriate distributions. Questions remain about the method of distribution, what is to be distributed, and criteria for determining or measuring the justness of such a distribution. By developing a conception of institutions as practices or sets of practices, this dissertation will provide answers to these questions that make concrete the claim of living with and for others in just institutions.

A Broad View of Institutions

One of the challenges of getting at the kinds of institutions intended in Ricoeur's ethical aim is the diversity of approaches to institutions across the disciplines. B. Guy Peters, in his book *Institutional Theory in Political Science,*[14] details numerous approaches to institutional analysis, each its own form of institutionalism. Each approach, understandably, labels institutions in a particular way, in order to highlight the nature of the analysis and the types of questions that the investigator is seeking to answer. This diversity at times manifests as disagreement about what constitutes an institution, but it is also largely a product of specialization in the social sciences. Even though competing definitions of institutions may make no claim to universality, a consideration of justice, as it relates to institutions, must make such normative claims from a largely accepted definition of institutions. But this might not mean choosing one definition of institutions over all others. Indeed, I will argue that an institutionalism that takes practices as central to institutions can maintain many of the elements emphasized by other institutionalisms. In particular, the rules and norms that motivate Ricoeur's reflections on institutions need not disappear when one digs beneath them to practices.

British sociologist Anthony Giddens has written extensively on the social sphere, developing the well-known concept of structuration in the middle part of the 20th century. His work at times aligns with Ricoeur's, but also illuminates some of the social framework that is opaque in Ricoeur's writings. Giddens work, particularly that of the middle part of his career exemplified in *The Constitution of Society*, is uniquely suited to

[14] B. Guy Peters, *Institutional Theory in Political Science: The New Institutionalism.*, (London; New York: Pinter, 1999).

conversation with Ricoeur on at least two grounds. Methodologically, like Ricoeur, Giddens is interested in bringing divergent and often competing theories into conversation, thus proposing a middle path between exclusive positions. In this vein, he brings together structural/functional sociology with hermeneutic sociology in order to get at the way meanings interact in reciprocal fashion with other ordering aspects of society. With respect to his subject matter, in contrast to post-structuralist social theory, Giddens takes quite seriously both the internality and externality of subject and object, and also discusses at length the place of agency in the formation and maintenance of institutions. This acknowledgment of an important and identifiable self means that Giddens can be used to engage with Ricoeur in a way that, say, Foucault cannot. So, for instance, Giddens links the formation and transformation of values in institutions through time with the modern threat of self-fragmentation and alienation, arguing for the possibility of self-integration. In this dissertation I will argue that Giddens' development of concepts found also in Ricoeur's work enables a conversation between the two thinkers that enhances an understanding of the relation of the self to broader society. I will demonstrate that this comprehensive picture of the self as it relates to society ties more firmly together the self and the institution in a way that strengthens the ethical vision that Ricoeur develops. It is this relationship that will ultimately be shown to make possible the formation of just institutions.

Giddens concept of institutions is embedded in his broader structuration theory, which will be the focus of Chapter 3. Briefly, structuration theory is composed of three elements: structure, system, and the duality of structure. For Giddens, structures are the

ahistorical rules and resources that find historical instantiation in systems, what he refers to as relatively stable schemas for the historical production and reproduction of the rules and resources of action, as well as the relatively stable reproduction of the relationship between individuals and groups.[15] Finally, the duality of structure, the final term in Giddens' articulation of his theory, refers to the productive and reproductive dialectics between structures and action, whereby social systems come into being and continue. Institutions, Giddens tells us at one point in *The Constitution of Society*, are merely the systems that have the greatest time-space extension. Thus, one can see that institutions can in fact be thought of as durable systems that manifest structural properties. Giddens prefers to use "structural properties" when referencing structure, because it avoids the conceptual confusion of structures with historical entities. So, on Giddens account, we should not think of institutions as structures, but as systems or interconnected practices, owing to their repetitive nature, which exhibit rules and resources.

The question of rules, in particular, brings into focus the problem of constraint, which occupies much reflection on institutions, and is notably addressed by both Ricoeur and Giddens. As Ricoeur claims in *Oneself as Another*, "What fundamentally characterizes the idea of institutions is the bond of common mores and not that of constraining rules."[16] Here, rules are not rejected outright, but are relegated to the background in favor of the shared practices and values of a historical community. The term "shared"

[15] Ernst Wolff is helpful in understanding the relationship of structure to system and the affinities between system and the duality of structure. See "Ricoeur et Giddens: l'herméneutique de l'homme capable et la théorie de structuration," *Études Ricoeuriennes / Ricoeur Studies*, 5, no. 2 (2014): 105-127.

[16] Ricoeur, *Oneself as Another*, 194.

here is perhaps redundant, as it is clear from Ricoeur's earlier discussion of practices in *Oneself as Another* that practices are fundamentally socially constituted. This is also the case for Giddens, for whom practices are repetitive actions or activities embedded within a network of systems that give meaning to said actions.[17] Meaning references not only a particular system, or set of systems, but also the context in and by which such systems operate, which includes the presence and actions of others. And Giddens rejects the constraint model of social systems, claiming both the constraining and enabling nature of rules. For Giddens, constraint is a fact of life. He identifies ontological constraints such as geography, demographics, even time, as impacting action. Constraint then, is neither positive nor negative for Giddens, but a simple fact of existence. If one considers rules for social action, rules for practice, it becomes clearer how they must be viewed with respect to both constraint and empowerment. An individual's successful participation in social activity depends on knowledge of that activity, knowledge that includes constitutive and regulative rules. These rules both constrain the action of an individual engaged in that practice, by limiting the kinds and quality of action admissible in a given practice. But knowledge of such rules, in particular, enables one to actually engage in a particular practice, to perform the correct action and not another. In this sense, rules enable participation in social system. The

[17] "Social systems involve regularized relations of independence between individuals or groups, that typically can be best analyzed as *recurrent social practices*. Social systems are systems of social interaction; as such they involve the situated activity of human subjects and exist syntagmatically in the flow of time." Anthony Giddens, *Central Problems in Social Theory*, (Berkeley: University of California Press, 1979): 65–66. Here one can clearly see the way that repetition is central to practices, but also the necessity of viewing such practices as embedded within a social context. This situatedness provides meaning to actions by way of the knowledge about what to do, and the expected outcomes of one's actions as well as the expectation of actions of others within that social setting.

general emphasis on the constraining aspect is, according to Giddens, a misunderstanding of the way rules operate in society. Structuration theory, developed by Giddens, thus provides a way to avoid the strict constraint model of institutions and provide for positive production through institutions. Using structuration theory as a supplement to Ricoeur's reflections allows for the reintroduction of practices into Ricoeur's ethical theory at the level of the institution.

Those familiar with Ricoeur's argument in *Oneself as Another* will know that Ricoeur uses practices to develop the idea of self-esteem as the individual's relation to the good. The social nature of practices, including competition and conflict inherent in attempts to define standards of excellence, is addressed by Ricoeur, even emphasized. And yet the concept of practice disappears from Ricoeur's analysis when he moves to a consideration of the interpersonal sphere and does not return in his treatment of the institutional sphere. I propose that introducing practice as an analytical tool at the level of institutions will greatly enhance our capacity to aim at just institutions and transform unjust ones.

This approach is, I think, justified by reflection on the nature of the "I can," in particular in its functioning with respect to esteem. Ricoeur writes, "…if one asks by what right the self is declared to be worthy of esteem…it must be answered…by reason of its capacities…I am that being who can evaluate his actions and, in assessing the goals of some of them to be good, is capable of evaluating himself and of judging himself to be good."[18] I am fully aware of the ontological standpoint from which Ricoeur

[18] Ricoeur, *Oneself as Another*, 181.

is arguing. But the ethical aim encourages us to concrete action.[19] Here Giddens is of incredible value. The more concrete situatedness, drawn from Giddens, places caveats and limitation on the "I can" that are, I think, ultimately implicit in Ricoeur's claims. The "I can" is asserted within the framework of a particular set of rules and resources, known and available to the individual actor. Thus, a judgment of good depends on a knowledge of the standards of excellence, including awareness of the degree to which the way in which the standard is met is appropriate to the overall evaluation. Knowledge of the existence of a standard does not mean knowledge of that standard, and thus it is possible that one can vaguely aim at a standard. The question becomes one of achievability alongside one of capacity. Here we clearly enter into the sphere of fragility. By giving meaningful attention to the relationship of capacity to the situatedness of life within social systems and institutions, the necessity of measuring justness against the structural properties exhibited by an institution becomes clear. The "I can" of Ricoeur's little ethic can thus be given a more concrete expression using the tools of structuration theory, with the individual being enabled by the presence of particular structural properties.

A reflection on institutions as practices, or a set of practices, makes possible the relatively stable reproduction of social relations that would give us access to the standards of excellence attached to those practices. This is essentially the system of

[19] The ground for esteem is capacity at the level of ontology - the hermeneutics of the capable human being. This is not lost when one shifts to the world of limited capacity, what Ricoeur, in my view will call fragility. Since justice is in many cases a response to injustice, I am justified in movement to the ontic realm, in which an individual's capacities are impinged upon or enabled by virtue of one's position in the world - the access that one has to resources and the knowledge one has of the rules of engagement. The ontology creates the groundwork for Ricoeur's ethic; what is needed is space for concrete application. This is provided by a return to praxis by way of Giddens.

values to which Ricoeur alludes in his definition of institutions that seeks to avoid constraint. Attention to structuration theory enables the bringing together of the actions of individuals, the relation of those actions to structural properties against which that action is measured, and the systemness of such action. Practice, seen through the lens of structuration theory, offers the transition from the interpersonal to the institutional that is absent in Ricoeur. This transition will be important for clarifying the possibilities for transformation at the level of institution.

While the malleability of institutions may well be something to which to aspire, the possibility of transforming institutions in no way presupposes the possibility of a just institution. Indeed, transformation of institutions is neither inherently good/just, nor inherently bad/unjust. Thus, in order to guard against the possibility of a movement towards injustice, to say nothing of the possibility that maintaining the status quo might continue injustice, a theory of just institutions must provide some criteria for determining the justness of transformation. It is in this respect that a return to capabilities, built on the fact of fragility of the human, will finally provide a means for adjudicating for justice.

Organization

Ricoeur's "little ethic" provides a compelling model for addressing some of the challenges inherent in a diverse society. However, Ricoeur's ethic under-theorizes the relationship between the self and the institutions that both contribute to that self and organize the broader society. This threatens to undermine the ability of Ricoeur's ethico-moral framework to impact the societies in which we live. By using Anthony Giddens'

theory dealing with the self in relation to the multitude of structures and systems of modern society to sharpen an understanding of life with and for others in just institutions, advocated by Ricoeur, this dissertation aims to develop theoretical tools for humanizing institutions, so they can be seen as an integral part of flourishing life together.

In order to establish the possibility for justice and the relationship between the self and institution, Chapter 1 will begin with the concept of human fallibility. It is through the idea of fallibility that Ricoeur assesses asymmetries of power manifested as violence to others, justifiably called evil. This problem of evil, noted by Ricoeur in his lament at the violence of the twentieth century,[20] gives urgency to reflections on justice that continue insofar as violence is ultimately ineradicable. But fallibility does not end with evil, it provides the possibility for justice through the turn to human capability. Chapter 1 will address the way Ricoeur develops his hermeneutics of the capable human, in particular in the articulation of four capabilities: to act, to speak, to narrate one's life, to take responsibility. It will be shown how these capabilities are largely dependent on institutions. The capacities to speak and to narrate require institutions of language and storytelling, and the capacity to impute actions to oneself, tied closely to the ascription of responsibility for an action to an agent, presupposes institutions of judgment. Thus, Ricoeur's ethic at the outset calls for a reflection on the institutions that make possible the capable self.

[20] Paul Ricoeur, *The Just*, (Chicago: University of Chicago Press, 2000), viii.

It is with the idea of human fragility, emerging out of reflections on human capability, that Chapter 1 turns to questions of the possibility for justice as conceived by Ricoeur. Here questions of the relationship of individuals to broader society, viewed largely as members of particular groups in society become central as the description of some as fragile, based largely on social or political marginalization, becomes the driver for the later production of the just institution. The role of the institution in the production of fragility, marginalization, even injustice, will also be briefly explored, by which I will demonstrate the importance of the transformation of institutions to increasing justice and a means test for that transformation. A more thorough consideration of the just institution will be reserved for the final chapter of this dissertation.

The placement of justice and institutions in relation to the self by way of the concept of human fallibility espoused by Ricoeur makes ready an analysis of the sphere of institutions, which forms the basis of Chapter 2. Here I will carefully consider the part that institutions play in Ricoeur's larger ethico-moral system.[21] Beginning with the spheres of the self and intersubjectivity, the aim of this chapter is to establish the role that institutions play in Ricoeur's development of the ethical aim. Some attention will be paid to what constitutes flourishing of the self as it relates to others in society. This is important because the flourishing of the self provides the ground for justice at the level of institutions. Following Ricoeur's framework, the argument will demonstrate the continuity of concepts relating to justice as they move from the sphere of the individual

[21] The word "system" is misleading. Ricoeur is not strictly speaking a systematic thinker and there are reasons to believe that he would have been suspicious of any claim of a system. I merely intend the term as indicating a larger constellation of interrelated spheres that together form a framework for considerations of justice.

to the interpersonal sphere. In this move, self-esteem transitions to solicitude. This move will ultimately raise the question of whether this continuity remains when Ricoeur shifts to consideration of institutions. Institutions of politics and law, given their place in Ricoeur's reflections on justice, will serve as an entry point into the chapter's central goal of expounding Ricoeur's conceptualization of institutions. As I push the concept of institutions beyond the realm of politics and law, the limitations of Ricoeur's attempt to balance competing visions of institutions, as both constraining and freeing, will be shown to require a different, or at least clearer concept of institutions in order to give clarity to this important element of the ethical aim. The point at which the limitation of the concept of institution is greatest in Ricoeur's work is in its ability to deal with change, or, more poignantly, its ability to transform. Transformation of institutions is fundamental to the possibility of aiming at just institutions. I will show that Ricoeur appears aware of this limitation, by discussing a short passage from one of his last works. This awareness is not met with a clarification of the nature of institutions with respect to the ethical aim, leaving the final formulation of the ethical aim ultimately wanting.

With this conceptual limitation illuminated, the work will take a detour through social theory in search of a more robust vision of institutions. In Chapter 3 I will look to social theorist Anthony Giddens in order to articulate the ways in which individuals participate in society as well as the way in which social forms are produced, reproduced, and possibily transformed. Drawing largely on his work *The Constitution of Society,* I will present the conceptual framework Giddens develops that enables him to theorize institutions. Three ideas from Giddens' work are of primary importance: 1) the

interaction of practical and discursive consciousnesses through the activity of the reflexive monitoring of action, 2) the duality of structure, and 3) the nature of power, both as it relates to the individual and how it functions in broader society. In this way, Chapter 3 will be primarily exegetical in nature, laying the groundwork for a revision of the just framework for mutual living aimed at by Ricoeur.

Chapter 4 will introduce in detail the idea of institutions as practices or sets of practices. Building on Giddens' theory of structuration, the usefulness of using practice to understanding social space will be demonstrated, providing the opportunity to reintroduce practice to the sphere of institutions as Ricoeur conceives of them. Having established the value of conceiving of institutions in terms of practices, this approach will be applied to some of the institutions on which Ricoeur reflects. This exercise will serve to humanize both institutions and power in a way that benefits the ethical aim. It will be shown to connect the interpersonal sphere, clearly and thoroughly developed in Ricoeur's work, to an enhanced conceptualization of the institution in order to theorize the bi-directional relationship between the self and institutions. Sharing Ricoeur's concern for the realization and expression of justice, I will lay out the way in which this modified understanding aids in a determination of what a just institution is, thus enabling us to judge our place along the path to "living with and for others in just institutions."

Chapter 1 -The Fallible, Capable, and Fragile Self

Introduction

Having goals is a key feature of human existence. It would be too much to say that goals are important to everyone at all times, yet much of what we do can be described in terms of goals. And the most central goal over the course of human history, beyond the primitive goal of survival, seems to be the goal of happiness. At different times and to different people happiness means different things. It is variously defined as pleasure, well-being, fulfillment, wealth, bliss, serenity, or any other number of pleasant descriptors. Taken as a life well-lived, a position famously ascribed to Aristotle, the desire to be happy is likely *the* central goal for people.

While happiness may be the central orienting goal for humanity, unhappiness remains widespread. Many goals remain out of reach, both to societies and to individuals; many goals have been met with failure. This is due to a host of reasons, but a key reason, for which Ricoeur argues, is the very nature of humanity. We are, Ricoeur argues, fallible human beings, a characteristic responsible for our inability to universally reach or achieve our goals; it is also this characteristic that is responsible for the presence of evil in our world, at least human produced evil.[1]

This chapter will address the presence of evil beginning with the idea of human fallibility. At the level of the individual, this will look like failed goals and destructive actions. At the level of the social, fallibility ensures that communities, people groups and

[1] This qualification is necessary for those who would deem natural disasters “evil.”

global populations are impacted. But fallibility is, in Ricoeur's analysis, not only about falling short, of failing at goals. This falling short will be shown to reveal possibility, creativity, and drive. Put most simply, failing can be a motivation to try harder, to try differently, to meet the set goal. The potential for failure might reveal new goals, lead to the acquisition of necessary knowledge, or encourage people to band together to meet mutual goals. Thus, far from merely demonstrating negative impacts on human activity, the concept of fallibility illuminates human capability. In this chapter I will show how an idea of capability both emerges out of Ricoeur's reflections on fallibility and supplements an anthropology of evil in an important way; capability introduces the possibility of justice in juxtaposition with evil.

This thorough analysis of fallibility and capability, culminating in reflection on the possibilities for human goodness, will provide the necessary framework for addressing the existential reality of human fragility. This term refers at various points in Ricoeur's analysis to human frailty, vulnerability, and the general precariousness of human existence. These different perspectives will be taken together to show the importance of a concept of fragility to the possibility of justice, setting the stage for analysis, later in this dissertation, of the role and impact of institutions on human fragility. I will show that fragility allows for an accounting of the differentials in goals and goal achievement, goals that point, ultimately, to the life well-lived, the good life. In this way, through fragility, I will show how the question of justice confronts a fallible human nature.

Beginning with the general concept of fallibility as developed by Ricoeur, this chapter will establish the human condition of limitation. This key condition will be addressed first

at the level of the individual, and then at the level of the social in order to account for the breadth of human failing, but also to establish a ground for human striving. In the following section, I will argue that human striving is connected at a fundamental level to human capability. This connection sets up the possibility of social transformation and the achievement of justice. Finally, I will return in the last part of this chapter to the concept of fallibility, transformed now by attention to human capability. Here I will address limitations connected on the one hand, to individual human beings, and, on the other hand, to central facts of social existence. This distinction will be marked by the development of the analytic categories of *fragility 1* and *fragility 2*, that will give clarify to the particular forms of fragile existence and the relationship of those forms of institutions. Together these categories will form the basis of my argument, in the final chapter of this dissertation, for a particular form of justice oriented to fragile human existence.

Human Fallibility

Fallibility is the background condition of human being that speaks to the limits of and limitations on human action. Such limitation marks the most fundamental way of existing in the world and used by Ricoeur in his description of humanity as "fallen."[2] It would seem that this position demands that evil is already present in human existence, that the thrownness of human life is such that evil is always already the dominant possibility

[2] The use of the word fallen is indicative of the Protestant background out of which Ricoeur is writing. While the term maintains its religious connotations, the argument presented in *Fallible Man* is not a religious or theological one.

for our actions. Yet, while Ricoeur admits of the presence of "evil," its inevitability in the world, he follows Kant in arguing that this evil is not a necessary condition of human existence, though we have a strong tendency toward "evil," destruction, violence, and other manner of activity that causes pain. The concept of fallibility is thus Ricoeur's way of saying that human evil is not a predisposition, but rather merely a propensity.[3] Fallibility, conceived in this way, will be shown to address the fact of human evil and failing, while leaving open the possibility for other considerations of human action.

Fallibility as Disproportion

A central claim in Ricoeur's study of fallibility is that human being is marked by a fundamental disproportion. This disproportion is, Ricoeur asserts, "a certain non-coincidence of man with himself."[4] The claim is that I am not in experience what I think or believe myself to be or perhaps desire to be. At the very center of human being, Ricoeur suggests, is a tension, an internal struggle or disquiet that is at once the expansion of the self outwards and the closing inwards of the self. That is to say, the self finds itself constituted by competing and conflicting drives that leaves it always as never wholly itself, or even a whole self. It is this tension that allows for possibilities of

[3] Paul Ricoeur, *The Symbolism of Evil* (Boston: Beacon Press, 1969), 156; Paul Ricoeur, *Figuring the Sacred: Religion, Narrative, and Imagination*, ed. Mark I. Wallace (Minneapolis: Fortress Press, 1995),, 80. The details of this position of Ricoeur are outlined in Morny Joy's, *Continental Philosophy and Philosophy of Religion*. In particular, Joy shows clearly how Ricoeur, using Kant, clings to a concept of regeneration that "refers to the potentiality for new positive operations of a human will that has become demoralized to be restored." It is this restoration that leads to the possibility of future moral action. See Morny. Joy, *Continental Philosophy and Philosophy of Religion*, (Dordrecht: Springer, 2011), http://pi.lib.uchicago.edu/1001/cat/bib/8896755,29.

[4] Paul Ricoeur, *Fallible Man* (New York: Fordham University Press, 1986),1. While there is a certain degree to which it could be said that this is an ontological disproportion, it is first and foremost and existential one, given in the individual experience of being "other" than oneself. At this point in his career Ricoeur does not link this otherness to experience of the body or social interaction; this comes later.

achievement, shortcomings, errors, and ultimately evil and injustice. Thus he writes, "The idea that man is by nature fragile and liable to err is, according to my working hypothesis, an idea wholly accessible to pure reflection; it designates a characteristic of man's being."[5] This liability to err, human beings' limitation or inability to unify these drives successfully gives way, in Ricoeur's later analysis of myths of evil, to actual erring that is then addressed by the concepts of 'salvation' or 'forgiveness' or 'reprieve.' Such attempts to deal with the disproportion notwithstanding, it continues to mark a sort of disunity in the self, or better, a recognition of oneself as incommensurate with oneself. That is to say, the competition between being finite and seeking the infinite represents, for Ricoeur, an internal struggle that marks the self off as not yet a self. The self is thus always only a "project,[6] " something at which to aim but to have never completed. Insofar as the self is a project, a teleological element takes center stage. And it is this *telos*, at once both distant and close, that is the sign of the disproportion.[7]

Having established the centrality of a disposition marked by disproportion, Ricoeur sets out, in *Fallible Man*, to sketch the nature of this disproportion at three levels: at the transcendental, practical, and affective. Each of these levels presents a particular field for reflection that increasingly give a clearer picture of the depth of the disproportion at

[5] Ibid., 1.

[6] Ibid., 69.

[7] The term fragility is important insofar as is marks a particular kind of weakness that Ricoeur uncovers in his phenomenological study. But fragility is not fallibility. Fragility is the marking of a lack of capability, something that will be shown later to be different from fallibility and more directly related to capability. One can speak perhaps already of a movement, dialectical if you will, between a fragility and a capability, a weakness and a strength that marks the fallibility that I am addressing. So, while Ricoeur begins with an analysis of fallibility, it is important to note that this concept does not slip away, does not disappear from Ricoeur's thought, but is enhanced by a depth of reflection on the ways in which human capability relates to the fragility of human experience.

the heart of human being, and also link the self ever more directly to its surrounding world.

The first level for Ricoeur's reflection on disproportion is the transcendental. Disproportion at this juncture is given in the tension between the finitude of perspective and the infinitude of meaning.[8] Human finitude is in Ricoeur's view most clearly seen in the concept of perspective. When we perceive something, it can only be that we observe a very limited part of that thing. Certainly, it is possible to shift perspective, to see again some more of an object. But in the shifting of perspective, some of the initial observation disappears, is challenged or transformed; it may even be forgotten. A new perspective provides new information to add to the old perspective, offering a more complete view, yet one that remains limited. Perspective is fundamentally finite; we do not have access to the thing in itself. The opposite pole to finite perspective is, for Ricoeur, meaning, expressed or conveyed in *saying*. Speaking about something is referring to it as it is in itself, as more than can be seen from any or even all perspectives; saying something signals the infinite.[9] Whereas perspective is fixed on a limited area or element of an object, "Language transmits the intention, not the perception of what is seen."[10] It is the whole of the object, in its ideal form as it exists in the mind that is communicated when that object is spoken. Ricoeur is not here saying that we have access to the thing in itself in reflection, but rather that the sense of the

[8] It should be noted that Ricoeur rejects the possibility of primal finitude inhering in the human body. Rather, the body (at least at this stage of Ricoeur's work) is a mediator between me and the word.

[9] Ricoeur, *Fallible Man*, 26. This can be taken to mean, on the one hand, that something said can be understood by all. On the other hand, and more closely aligned with Ricoeur's position, is that speaking presents the symbol that contains all possible elements of the thing expressed and all possible interpretations.

[10] Ibid., 27.

object about which we speak is signified in its completeness in the language that we employ. It is this completeness that stretches into the infinite insofar as the expression in language of a single aspect of an object carries with it the signification of all others.[11]

Signification is thus given in a duality with appearance or perception. The tension in this duality, that one can be at once engaged with something in its finitude and completeness, reveals, for Ricoeur, disproportion as the primary relation. “This ‘disproportion’ is at once the duality of the understanding and sensibility, in Kantian terms, and the duality of the will and the understanding in Cartesian language.” Having full control or mastery of either or both at once leads to the experience of limitation, something that we strive to overcome, defeat, resolve. Thus, Ricoeur goes on to write, “This discovery of ‘disproportion’ gives rise to the problem of the third term, the intermediate term, which we shall call pure imagination”.[12] Imagination serves as the key to the conceptual, if not literal, resolution of disproportion. Of imagination Ricoeur asserts, “It is the unity that is already realized in a correlate of speech and point of view; it is the synthesis as effected outside. That synthesis, inasmuch as it is in a correlate, bears the name of objectivity. Indeed, objectivity is nothing other than the divisible unity of an appearance and an ability to express; the thing shows itself *and* can be expressed.”[13] Imagination brings together perception and understanding, enabling

[11] Ibid., 29. Ricoeur takes the argument a step further by breaking down signification. Key is the distinction between noun and verb. Ricoeur writes, “In the verb’s twofold intention the human sentence finds at once its unity of signification and its capacity for truth and error.” (32) The location of signification in the realm of truth and falsehood sets up signification against perspective or appearance. This juxtaposition is in fact a contrast that is for Ricoeur an important “disproportion” existing in consciousness.

[12] Ibid., 37.

[13] Ibid., 37. Italics in original.

expression. Thus, it is imagination that lies as the intermediary, for Ricoeur, between the finite and the infinite at the level of the transcendental.

Ricoeur admits that the operation of this middle term between the finite and infinite, imagination, is difficult to illuminate. He attributes this difficulty to the desire to confine development of the concept of fallibility to the realm of pure reason, as articulated by Kant. In the transcendental synthesis that Ricoeur is developing, he is only able to access perception/appearance and understanding/meaning. Imagination is, at bottom, the mechanism for understanding the things that we perceive, and perceiving things differently based on new or deeper understanding. The attempt to articulate this mechanism is driven by the necessity of explaining the relation between the two while avoiding a fundamental split within the individual. Disproportion, rather than division, means that the middle term of imagination is *a priori* necessary if a descent into a "fanciful ontology of being and nothingness" is to be avoided.[14] In this way, imagination as a form of consciousness is constituted by the dialectic of appearance and meaning, establishing the value of appearance and meaning for most accurately marking the possibilities and weakness of human being.

Having located the possibilities and weaknesses of human being at the transcendental level, Ricoeur moves to the level of practice. It is at this practical level that Ricoeur is able to give the greatest clarity to the disproportion of which he is writing. This second stage of what Ricoeur refers to as an "anthropology of 'disproportion'"[15] is marked by the passage from the theoretical to the practical, from a "theory of knowledge

[14] Ibid., 46.
[15] Ibid., 47.

to a theory of the will".[16] The concern becomes one of orientation towards action: appearance/perception is now expressed by the idea of character; meaning/understanding is now expressed in the idea of happiness.

At the level of practical reflection disproportion inheres in the ideas of character and happiness. On the one hand, character, in the language of Freud, refers to the "drive" for self-preservation.[17] Ricoeur adopts this line of thinking in *Fallible Man*. Specifically, perspective closed in on a particular part or aspect of the object of perception leading necessarily to a finite perspective. At the practical level, this finite perspective translates, for Ricoeur, into what he calls an "affective closing" in which the "I" seeks to preserve, protect, and promote the self. Thus, Ricoeur writes, "And my fear of dying and my desire to survive cry out to me: 'Stay, dear, unique, irreplaceable point of view!"[18] The limitation of the transcendental perspective, its fleeting nature and its subjection to constant shifting and change, leads the individual consciousness to close in on itself, the affective closing. This closing or "practical finitude" is manifest, according to Ricoeur, in the human tendency to form habits, to succumb to inertia, and thus naturally to limit one's perspective and possibilities.[19] It is, in short, the creation and preservation of consistency, sameness.[20]

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[16] Ibid., 47.

[17] Ricoeur has not yet developed the analysis of the self that will distinguish sameness from selfhood, a move that will enable him, beginning with *Oneself as Another* to speak of a capable human being rooted in a framework of narrative self-identity.

[18] Ricoeur, *Fallible Man*, 56.

[19] Ibid., 57.

[20] As noted earlier, sameness will come into question for Ricoeur when, during the middle part of his career, he focuses his concern on identity and its relation to an ethical ground. In *Oneself as Another* and numerous essays leading up to it, Ricoeur contrasts sameness (*idem*) to selfhood (*ipse*). In some respects, this distinction is already present in Ricoeur's early work on fallibility. In particular, the distortion that is noted in this discussion set up a tension within the self between expansion and limitation that may be instructive for the latter discussions of selfhood.

Preservation of consistency is limiting with respect to possibilities for transformation or expansion. Ricoeur writes that character refers to the "*limited openness of our field of motivation taken as a whole*".[21] This expansion to the "whole" refers to the fact that the limitation of our motivations with respect to preservation in particular is ascribed to a multitude of considerations. It is this multitude that Ricoeur is referring to when he references the whole. This is important because it does not signal a totalization within character that would amount to an effective expansion of the finite into the infinite. That this would be the case can be seen by reference to the idea of meaning in language at the level of transcendental synthesis. Language opens up an infinite space of meaning in its ability to address itself to all perspectives simultaneously. Character, by contrast, closes up, or limits its openness to the several perspectives available within the individual perceiver and at the moment of perception.

Over against the limited nature of character, the infinite appears at the practical level in the concept of happiness. Ricoeur is here taking his cues from Aristotle, noting that the final end of all human activity is happiness.[22] Ricoeur, however, criticizes Aristotle for his failure to discriminate between happiness - *eudaimonia* - and the sum of all pleasure. The problem as Ricoeur puts it is that, "Such an analysis lacks the means to distinguish the totality of completion that the 'function of man' aims at from the feeling

[21] Ricoeur, *Fallible Man*, 60.

[22] Aristotle, *Nicomachean Ethics*, trans. Terence Irwin (Indianapolis, Ind.: Hackett, 2007). Ricoeur's critique of Aristotle rests on the assumption that a life consists of activities aimed at happiness. While for Aristotle it is the case that the goodness or happiness or eudaemonia of an individual life cannot be judged until its end, and even not until sometime after its end, according to Ricoeur this judgment is little more than the addition of good actions and the subtraction of bad actions to arrive at a figure. This position can be adduced from Aristotle's discussion of habit and virtue formation, where in particular a single action is insufficient for the judgment of good.

that is prolonged in the imagination of having attained a result, fulfilled a program, or overcome a difficulty."[23] There is no clear way of deciding, at least psychologically, that the pleasure that one is experiencing is not the culmination of a life well-lived, that one has not yet achieved true happiness. Ricoeur's point is to demand the transcendental reflection at the heart of the earlier discussion of the disproportion of meaning and appearance in order to demonstrate the limitations attached to episodic pleasure. Thus, while Ricoeur will go with Aristotle insofar as he holds happiness as the highest aim of human being, it is important to modulate an understanding of happiness by placing it within a framework of disproportion - the having not yet arrived, or better, of never arriving.

But then what is happiness? Happiness, for Ricoeur, must certainly be considered in terms of the good life, something that is made abundantly clear in his discussion of an ethical orientation in *Oneself as Another*, but which is already present in *Fallible Man*. As a *telos* happiness must be viewed as a project. In rejecting the ambiguity between feeling and function of happiness in Aristotle's analysis, Ricoeur turns to Kant for the content of the second pole of the disproportion of character and happiness, linking happiness to an expression of will. Ricoeur writes, "I who am finite perspective, dilection of my body, habit and inertia, character, am capable of conceiving a 'complete volition of an omnipotent rational being.'"[24] This is not the Aristotelean sum of all happiness, because, Ricoeur assures his reader, it derives from a "demand for totality or *reason*".[25]

[23] Ricoeur, *Fallible Man*, 65.
[24] Ibid., 67.
[25] Ibid., 66. Emphasis added.

Whereas character marks human finitude, turned inward as it is in the primary task of self-preservation, the human will is oriented towards the infinite: "The idea of a complete volition and the destination of reason hollow an infinite depth in my desire, making it the desire for happiness and not merely the desire for pleasure."[26] This recognition of an "infinite depth" separates happiness from any single thing, any single act, and thus also from the sum of all things and acts. The totality of completion that is marked as the desire for happiness is thus presented as being possible only in aim. And it should be noted that this totality of completion would be the dissolution of the disproportion insofar as it represents the self. Ricoeur writes, "The Self is aimed at rather than experienced. Indeed, the person is not yet consciousness of Self for Self; it is consciousness of self only in the representation of the ideal of the Self. There is no experience of the person in itself and for itself."[27] "Itself," so to speak, remains ever always out of reach.

In order to expand his conception of disproportion between character and happiness, Ricoeur draws on the third formulation of Kant's categorical imperative,[28] in particular its importance for subjectivity. Here, that the self is best characterized as a project or aim is predicated on this disproportion between happiness and character, and also signals the ethical orientation that will be important in Ricoeur's later work. In *Fallible Man*, Ricoeur gives the title "humanity" to this project of the self, thus expanding beyond the mere individual search for self to the search for self among and with others. He goes on to argue that the "human quality of man" is the "comprehensive significance

[26] Ibid., 67.
[27] Ibid., 69.
[28] Immanuel Kant, *Groundwork for the Metaphysics of Morals*, ed. Allen W Wood, trans. Allen W Wood (New Haven: Yale University Press, 2002), 56.

of the human element that is capable of guiding and regulating an enumeration of human beings."[29] This internal characteristic of the self, its deep connection to all other humanity, is the capacity to live together in a regulated fashion. If this is the case, the achievement of Ricoeur's ethical aim, to actually live with and for others in just institutions might in fact be the very essence of happiness.[30] Nevertheless, because humanity remains a project attached to this possibility of happiness in contest with the sameness of character, the fallibility at the heart of humanity seems already to preclude the possibility that living with and for others in just institutions can be anything other than merely an aim. Complete happiness, in this construction, remains always out of reach though we strive for it in nearly all activity.

What Ricoeur thus offers in his anthropology of fallibility is a state of human being marked by tension and internal competition. This state should not be construed as deciding for an innate orientation to evil but as establishing the condition for the possibility of the emergence or the enacting of evil. The presence of the infinite gives space at once to an infinity of possibilities on the side of both good and evil. And it is with the transition from a hermeneutics of human fallibility to a hermeneutics of human capability, which takes place in its most significant way for Ricoeur in *Oneself as Another*, that the possibilities provided in an anthropology of fallibility find their most clear expression. But it is to the possibilities for evil, or more basically the experience of evil that I want to turn to first.

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[29] Ricoeur, *Fallible Man*, 69.

[30] This would seem to be a deviation from Kant's position, articulated in *Critique of Practical Reason*, where morality is about being worthy to be happy. However, the realization of the ethical aim in Ricoeur, as I have presented it here, remains always a necessary condition for acting on the aim.

Fallibility and Human Fault[31]

In his follow-up to *Fallible Man* entitled *The Symbolism of Evil*, Ricoeur analyzes the transition from a symbol of defilement to a symbol of sin, and, finally, to a symbol of guilt. These symbols are, for Ricoeur, given expression first and foremost in myth. Myth provides, in the first instance, an expression of the experience of defilement. Belief in impurity and personal stain in the face of either a divine demand for purity or the communities concern with a spreading disease is met with rituals of purification intended to prevent the spread of impurity to others. This is, according to Ricoeur, the most primitive of conceptions of personal evil, what he calls "the first 'schema' of evil."[32] The symbol of defilement gives way to the symbol of sin with a phenomenological shift to a perceived break in one's relationship to the divine. Whereas one's defilement was largely seen as external, the movement to sin indicates an internal problem with one's devotion or commitment to the divine. While this schema is primarily personalistic, reference to community covenant implicates the relationship of an entire group to the divine figure.[33] Finally, the symbol of guilt marks the full transition from community to the individual. It is this symbol that has the greatest implications for the present analysis of human fallibility.

[31] Portions of this section appear in my journal article, Darryl Dale-Ferguson, "Limiting Evil: The Value of Ideology for the Mitigation of Political Alienation in Ricoeur's Political Paradox," *Études Ricoeuriennes / Ricoeur Studies* 5, no. 2 (December 23, 2014): 48–63.

[32] Ricoeur, *The Symbolism of Evil*, 46.

[33] Ibid., 70.

The movement from the symbol of sin to the symbol of guilt in *Symbolism of Evil* is threefold. It is Greek in that it introduces the possibility of degrees of culpability that attach to notions of the voluntary and involuntary, linking responsibility for wrongdoing to consciousness of a punishment to come.[34] It is Jewish in that the Pharisaic tradition introduces “scrupulousness” as a measure of the relation of one to the divine.[35] And it is Christian in that this scrupulousness becomes the paradoxical impasse to one’s relation to the divine as well as the possibility of realizing one’s self.[36]

The Greek element of the development of guilt is the emergence of what Ricoeur refers to as the "penal consciousness." The Greeks began a turn away from notions of purity and impurity, connecting specific punishment to the particular offense in a rational way. Thus, were included consideration of intentionality, means, and ends.[37] But Ricoeur also demonstrates that the penal thought of the Greeks remains comparable to developments in Judaism (detailed below) insofar as the city becomes the site of sacredness, and that criminality is representative of the evil will that stands against the city. "Thus the city tends to reestablish, for its own benefit, the 'jealousy' of the gods toward all overweening greatness; every criminal is to the city what 'presumption' is to the divine justice celebrated by the poets."[38] Guilt is given in the wrong done to the city, or the potential wrong, that can only be made right by addressing the punishment to the specifics of the crime. This important historical development is linked, according to

[34] Ibid., 113–18. The degree to which one is deemed guilty is in direct proportion to the punishment meted out. Guilt becomes the consciousness of the punishment to come

[35] Ibid., 118–39.

[36] Ibid., 139–50.

[37] Ibid., 113.

[38] Ibid., 118.

Ricoeur, to the emergence of a scrupulousness in Jewish thought and later the guilty conscience of Christian thought. These latter two are of primary importance for the present analysis.

Scrupulousness refers to the deep commitment, demonstrated by the Pharisees, to keeping the divine law. It represents the multiplication of law, what Ricoeur will call its "atomization," in order that individual adherents may be able to keep the law. Thus, its focus is on the individual agent, not the law, and is therefore an expression of subjectivity. This scrupulousness signals the possibility for the first time of the imputation of wrongdoing or evil to a self. Prior to this, the God-human relation from which the concept of sin emerges and to which the removal of sin is a response, was, morally speaking, primarily a relation of instruction, predicated on the giving of command and obedience to that command.[39] In this instance, the fault symbolized by sin is a break in the relationship that refers to and emphasizes the relationship, not the entities in that relationship. Now, with the shift to guilt inaugurated by a movement to scrupulous reflection, the ensuing internalization centers on the self that is at fault. This is evident in the perfectionist nature of the Pharisees' project: "the Pharisees further accentuated this sense of moral polarity to the extent that they made observance of the Law not only an ideal limit but a practical program for living; the impossible maximum of perfection is the background of the attainable optimum of justice; nothing is demanded of a man that he cannot *do*."[40] Human capacity, not relationship to God, thus becomes the determining factor in consciousness of guilt.

[39] Ibid., 129.
[40] Ibid. Emphasis in original.

It is exactly this capacity, having been established, that is immediately called into question in the radicalization of scrupulousness identified by Ricoeur as the impasse of guilt. This final stage of the development of guilt, drawn from the writings of Paul, represents the culmination of both the transformation of a penal consciousness and the scrupulous conscience. Here the law and scrupulousness are extended without end, infinitely. Under guilt, the indictment of the law becomes "indefinite" insofar as the measurement of guilt corresponds to a scale on which the upper end of guilt is immeasurable. Thus the law becomes, according to Ricoeur, an "evil infinite."[41] Though this evil infinite does not exhaust the infinite to which the analysis of disproportion refers, it is possible to see in this the negative side of the infinite that constitutes the disproportion at the heart of human being; one cannot do the "good" that is expected, or of which one thinks oneself capable. The same thing happens with respect to scrupulousness. As the concept of law expands towards infinity, the scrupulous response to the law becomes the demand for an infinite response. Such a demand reveals the limitation, the finitude of human life, revealing an incapacity to meet the law, and even more sinister, a propensity to evil. The scrupulous conscience becomes, for Ricoeur, a second "evil infinite."[42]

The degree to which guilt exceeds the symbol of sin in its paralyzing power can hardly be overstated. "At the limit," Ricoeur writes, "distrust, suspicion, and finally contempt for oneself and abjectness are substituted for the humble confession of the

[41] Ibid., 144.
[42] Ibid., 145.

sinner."[43] The reflexive response to the atomization of the law is thus the radical internalization of the experience of fault. The sinner, under the symbol of sin, was viewed under the aegis of a broken relationship that responds positively to the confession of sin because it is an external response to an external judge with external repercussions. In the case of guilt, what is at stake is one's relationship to oneself in the face of an incapacity to fulfill an infinite law, and thus a propensity to evil. The scrupulous conscience can be understood as giving to itself a law that for all intents and purposes cannot be kept. This is experienced, under the symbol of guilt, as "an internal diminution of the value of the self."[44] In the symbol of guilt, the self both appears as an agent and begins to fade under the crushing weight of failure. This precipitates a crisis that Ricoeur must address if the self is to be retained as a meaningful and productive concept in society. In *Symbolism of Evil* this problem is addressed by introducing the symbol of justification; later Ricoeur will turn to narrative and an ethical aim to retain the significance of the self.

In the order of development of Ricoeur's thought, the discussion of the symbols of sin and guilt, and subsequently justification, should be seen in light of them being the natural outworking of human fallibility. Said differently, for Ricoeur, sin and guilt are the results of being fallible. In fact, the production of myths, such as the Adamic myth, are

[43] Ibid., 145.

[44] Ibid., 102. That the scrupulous conscience gives the law to itself is clear from the nature of the Pharisaic project. While certain law exists as given from God, the scrupulous conscience adds laws as a way of ensuring the keeping of the external laws. This atomization of the law is what leads to the internalization of the law corresponding to the subsequent diminution of the self.

responses, in Ricoeur's accounting, to the experience of failing[45], but also ways for individuals to experiences their failings as sin and guilt. Likewise, the symbol of pardon or justification, enables the experience of forgiveness for those participating in what Ricoeur refers to as the "'type' of the fundamental Man."[46] The experience of sin and guilt brought about and given voice by the myth of the origin of evil given in the story of Adam and Eve, is met with the experience of freedom through justification given in the figure of the Jesus. "Liberty, considered from the point of view of last things," Ricoeur writes, "is not the power of hesitating and choosing between contraries, nor is it effort, good will, responsibility. For St. Paul, as for Hegel, it is being at home with oneself, in the whole, in the recapitulation of Christ."[47] Seeking to be at home with oneself, which is at the heart of Ricoeur's discussion of fallibility, is thus given religious expression in the symbol of justification.

Beyond this religious expression of justification, the desire to be at home with oneself is given ethical expression in Ricoeur's later writings in the form of the ethical aim. By virtue of its orientation towards others, Ricoeur's ethical aim expands considerations of evil beyond the individual conscience of the servile will, discussed in *Symbolism of Evil*. Recourse to Ricoeur's political writings provides an opportunity to extend an analysis of experiences of evil from the individual to the social sphere. While such a move is merely illustrative and in no way intended to demonstrate an ontological

[45] For a concise, yet detailed description of Ricoeur's account of the Adamic myth see Peter B Ely, "Revisiting Paul Ricoeur on the Symbolism of Evil: A Theological Retrieval," *Ultimate Reality and Meaning* 24, no. 1 (March 2001): 40–64, https://doi.org/10.3138/uram.24.1.40.

[46] This type links the first man, Adam, with the Son of Man, providing an eschatological reading of sin that offers future justification in the present.

[47] Ricoeur, *The Symbolism of Evil*. Boston, 148.

link between the disproportion at the heart of fallibility and the fact of social evils, the fundamentally social nature of human being provides the justification for such a move. In particular, the ebb and flow of power within the political sphere sheds light on how the disproportion in the self - between the finite and the infinite - can lead to expression in evil. It should not come as a surprise that evil appears in the political sphere within a paradox that is constitutive of that sphere.

Political Fallibility

The Political Paradox

For Paul Ricoeur, the political sphere is home to a troubling paradox. On the one hand, it unites and organizes people according to similar values and the pursuit of similar goods, thus contributing to the equality of citizens and their abilities to flourish. On the other hand, the very act of political organization entails the installation of an authority and the inauguration of practices of power that are fundamentally alienating, that do violence to citizens. As Ricoeur puts it, the paradox is "that the greatest evil adheres to the greatest rationality, that there is political alienation because polity is relatively autonomous."[48] The greatest rationality is expressed in the coming together of individual under a political unity for the purposes of mutual advancement; the greatest evil is the loss of self, expressed as autonomy, inherent in such a political unity. Evil inheres in the very ends and means of political organization, the very necessity of human social existence. The inescapability of this potential for evil gives exigency to the

[48] Paul Ricoeur, "The Political Paradox," in *History and Truth*, ed. David M Rasmussen, trans. Charles A Kelbley (Evanston, Ill.: Northwestern University Press, 2007), 247–86: 249.

paradox. That the paradox Ricoeur is referring to is political is emphasized by the causal relation indicated in the latter half of this quotation, which should not be taken to mean that there is alienation because there is autonomy, but rather that there is specifically political alienation because polity is relatively autonomous, meaning that it is irreducible to other categories, notably socio-economics. The paradox is a political paradox because it addresses itself specifically to the political sphere, and the evil to which it refers is specifically political evil because it is different in kind than other human evils.

In the evil at the heart of the political paradox is a specific kind of alienation. Reference to this alienation raises at least two questions. The first question: From what is one politically alienated? The answer to this question is relatively simple insofar as Ricoeur's argument depends on an important distinction between the political, or polity, and politics, an explanation of which will follow. The second question: What is the nature of political alienation?[49]

From what are individuals politically alienated? The short answer is polity. Consider the following claim as regards the polity: "equality before the law, and the *ideal* equality of each before all, is the *truth* of polity. This is what constitutes the *reality* of the State…As soon as there is a State, a body politic, the organization of an historical community, there exists the reality of this ideality".[50] Historical reality does not yet refer to the sphere of power, or if the temporal implications of "not yet" are problematic, then

[49] For all his criticism of Marx, though there are also many ways in which Ricoeur both relies on and lauds Marx's critique, it is on the issue of alienation that Ricoeur is least clear, at least as he addresses it in "The Political Paradox."

[50] Ricoeur, "The Political Paradox," 252. Emphasis in original.

at least historical reality does not only refer to the sphere of power and its exercise. The historical presence of the State is the actualization in history of the idea, for Ricoeur, of the equality of persons. Irrespective of the historical fact of the domination of persons by others, the State is not predicated on domination. The importance of this cannot be overstated. It marks the hope that I share with Ricoeur that political violence can be mitigated by human action and intervention.

The interplay of the ideal and the real in Ricoeur's conception of the State are part of his larger reflection on the idea of the social contract, drawn from Rousseau and Kant.[51] Ricoeur is under no illusion regarding the fictional nature of the social contract, which he refers to as a "ready-made fiction."[52] The pact stands outside of history and is thus operative always as an ideal concept. But importantly, this ideal has a hermeneutic function. The fictional nature of the social contract indicates that the contract represents an originary moment that by its very nature always lies in the past. It is not something that will have been, it is something that has been. Thus, Ricoeur notes that it is only in retrospection that, "polity takes on meaning"[53] Polity is about the formation of a narrative by which a given community understands itself. Through this hermeneutic function the virtual act founds a historical community to which is given the title polity, representing the telos of the State that aligns, Ricoeur suggests, Rousseau with Aristotle.[54] The

[51] The idea that politics is paradoxical can also be linked to Rousseau, for whom it is largely a problem of founding. For a helpful discussion of this point, see Bonnie Honig, "Between Decision and Deliberation: Political Paradox in Democratic Theory," *American Political Science Review* 101, no. 1 (February 2007): 1–17, https://doi.org/10.1017/S0003055407070098. This issue of founding will be raised again in Chapter 2 of this dissertation, when institutions in particular, and not just politics, are considered.

[52] Ricoeur, "The Political Paradox," 253.

[53] Ibid., 255.

[54] "The pact which engenders the body politic is," Ricoeur writes, "the Telos of the State referred to by the Greeks." Ibid., 253.

comparison is made clear if the opening lines of Aristotle's Politics are considered: "Since we see that every city is some sort of partnership, and that every partnership is constituted for the sake of some good (for everyone does everything for the sake of what is held to be good), it is clear that all partnerships aim at some good, and that the partnership that is most authoritative of all and embraces all the others does so particularly, and aims at the most authoritative good of all. This is what is called the city of the political partnership."[55]

Ricoeur sees in this the clear alignment of the political sphere with the human end of happiness. This does not mean that Ricoeur espouses a single end of happiness toward which all aim. He recognizes the various and varied goods to which individuals aim, identified by each independently in basic reflection on a good life and checked against the good life of fellow members of society, not to mention the teleological orientation that a given society might take. One of the reasons that Ricoeur develops his "little ethic" in *Oneself as Another* is the recognition of the validity of various individual goods within the broader context of a mutual good towards which the State is oriented. Politics, thus for Ricoeur, is intended to represent the enhancement of the individual's capacity to seek the good and a mechanism for the adjudication of conflicting goods. Against this background, Ricoeur claims, "Politics discloses its meaning only if its aim […] can be linked up with the fundamental intention of philosophy itself, with the Good and with Happiness."[56] The creation of the contract is a response to goods sought, with

[55] Aristotle, *The Politics*, trans. Carnes Lord (Chicago, IL: University of Chicago Press, 1985), 1252a1-5.

[56] Ricoeur, "The Political Paradox," 249.

the assumption that mutual cooperation will enhance the ability of members to the contract to achieve their sought-after goods. In this way, polity serves, for Ricoeur, as a positive concept for the realization of the rights of each to the pursuit of the good, and the benefit of the community for that very pursuit. The polity is a response to a central concern of human existence, the possibility of good.

If the goodness of human life together indicates the pole of polity in the paradox, this shift to the pole of political evil is illuminated in reflection on power within politics. It is in a footnote in the English translation of "Political Paradox" appearing in *History and Truth* that the nature of the distinction between poles of the paradox comes for the first time into focus. Addressing himself to the language that Ricoeur employs throughout the text, the translator notes, "Throughout this essay, particularly in the second section, the author contrasts polity (le politique) with politics (la politique). By polity, the author intends the ideal sphere of political organization and historical rationality; by politics, the empirical and concrete manifestations of this ideal sphere, the sum total of the means employed to implement the ideal sphere of polity."[57] The distinction appears to mark out the ideal and the real, in so far as the former could be characterized as a type and the latter an historical instantiation. Sociologist Oliver Marchart is illuminating on this distinction. He claims that the distinction is "between an ideal sphere of the political (the polity embodying rational concord), defined by a specific rationality, and the sphere of power (politics)".[58] By highlighting the concept of power as occupying the pole opposite

[57] Ibid., 248. n. 1.

[58] Oliver Marchart, *Post-Foundational Political Thought: Political Difference in Nancy, Lefort, Bafiou and Laclau* (Edinburgh: Edinburgh Univ. Press, 2008), 36.

to the political within the paradox, Marchart has picked up on the key aspect motivating violence and political evil. It is exactly the struggle for power and in particular the exercise of power over others that signals the nature of political evil with which Ricoeur is concerned.

It is "politics defined by reference to power - which poses the problem of political evil."[59] The interpretive movement at the heart of polity is not an exercise of power. This means that political evil is not present at the ahistorical advent of polity. The advent of the political does not bring about political evil. Evil is only produced in the working out of polity, where "Politics is pursued step by step, in 'prospection,' in projects, that is to say both in an uncertain deciphering of contemporary events, and in the steadfastness of resolutions."[60] It is in an existence that requires the exercise and machinations of power, that political evil is born. This is not to say that we can imagine, according to Ricoeur, politics without violence, without alienation; part of the paradox is exactly the loss of individual autonomy in the formation of political unity. Rather, because the political and political alienation are not co-originary that there exists a possibility for the mitigation, not eradication, of political evil.

By arriving at the fact of political evil this way an important point can be noted. While the definition of politics with reference to power opens up the possibility of political evil, Ricoeur is clear that power itself does not entail evil. "There is a problem of political evil because there is a specific problem of power. Not that power is evil. But power is

[59] Ricoeur, "The Political Paradox," 255.
[60] Ibid.

one of the splendours of man that is eminently prone to evil."[61] It is useful here to note the distinction that Ricoeur will make later in his career between power-in-common and domination, a distinction that he borrows from Arendt.[62] Simply speaking, power is the capacity to act. When power is addressed in the sphere of the political, then it is deemed the capacity for common action, or acting together.[63] The presence of power in the sphere of the political does not represent political evil. It is only when the exercise of power creates asymmetry in relations of members to the social contract that political alienation, the loss of political agency, comes into view. This is when politics becomes evil.

While Ricoeur names a specifically political evil, and while it is clear that such evil refers to political alienation, there is little in the way of an analysis of abstract political evil in his essay "Political Paradox." Ricoeur discusses instances of political evil, including the exhortations of prophets in ancient Israel, the execution of Jesus as a political act, and the tyrant that is tied to lies, flattery and untruth in Plato's writings.[64] Each of these examples is first and foremost an act of violence - violence against truth, character, political organization, one's body, etc. Such instances of violence are made possible by the fact that there are some who rule over others. While not all power-over leads to violence, these examples nevertheless demonstrate that political evil is attached to a certain expression of power-over. The corollary to Arendt's concept of power-in-common, noted above, is domination. Domination is alienation par excellence

[61] Ibid.
[62] Ricoeur, *Oneself as another*, 194.
[63] Ibid., 195. n. 36.
[64] Ricoeur, "The Political Paradox," 256–57.

in that it strips political power from some originally a part of power-in-common, and places it in the hands of one or few.[65] The presence of violence does not in and of itself signal political evil nor is the experience of power-over necessarily an instance of domination. At the heart of this shift is the concept of authority, with the question of legitimacy ultimately addressing itself to the emergence of political evil.

The difficulty of discerning between the legitimate exercise of power and its abuse can be seen in Ricoeur's discussion of Machiavelli. Ricoeur rightly notes that, "The Prince evinces the implacable logic of political action: the logic of means, the pure and simple techniques of acquiring and preserving power."[66] If the specific problem of politics is the problem of power, then it is clearly the case that violence and alienation are intimately linked to the exercises of power. Politics is, as Ricoeur here states, about power. But earlier in the essay, in a characteristically hermeneutic move, Ricoeur invokes Aristotle and asserts that, for politics to be meaningful its aim must be linked to a conception of "the Good and with Happiness."[67] Now, while this assertion appears in the section of the text dedicated to polity, Ricoeur, this time, uses politics (*la politique*) rather than polity (*le politique*). Thus, he is referring to the circumstantial nature of political life and the specificity of context to which given politics must respond. Given Ricoeur's constant care in the deployment of language it can hardly be the case that he meant to write polity (le politique). What is one to make of this ambiguity? Good and happiness is thus not merely to be found in the rational ideal of the polity, in the mutual

[65] Ricoeur, *Oneself as Another*, 195. n. 36.
[66] Ricoeur, "The Political Paradox," 257.
[67] Ibid., 249.

beneficial organization of individuals, but in the messiness of politics. There is, on the one hand, the claim that politics is about power, that the machinations of politics are about the acquisition and preservation of power. The focus in this claim is on the means, though there remains a *telos*, which is power itself. On the other hand, politics is about, or is to be about the "Good and Happiness." This good and happiness means, for Ricoeur, the general well-being of citizens with presumed equality and a limited infringement on individual opportunities to seek a personal good-life. Here, means are not identified, but the *telos* remains central and clear, the Happiness of the citizen(s). The aim of happiness that drives the initial pact establishing polity is retained and in effect drives the analytical move from polity to politics. In this way, the Good and Happiness energize the hope that Ricoeur embeds in his political theory and make possible the mitigation of the threat of political evil. As long as politics remains subservient to the good of the people - and this can only be determined through constant dialogue and policy refinement -- then political evil is kept at bay. The moment people become the servants of power we are confronted with political evil.

In what ways does this discussion of the political paradox aid in understanding human fallibility? What the political paradox demonstrates is competition between the aim at happiness and the means of power. As cited above, Ricoeur notes that political power is centrally concerned with preserving itself. This can readily be seen in recent years with the passing of laws in defense against terrorism, state or otherwise.[68] Not

[68] A very recent example of this in Canada was the introduction of Bill C-51, believed by experts to allow Canadian spies to engage in criminal activity in service of the goals of the State. See Craig Forcese and Kent Roach, "Proposed Amendments to Bill C-51, Antiterrorism Act 2015," SSRN Scholarly Paper

only do external forces provide threats to the integrity of states, but internal forces or challenges to the operative bureaucracy of the State would threaten the total collapse of a society. This is why Herbert Marcuse, in his application of psychoanalysis to the social order writes, "there is no freedom from administration and its laws because they appear as the ultimate guarantors of liberty…Rebellion now appears as the crime against the whole of human society and therefore as beyond reward and beyond redemption."[69] The striving for power and its exercise in the form of domination operates on a trajectory of totalization that mirrors the absolute preservation witnessed at the level of practical reflection in the location of the finite. Protect, preserve, retain; these are the functions of power.

But on the other hand, the political paradox reveals an orientation to the infinite, to the completeness of happiness that Ricoeur develops in a synthesis of Aristotle and Kant. This happiness exists at the level of the social in both the originary event of society and in the ideal operation of governing powers. Recall that happiness was linked by Ricoeur, to the project of humanity, to the production of a characteristic element "capable of guiding and regulating an enumeration of human beings".[70] But this project is only an extension of the project of the Self which is an orientation towards a state of greater unification, in a word, towards personhood.[71] Thus individual happiness is linked

(Rochester, NY: Social Science Research Network, March 10, 2015), https://papers.ssrn.com/abstract=2576202.

[69] Herbert Marcuse, *Eros and Civilization: A Philosophical Inquiry into Freud* (Boston: Beacon Press, 1974),92.

[70] Ricoeur, *Fallible Man*, 69.

[71] Ricoeur, *Oneself as Another*, 79. Ricoeur notes that the person is primarily the ideal of the person. Thus, personhood is only something that can be aimed at, never fully achieved. This will be instructive for later considerations of the oppression of individuals and groups under certain institutional conditions.

to the happiness of society, a connection not lost on Ricoeur when he appeals to the social contract as the founding event of society.

So Ricoeur gives to his readers limitation and possibility, the finite and the infinite. And what the political paradox reveals is that it is not an escape into one or the other that marks humanity, but a balancing between the two that is to be sought. The elusiveness of this balance, the very fact of disproportion that characterizes human being assures the continual presence of evil. The fallibility of human life is the very condition of the possibility of human initiated evil.

Human Capacity

In the work immediately subsequent to *Fallible Man,* Ricoeur develops a phenomenology of fault, emphasizing the limitations of human existence and the experience of evil that is tied to that limitation. This awareness remains central to the ethical reflections that form the basis of Ricoeur's later career. Indeed, the theme of justice finds it motivation, for Ricoeur, in the experience of injustice that might be characterized as one of the most primal of human experiences.[72] In more ways than one, then, Ricoeur's early career leads, circuitously though it may be, to the ethical considerations that motivated him in the end. But apart from this propensity and perhaps also a sensitivity to evil that connects the early and later Ricoeur, it is possible to find embedded in the anthropology of fallibility already the seeds of a shift from a

[72] Ibid., 198. Ricoeur writes, "On the other hand, the idea of justice is better named *sense* of justice on the fundamental level where we remain. Sense of justice and injustice, it would be better to say here, for what we are first aware of is injustice: 'Unjust! What injustice!' we cry."

hermeneutic of human fallibility to a hermeneutic of human capability. Gaëlle Fiasse notes this in the introduction to *Paul Ricoeur: De l'homme faillible á l'homme capable* where she writes, "Ricoeur lui-même reconnaissait un tournament dans sa pensée philosophic, du problème de la culpabilité à une insistance plus prégnante sur la thématique du bonheur et la capacité, de la philosophie de la volonté à une philosophie de l'action, de l'homme faillible à l'homme agissant et souffrant."[73] Fiasse goes on to note that Ricoeur himself is aware of the presence of this latter idea, that of capable human being, already in his early works that addressed human weakness. And while Fiasse does not explicitly mention how capability is present in Ricoeur's anthropology of fallibility, it is possible to identify this in the very disproportion that is at the heart of that work.

The project of the self is characterized by an orientation towards the telos of a life well-lived. Such an end may be multiple in its elements and aspects, it may be shifting with respect to the transformations of time, and it may be modified by reflection. In fact, this good life that forms the *telos* of human being is in the end only an aim, never an achievement, for at least two reasons. As noted above, the end of happiness forms only one side of a dialectic between the finite and infinite, meaning that the infiniteness of happiness is always already something unachievable. Ricoeur's *Lectures on Ideology and Utopia* are instructive on this point. In particular, the concept of utopia represents in this picture the ideal society, one free from the abuses and machinations of power and the distorting effects of ideology. But the problem of translation from the ideal to the real

[73] Gaëlle Fiasse, ed., *Paul Ricoeur: de l'homme faillible à l'homme capable* (Paris: Presses universitaires de France, 2008), 10.

is indicated by the very nature of the utopia, its function within society. The ideal as a tool for measuring society serves to question and challenge the grounds for claims to authority, most often based, in Ricoeur's analysis, upon ideological foundations. Ultimately, "The deinstitutionalization of the main human relationships is finally, I think, the kernel of all utopias".[74] In a perfect world, we would not need "institutions" to mediate our relations with others.[75] But such a view is only a "kernel," an acknowledged fantasy that only irrupts into reality imperfectly. The interplay of critique and aim within the concept of utopia leads Ricoeur to claim that utopias are necessary for the operation of society. They serve to check the powers that threaten the goods of human life together, but they also offer up to a given society the goals that can be strong motivations for a society's energies. A society without utopia, Ricoeur asserts, "would be a society without goals", something that is flatly impossible in the position from which Ricoeur is working.[76]

The character of an ideal ensures that utopia is unrealizable. However, there is another reason that the aim of happiness, conceived as the central aim of the project of the self, cannot be actualized. Whereas a utopia can be something definite to which members of society can point as the pinnacle of social achievement, with differing degrees of specificity the achievement of which can be measured against the ideal, the concept of happiness, or the good life, can boast of no such verifiability.[77] As Aristotle

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[74] Paul Ricoeur, *Lectures on Ideology and Utopia*, ed. George Taylor (New York: Columbia University Press, 1986), 299.

[75] The use of "institutions" here is not unambiguous. It is not clear, as will be shown the next chapter, that social life is impossible without institutions, though Ricoeur is likely thinking here only of political and some social institutions.

[76] Ricoeur, *Lectures on Ideology and Utopia*, 283.

[77] Ricoeur, *Oneself as Another*, 180.

notes, the measure of the good life is forever shifting, now meaning one thing for me, at death meaning another things, and beyond death meaning something different yet again to those who would judge me. Judgment of the good is dynamic, both my own judgement as well as that of others. Even if I can say definitively that I am happy now it is nevertheless the case that we have an incredibly difficult time determining with certainty what will make us happy in the future, or whether our actions will be deemed good when judged by a future tribunal of our peers. This lack of certainty finds its way into the very project of the self because of the centrality of self-interpretation within this project that can only be measured by its adequacy in aspiring to plausibility in the eyes of others.[78] That is to say that due to the social nature of human life, all the way down to the identity that informs life and action, what is deemed good will always be a measure of the social context within which that goal is being adjudicated.

It is not until *Oneself as Another* that Ricoeur introduces, with force, the concept of attestation and the concomitant emphasis on human capability. And yet the notion of capability is already embedded in the anthropology of fallibility. Positing the infinite in dialectical relationship to the finite introduces, in Ricoeur's work, a multitude of possibilities that seek to shatter the static preserve of the finite. It is in the attempted balancing of these two that the project of the self is located. This project to mediate the limitations and possibilities of oneself successfully means that to be human is at once not to succumb to the finite as well as it is not to live in a state of fanciful delusion. But to avoid succumbing to the finite, one requires not only an acknowledgment of the

[78] Ibid., 180.

possibilities presented by the infinite, but also a capacity for at the very least orienting oneself towards those possibilities. Thus, the anthropology of fallibility, the condition for the possibility of evil is also the motivator of human action.

Full expression is given to human capability by Ricoeur in *Oneself as Another*. Human capability as it is developed in that text is tied deeply to the condition of human fallibility. But, since for Ricoeur, fallibility is an insufficient ground of an ethics of human responsibility, both to oneself and others, Ricoeur moves to capability. Embedded within these capabilities are, it will be shown, assumptions about the way in which society is structured and regulated that will require a later exploration of that very organization.

In *Oneself as Another* Ricoeur notes four fundamental capacities.[79] These include the capacities to speak, to act, to narrate one's life, and to take responsibility for one's actions.[80] Greater depth is given succinctly in *Reflections on the Just*: "the ability to speak, to act on the course of things and to influence other protagonists of an action, the ability to gather one's own life into an intelligible and acceptable narrative. To this bundle of abilities we shall have later to add that of taking oneself for the actual author of one's acts, the heart of *imputability*."[81] This set of capacities is a way of locating and

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[79] I am using the term capacity rather than capability to mark a distinction that I see in Ricoeur's analysis between the level of theory and the level of praxis. This distinction is that between the capable subject, which refers to the human with the innate capacities identified in this passage, and the subject of rights, which refers to the individual in the field of actualization of those capacities, that is, the field in the context of a social existence. It is in the latter that the centrality of social structures and institutions becomes vitally important. This distinction also sets Ricoeur apart from capability advocates such as Nussbaum and Sen, who theorize capability and incapability primarily within the sphere of social forces and structures. See Paul Ricoeur, *The Just* (Chicago: University of Chicago Press, 2000); see also Martha Craven Nussbaum, *Creating Capabilities: The Human Development Approach* (Cambridge, Mass: Belknap Press of Harvard University Press, 2013).

[80] Ricoeur, *Oneself as Another*, 297.

[81] Ernst Wolff, in "Competences et moyens de l'homme capable a la lumiere de l'incapacite," suggests that two further capabilities should be added to this list: promising and remembering. However, what follows in that essay is not an analysis of these capabilities but rather the limited nature of

identifying the self that becomes the object of responsibility within Ricoeur's ethic. Indeed, an emphasis on human being is, for Ricoeur a requirement for the possibility of change in the world, in particular for the rectification of wrongs.[82] *Oneself as Another* is Ricoeur's argument for the ascription of these capacities to humans at a fundamental level.

The actions that we take based on the capacities that we have are always situated within a social framework. That this is the case can be clearly seen in the mutuality that Ricoeur locates at the heart of his discussion of selfhood. In the opening pages of *Oneself as Another* Ricoeur notes what he calls a philosophical intention in the use of *as* in the title. The "as" links the self in its selfhood to the other than self in a fundamental way. "*Oneself as Another* suggests from the outset that the one's selfhood implies otherness to such an intimate degree that one cannot be thought of without the other, that instead one passes into the other, as we might say in Hegelian terms."[83] It is thus Ricoeur's aim to highlight the dependency of human existence on the presence of and interaction with others for its actualization, its basic mutuality. This implies that the actualization of human potential in existence depends in a fundamental way on the structures of human sociality. That is to say, while the human capacities characterize

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capabilities in more general terms. While it is possible that Ricoeur intended these two as capabilities in the strong sense, it remains that promising is being capable of speaking to someone - with a very particular content, and memory relates to the capability of one to narrate, though memory would speak to the alignment of the memory to the external world that is experienced. Either way, their inclusion or exclusion from the present study does not affect the argument that I am presenting. Promising, in particular, will figure in a later discussion of institutions, where it will be more important to view the promise in terms of a structure of relations rather than as a human capability. What is more, promise is employed by Ricoeur as a way of establishing the self as an interpreting being, a self that he is then able to hold to account. Thus, the promise falls under the category of a capacity to narrate, rather than forming a category of capacity in itself. See *Oneself as Another*.

[82] Ricoeur, *Oneself as Another*, 112.

[83] Ibid., 3.

human being insofar as we find ourselves to be acting beings, it is also the case that we find ourselves already always within a social framework. It is this framework that needs to be addressed.

The social nature of human capacities is justified by a context of interaction based on what Ricoeur calls a "triadic relation of me/you/third person".[84] Beginning in Study One of *Oneself as Another* with identifying reference, Ricoeur identifies the third person - "he/she," "someone," "each one," "one" - in the field of semantics. Here Ricoeur refers to a "primitive concept of person" that is not yet capable of ascribing predicates to a self or even to a particular individual.[85] To address this limitation, Ricouer moves to the field of pragmatics in which utterance "privileges the first and second persons but expressly excludes the third person."[86] The third person is excluded linguistically in pragmatics because the word spoken is a word spoken to someone. I address you, or you address me. It is possible to speak about a third party, to designate her, him, them, but the moment the third person is spoken to, she becomes a you. Yet, by drawing together a semantics and pragmatics of speech Ricoeur is able to identify a sociality constitutive of human being that he uses to form the basis of his ethical theory.

The capacities that we have are certainly socially construed, and are made up, or rather understood according to constitutive social structures or elements. Consider the capacity to speak. At this most basic level, the capacity to speak requires language. Now, language is a system of symbolic representation that enables communication

[84] Ricoeur, *The Just*, 6.
[85] Ricoeur, *Oneself as Another*, 35.
[86] Ibid., 46.

between interlocutors. It establishes the expectations that make communication possible, that transfer of meaning represented by a specific collection of words and phrases. Thus, when Ricoeur builds a concept of the acting self out of the functions of language he can do so because the representative symbols conjure up in us the message that he is trying to convey. Without an already existing system of meaning governing the very act of speaking, the sounds made would be incoherent to the hearer.

The relationship between speaking and acting is given in Ricoeur's hermeneutic phenomenology as he moves from a hermeneutics of the text to a hermeneutics of action. The goal in this transition was to show that not only is text and speech filled with meaning, but so too is action, that the things that we do in the world mean something in their expression and can be interpreted by others in much the same way as texts - in this case, action becomes the text.[87] With this move Ricoeur demonstrates the ascription of a system of symbolic representation to the world of action. The capacity to act thus falls into the structure of systems outlined above. A deeper understanding is given in Ricoeur's application of the field of hermeneutics to action.

In seeking to demonstrate the conceptual relationship between language and meaningful action, Ricoeur links action to what he would call an event of language. This event is discourse. Distinguishing discourse from a language system Ricoeur notes four traits of discourse: its temporality, its reference to a subject, it is always about something, and it is addressed to someone.[88] "These four traits, taken together,"

[87] Justification for this interpretive move by Ricoeur is given extensively and convincingly in his essay "The Model of the Text: Meaningful Action Considered as Text" in Paul Ricoeur, *From text to action: essays in hermeneutics II*, ed. Richard Kearney (Evanston, Ill.: Northwestern University Press, 2007).

[88] Ibid., 145–46.

Ricoeur writes, "constitute speech as an event."[89] The meaningfulness of a language system leads to the meaningfulness of a particular kind of event, namely, saying something. And Ricoeur goes on to argue, following the speech act theory of Austin and Searle that saying something requires, among other things, a sayer, one engaged in the act of speaking. Speaking, and also writing, in so far as it exhibits the characteristics of discourse, is the initial move that Ricoeur makes in demonstrating the meaningfulness of action. The task that remains for Ricoeur in this respect is to expand a conception of meaningful action beyond speech.

In the transition from language to discourse, two of the traits of discourse are particularly illuminating; it is about something, addressed to someone. That discourse is always about something means that it references a world. It has a socio-historical[90] context that provides the content used for interpreting, the space in which the utterances can thus be understood. Ricoeur writes, "In spoken discourse this means that what the dialogue ultimately refers to is the *situation* common to the interlocutors."[91] Here Ricoeur highlights the contextual nature of discourse in order to distinguish it from any universal structure of language. But it is telling that this "situation" is not the sole purview of the speaker, being shared as it is by any number of participants in a discourse. The meaningfulness of a speech event is closely tied to this commonality of situation, of a shared world. To interpret is to assume some sort of sharing along these lines. But then what is shared? All of the elements of the social field, all the elements

[89] Ibid., 146.
[90] The “context” naturally implicates the first of the four traits outlined, that of temporality.
[91] Ricoeur, *From text to action*, 148. Emphasis in original.

and systems of social order that produce and disseminate expectations for the meaning of the deployment of potentially universal linguistic structures. Discourse as action thus means that the social framework is to be taken as a very real part of the capacity to act.

The sharedness of a world is reinforced by the fourth trait that Ricoeur ascribes to discourse in *From Text to Action*. Discourse implies an address to someone, entrenching the interpersonal nature of meaningful action. It also expands into the world of text on the basis of the universalizing mode of written discourse. Whereas the context of the event of speech is intimately shared between interlocutors, the fixing of discourse in writing explodes the "narrowness of the dialogical relation." According to Ricoeur, "discourse is revealed as discourse in the universality of its address."[92] This separation of the text from its author enables Ricoeur to apply his hermeneutic theory, developed in the tradition of textual interpretation, to meaningful action in the world. What this means for action other than speech is that, “the meaning of human action is also something *addressed* to an indefinite range of possible 'readers.' The judges are not contemporaries but, as Hegel said, history itself…[Like] a text, human action is an open work, the meaning of which is 'in suspense.' It is because it 'opens up' new references and receives fresh relevance from them, that human deeds are also waiting for fresh interpretations that decide their meaning. All significant events and deeds are, in this way, opened up to this kind of practical interpretation through present *praxis*.”[93] The moment an action is no longer present, the moment that an event falls under the purview of reflection, be it moments removed from its occurrence or removed by

[92] Ibid., 150.
[93] Ibid., 155. Emphasis in original.

historical extension, it becomes subject to the field of meaning - given in praxis - of the current audience.

In this way, action is subject to a social framework for its meaningfulness, but in a different way than speech. Far from being lost in Ricoeur's reversion to the text, the meaningfulness of action, including speech, is retained in the concept of discourse. The concept of discourse thus provides a framework also for the interpretation of action. That is to say, the interpretation of action, made possible by the concept of discourse viewed in its universal mode in writing, retains an intimate connection to a concept of world. This world is, in writing, the point of contact between the text and its reader. It is the world that the text presents to the reader, the possibilities presented by the text. This world is certainly heavily inflected by the world that the reader brings to the text, including one's experiences, education, knowledge and worldview more broadly. But this world may also give view to a possible new world, shared by both text and reader.[94] By way of the concept of discourse, this relational world is extended to all action, such that individual actions open up possible worlds within a broader social frame.

In his hermeneutic analysis, Ricoeur derives the capacity to act from the capacity to speak by extending the meaning production of the speech act to actions more broadly. The capacity to act is linked to the capacity to speak through a project that applies a hermeneutic method to general action via the concept of discourse. The capacity to narrate one's life, the third of Ricoeur's articulated capacities, is an

[94] This refers to the second aspect of Ricoeur's hermeneutic method, appropriation. See Paul Ricoeur, *Hermeneutics and the Human Sciences: Essays on Language, Action and Interpretation*, ed. John B Thompson (Cambridge: Univ. Press, 1998), Ch. 7.

extension of the capacity to speak with the addition of a temporal frame and a social contract. Thus, at least three of the capacities central to Ricoeur's work are addressed in his hermeneutics of action. Further, the address to someone, established in discourse, sets the foundation of understanding action, and by extension narration of life. This double sociality highlights the difficulty that Ricoeur has trying to place human capacity logically prior to the contextual framework in which they have meaning. It remains to be seen how the capacity to impute one's actions to oneself either fall or fail to fall under the auspices of a socio-historical contextual framework.

It is with the capacity to take oneself as responsible for one's own actions as the agent and producer of those actions, what Ricoeur calls "imputability," that we are faced with the greatest difficulty in demonstrating a contextual priority. This is due to the tension, in Ricoeur's work, between universalism and socio-historical context. George Taylor argues that this tension in Ricoeur's work on ethics tends largely towards universalism.[95] If one looks at the way in which Ricoeur invokes Aristotle idea of the good life it becomes clear that Ricoeur is attempting to hold together a particular end, connected either to an individual or a particular community, while at the same time maintaining a universal measure for interactions at the macro level of society. Indeed, the latter part of *Oneself as Another*, from Study 7 to Study 9, establishes a dialectical relation between the good life at which we aim, individually and cooperatively, and the

[95] Taylor, George H., "Ricoeur vs. Ricoeur?," in *From Ricoeur to Action: The Socio-Political Significance of Ricoeur's Thinking*, ed. Todd S Mei and David Lewin (London: Bloomsbury, 2013), 136–54:136. This article is an effective attempt by Taylor to demonstrate that, while Ricoeur's emphasis in his ethical reflections is on universalism, his writings taken as a whole in fact uphold the tension in contemporary debates on universalism and thus are a meaningful contribution to that debate.

universal moral principles that necessarily regulate those goods. Ricoeur wants, on the one hand, a place for the development of deeply contextual goods, and on the other hand, a formal regulative system for mediating those goods. And yet he seeks to elevate the good to a place of priority. It is in this attempted elevation that it seems to me Ricoeur necessarily falls out on the side of socio-historical context, whatever Taylor may argue regarding general tendencies in Ricoeur's work. This is not to say that we must reject Ricoeur's claim to universalism altogether. But it does demonstrate a place for seeing social structures operative already within the capacity to take responsibility for one's actions.

Capacity as "Making Good"

The prioritization of the good, within Ricoeur's analysis, depends to a large degree on the development of a conception of one's self in which one is able to value one's aims as good. Further, the good life, Ricoeur's proposes, "denotes both the biologic rootedness of life and the unity of the person as a whole, as that person casts upon himself or herself the gaze of appraisal."[96] This unity gestures to, though it does not directly invoke, the disproportion at the heart of the anthropology of fallibility. Thus, we begin to see capacity emerge from the foundational concept of fallibility. Yet it is the gaze of appraisal that is of immediate importance. To live the good life is to live the life that one deems good. But it is more than that. To live the good life is to live a life that others deem good as well, a condition given by the fundamentally social and reciprocal

[96] Ricoeur, *Oneself as Another*, 178.

nature of the concept of self that Ricoeur develops. One of the reasons that the individual appraisal is insufficient is the need for a ground for appraisal. This ground is furnished only by the group, by the social structures in place that give meaning to actions.[97] Ricoeur arrives at this position through an analysis of the good life that draws on Aristotle's analysis in *Nichomachean Ethics*. Ricoeur begins his explication of the good life, with the assertion that "good" means "what is good for me," that is, specific to the individual in the moment of decision. But he does not stop here. Going yet further with Aristotle, Ricoeur makes clear that "what is good for me" only makes sense within the sphere of praxis, and thus the community is vital for understanding "what is good for me" because it is only within a community that a practice makes sense. Or, more specifically, it is only in a community that an action can be judged as according with a practice either well or poorly.[98] That is to say, we can only know that what we are doing is good if there is something else, some other form of the action against which to measure our own action. Like the experience of disproportion with oneself, the practical import of action introduces the possibility of disproportion at the level of society.

This disproportion at the level of the social is only an issue if one bears responsibility for one's actions. Thus, we return to the concept of imputation. But having come through an analysis that has elevated sociality to a place of prominence, the value judgment embedded within imputation reveals dependence on an already existing

[97] If one considers the mode of discourse discussed above, then the meaning of one's goods is furnished by the shared framework in much the same way as the meaning of utterance is dependent on shared understanding. This hermeneutical standpoint requires at all times the presence and cooperation of others.

[98] Ricoeur, *Oneself as Another*, 172–77.

framework for adjudication. This adjudicatory demand is described by Ricoeur in his introduction of imputation in *Oneself as Another*. "The term 'imputation'," Ricoeur writes, "can be used to designate the act of holding an agent responsible for actions which themselves are considered to be permissible or not permissible."[99] Value, or the good, is not yet present here beyond the basic assumption that what is permissible requires that it be deemed good in some measure. But Ricoeur, having worked out the details of his ethic enhances this idea of imputation, defining it as "the ascription of action to its agent, *under the condition of its ethical and moral predicates* which characterize the action as good, just, conforming to duty, done out of duty, and, finally, as being the wisest in a case of conflictual situations."[100] Here the action is measured against both moral and ethical standards, in Ricoeur's view, meaning that it is subject both to a contextual construct of what is good for oneself and for society, as well as the universal applicability of the moral law. Just the presence of this notion of good, shown above to be linked to a community of praxis, ensures that the capacity for imputation is dependent on an already existing social framework.

Capable, but Fragile

The existence of a foundational social framework for the expression and development of capacities is an extension of the condition for human limitation of capability in the idea of fallibility. What remains, therefore, is the requirement for an

[99] Ibid., 99.
[100] Ibid., 292. Emphasis added.

analysis of limitation. Specifically, limitation conceived as fragility becomes central to Ricoeur's ethical reflection and thus it is to fragility that this analysis now turns.

The idea of human fragility has a prominent place in Ricoeur's later work. Perhaps the central motivating question of his reflections on justice can be found in his questioning: "what shall we do with this fragile being, what shall we do for her or him?"[101] In his essay "Fragility and Responsibility," Ricoeur characterizes the human being as fragile, as something to be responded to, as something to be protected and cared for. It is this caring that provides the framework for the just society towards which Ricoeur's later work is oriented. But outside of a universal responsibility to others, engendered by the face in Levinas, which Ricoeur adopts in modified form,[102] the characterization of fragility opens up a spectrum of consideration. This spectrum allows for varying degrees of fragility, and thus varying responsibility for response. However oblique it might be, Ricoeur's reflections on fragility in that essay already point towards the rich content of the concept of fragility.

Ricoeur's most thorough discussion of fragility is found in *Reflection on the Just*. In the essay "Autonomy and Vulnerability" Ricoeur largely equates vulnerability with fragility, using the two interchangeably, though vulnerability appears with greater frequency.[103] The distinction between the two is, however, helpful, insofar as it can be

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[101] Ricoeur, Paul, "Fragility and Responsibility," in *Paul Ricoeur: The Hermeneutics of Action*, ed. Richard Kearney (London: Sage, 1996), 16.

[102] This modification is the rejection of the absolute nature of the responsibility to the other that is present in the face of the other. Ricoeur attaches sympathy to this Levinasean responsibility, where sympathy refers to the state in which the self "finds itself affected by all that the suffering other offers to it in return." See Ricoeur, *Oneself as Another*, 191.This is discussed in greater length in Chapter 2.

[103] Paul Ricoeur, "Autonomy and Vulnerability," in *Reflections on the Just*, trans. David Pellauer (Chicago: University of Chicago Press, 2007), 73. The idea of vulnerability is not unique to Paul Ricoeur, it appears increasingly in contemporary literature. For instance, Kristine Culp, in her book *Vulnerability*

seen to mark different spheres of human existence and experience. Thus, while the concept of vulnerability adequately captures the image of the helpless child, referenced in “Fragility and Responsibility,” vulnerability includes such aspects of human existence as physical weakness, ignorance, and complete incapacity for personal care, indicating the weakness and limitation of the individual and the precariousness of human life. The concept of fragility is more broadly construed and applied. This is seen when, in the latter part of “Fragility and Responsibility,” Ricoeur’s analysis shifts away from the weak and incapable individual to the fragility of politics and the state, as well as, more broadly, the fragility of social existence. I would take this distinction between vulnerability and fragility to be, not fundamental, but instructive, in so far as there are different kinds of limitation[104] at play in Ricoeur’s reflections on justice. This bears expansion. For the purposes of clarity, I propose to call these two categories fragility 1 and fragility 2, referring respectively, though not exclusively or exhaustively, to vulnerability and fragility.

and Glory: A Theological Account, describes vulnerability as being susceptible to devastation and transformation. The attachment, by Culp, of the idea of glory to vulnerability is an attempt to highlight the possibilities and potentials in human existence, not merely weakness. This approach differs from mine insofar as it is important to me to maintain a marked distinction between vulnerability and capability so to build a conception of justice aimed at addressing vulnerability. Nevertheless, I maintain a close link between vulnerably and capability, not wholly unlike that of Culp. For further discussion of vulnerability, see Springhart, Heike, and Günter Thomas, eds. *Exploring Vulnerability*, 2017.

[104] Limitation in general is, by way of the concept of fallibility, fundamental to human existence. The particularities of limitations are, however wholly historically contingent. The examples used below should thus be construed not as universal, but representative of a historical moment. What poses limits now, may in fact be beneficial in the future.

Fragility 1

As has just been noted, the content of fragility 1 is most clearly addressed by Ricoeur in *Reflections on the Just*. There he articulates fragility in terms of its dialectical relation with autonomy. “If the basis of autonomy can be described in terms of the vocabulary of ability, it is in that of inability or a *lesser ability* that human fragility first expresses itself.”[105] In this instance, autonomy refers to the “I can,” to one’s capacity for self-production, for one’s capacity for action, and so on.[106] Fragility is the limited or limiting of these capacities. In the preceding discussion of fallibility, disproportion characterized one’s relationship to oneself in so far as humans are unable to achieve the infinite to which we are oriented. Further, fallibility is a fundamental tension between the longing for the infinite, expressed in striving, alongside the fear of the infinite, expressed in the closing in of oneself. In contrast, fragility, instead of being characterized as a disproportion merely within oneself, signals a disproportion in one’s relation to the world.[107] Ricoeur gets at this fragility by way of language. Mastery of language, for instance, is always limited and threatened. The constantly growing and shifting nature of language means that one can only have a lesser or greater mastery, never perfect mastery. Even greater mastery can falter as the requirement of the deployment of language shift and transform. “What immediately comes to mind,” Ricoeur suggests, “is the fundamental inequality among human beings when it comes to

[105] Ricoeur, “Autonomy and Vulnerability,” 76. Emphasis added.

[106] While Ricoeur does not do so here, one can reasonably presume the content of ability as invoking the four capabilities discussed above.

[107] The disproportion of fallibility placed the infinite always out of reach. Fragility is best understood as the particular limiting of one with respect to waypoints or proximate ends short of the universal.

mastering such language, an inequality that is not so much a natural given as a perverse cultural effect, once the inability to speak well results in effectively being expelled from the sphere of discourse. In this regard, one of the first forms of the equality of opportunity has to do with equality on the plane of being able to speak, explain, argue, discuss.[108] It should be noted that Ricoeur is here addressing himself to the legal profession, hence the emphasis on explanation and argumentation. Nevertheless, beyond such limitation as the physical capacity to speak or the intellectual capacity for learning different languages, the mastery and deployment of language is deeply embedded within a social framework for judgment, acceptance, marginalization, etc., such that there are great social and cultural implications for the ability to master a language.

Since fragility 1 is an expression of the state of being of the individual, one can justifiably extrapolate from the experience of language to other experiences of the individual within a social framework. This is best done, initially, through a consideration of the capacities that Ricoeur identifies. Fragility 1 addresses the limiting or limitedness of the capacities to speak, to act, to narrate one's life, and to impute responsibility for actions. What does limitation look like in each field? Admittedly there can be no universally applied criteria of capacity in so far as it includes a constellation of biological factors combined with factors of individual experience tied closely to factors of social and geographical location. Attempts at identifying universal criteria of capacity would run the risk of ignoring the diversity of human life and culture, and of either undervaluing or

[108] Ricoeur, "Autonomy and Vulnerability," 76.

overvaluing certain expressions of the like. The point is that not all are equal in all capacities. But this does not mean that all considerations of the limitation of capacities fall outside the realm of reasonable reflection. For instance, consider the capacity to speak. Ricoeur concedes that the absolute mastery of language falls outside the realm of possibility because of the shifting nature of language. But he does not identify either the physical inability to speak, access to a limited vocabulary or knowledge of argument construction, or even the lack of opportunity to speak as a justifiable exception to the capacity to speak, at least in a world in which equality is valued. This suggests a number of different aspects of fragility 1.

Fragility can be associated with physical limitation or the development of the physical capacity for something without being universal. Consider eyesight. It is an important physical element contributing to an individual's capabilities. The classic philosophical conundrum of explaining color to a blind person illuminates a limitation based our physicality. Visual experiences of the world are not available to the person born blind. However, this is not merely an issue of heredity; biology has a way of transforming or impacting our capabilities throughout life. For instance, the individual who develops laryngeal cancer will likely experience an impact on speech capability not tied to birth. Both of these examples can be met with varying degrees of remediation, effectively offering a path for overcoming or erasing the apparent limitation of the form of fragility 1. Furthermore, while there may be cases of physical limitation that preclude someone from engaging in a particular activity, such an instance does not necessarily rise to the level of injustice. Tasks requiring strength and stature naturally limit those

born small of stature or with other physical conditions that limit their strength. Obviously, strength and stature can be attained by some extent through training. But in this instance training should be considered a response to fragility 1, rather than its outcome being lifted up as an example of its non-existence. Consider a woman interested in playing professional basketball. A woman standing five feet tall will have great difficulty at excelling in the Women's National Basketball Association. This is a limitation for one wanting to play professional basketball. But not all women aspire to play basketball, nor should they, indicating that this woman is certainly not fragile on the basis of her height. What this example demonstrate further, however, is that particular instances of fragility 1 are inappropriately universalized.

The diversity of available examples shares a physical aspect that limits the individual in some ways that is socially defined. This means that, among other things, the ethical gravity of each instance is different. The woman seeking to play basketball without the height to excel does not meet the same level of fragility as the individual born blind. This is because the organization of our social existence depends much more on our ability to see than our ability to play professional basketball. Indeed, the former represents a near necessity, while the latter is representative of desirable opportunity. Whereas being blind will severely limit one's ability to pursue the good in society, not playing basketball will have only limited practical effect.

All of this does not mean that our bodies and opportunities are of no importance. Forms of physical limitation and/or disability bring into view Ricoeur's contention that our relationship to our bodies is at least partially a relationship of otherness. Ricoeur's

discussion in *Oneself as Another* of the otherness of one's body is preoccupied with the question of how the self relates to the body and how that body is understood as one body among other bodies.[109] What Ricoeur is doing in that section is investigating an ontology of the self that needs to account for the fact that we are embodied beings, that our bodies are at once things and also one's self. Thus, he does not ask the more existential question: What does it mean that my body is different than other bodies? This question is in fact one of othering as well, perhaps even more so than that proposed by Ricoeur. Indeed, it is on the question of difference that issues of race, sex, gender, physical disability and the like, largely turn. I will consider, briefly, both disability and race.

Part of the reason that being blind has a large impact on an individual is because of broader decisions - some implicit, others explicit - made by society. If one thinks of blindness as a disability, which is a rather uncontroversial position, then it bears noting that the social framing of disability is a pressing concern for considerations of justice. Martha Nussbaum makes this point clearly and forcefully: "For people with impairments of [a physical nature] can usually be highly productive members of society in the usual economic sense, performing a variety of jobs at a sufficiently high level, if only society adjusts its background conditions to include them. Their relative lack of productivity under current conditions is not 'natural'; it is the product of discriminatory social arrangements."[110] She goes on to liken physical impairment to cases of gender and

[109] Ricoeur, *Oneself as Another*, 319–29.

[110] Martha Craven Nussbaum, *Frontiers of Justice Disability, Nationality, Species Membership*, The Tanner Lectures on Human Values (Cambridge, Mass.: Belknap Press, 2006), 113.

race in so far as each is dependent on the adaptation of social norms to attain full "participant" status. Thus, its categorization as a social limitation notwithstanding, the experience of "impaired" individuals in society is often one of limitation and exclusion on the basis of their bodies.

The experience of being impaired within and often by the given structure of a society suggests victimization as a useful concept in thinking about fragility 1.[111] In reflecting on the horrors of the 20th century, Ricoeur stated, "It is this speculative problem of action and passion but also the problem of victimization—the whole story of this cruel century, the twentieth century—and all of the suffering imposed on the Third World by the rich, affluent countries, by colonialism. There is a history of victims that keeps accompanying or reduplicating the history of the victors. But the history I try to revive has a strong ethical debt to the victims."[112] Morny Joy reads in this a desire "to alleviate the cause of human suffering insofar as its origins lay within the behaviour of human beings themselves."[113] In this instance, victimization is the result of the actions, singular or repetitive - behavior - of individual and state actors, that impinges on others, causing suffering. Ricoeur's question regarding what to do with the acting and suffering human being, can thus be seen as an expression of both sides of the equation. What to do about the fact that our actions cause suffering? What to do about or with those who

[111] While victimization cannot adequately address all aspects of fragility 1, notably the limited physical capacity of those born with disabilities or disfigurement, it is the key aspect of fragility from which Ricoeur launches his reflections.

[112] Charles E. Reagan, *Paul Ricoeur: His Life and His Work* (Chicago: University of Chicago Press, 1996), 114.

[113] Morny Joy, "Ricoeur from Fallibility to Fragility and Ethics," *Symposium: Canadian Journal of Continental Philosophy / Revue Canadienne de Philosophie Continentale* 20, no. 1 (Spring 2016), 69–90: 71.

suffer as a result of our actions? In this can be seen two aspects of a theory of justice motivated by Ricoeur's reflections. Justice is at once a response to suffering, a recognition of victim status and the restoration of the victim to "wholeness" through reparations, rehabilitation, etc. And justice is also the formation of a society in which victimization is lessened or minimized. That is, justice can be viewed as working towards a society that mitigates the victimizing effects of certain actions and discourages those kinds of actions. Such discouragement is attained through both sanction of disapproved actions and promotion of alternative actions, forms of actions, or modes of relating to others. Justice is then both retroactive and proactive, reactive and creative.

While considerations of victimization and victimhood can aid in the production of a more just society, it is important, however, that victimization not become the only or even dominant conception of fragility. Here is where the dual conception of justice demonstrates it significance. A merely reactive form of justice, one aimed at the weakness, vulnerability, frailty, impairment, etc., threatens to treat those to which it is responding as somehow less than others in society. This deeply paternalistic approach would tend towards the creation of a victim class, itself a sub-class or caste, perpetually recreated in its victimization. This is suggested in Nussbaum's rejection of Rawls' Kantianism with respect to persons with mental impairments.[114] It is woefully insufficient to treat them merely as animals requiring of protection. A justice that creates or seeks to

[114] Nussbaum, *Frontiers of Justice*, 136.

create the space in which relationships operate independently of abusive exercises of powers seeks to answer this challenge.

The criticism of those such as Nussbaum notwithstanding, the concept of victimization has been given considerable nuance by theorists as it has been extended to many categories of oppressed or marginalized people. For her part, racial theorist Noémi Michel rejects the claim that the articulation of racial injury, a form of victimization, leads necessarily to the reification of a victim class, thus repudiating the claim that identifying someone as a victim somehow lessens their humanity. She refers to the “misappropriations,” of racial terms and racial experiences as creative and productive activities in the formation of identity and resistance of forces of domination and oppression. Misappropriation in this instance is the thoughtful and intentional use of words or phrases originally intended as derogatory and demeaning of a group of people, by that very group in order to define themselves. Misappropriation is a response to domination and it is also a response out of victimization that ensures the overturning of that victimization. In this response to victimization one can glimpse the kinds of fragility to which justice is called to respond. This is an instance of fragility 1 in the vulnerability of the human.

In her analysis of racial injury and responses to it in “Accounts of Injury as Misappropriations of Race,” Michel presents two forms of vulnerability that racialized power exploits. First, there is what she calls "a *bodily form of vulnerability,*" which is exploited by racialized power in its "constituting subjects with a toxic, injured and

imprisoning body".[115] This exploitation is made possible, she asserts, by the inseparability of the mind from body, effectively turning one into a prisoner in one's body. But I would contest this interpretation, not on the basis of a fundamental mind/body dualism, but on the basis of the experience of imprisonment. Regardless of any ontological claims that can be made of this situation, the person of color experiences the exploitations of power in such a way that their body is dissociated from their self. Thus, one feels imprisoned because this is **not** their body, not the body connected to who they understand themself to be; the imprisoned body is an experience of the disproportion of fallibility. This also suggests that racialized power exploits a certain break in identity that that is not fundamental to the individual, but a product of particular social forces. The concept of equality of persons indicates that the abuse of power in racialized form not only exploits but more importantly **produces** the vulnerability that is a break in individual identity, and it **reproduces** that vulnerability in continuous operation. Otherwise, if one follows Michel's argument that places "racial" vulnerability prior to its exploitation by racialized power, certain races become marked by ontological inferiority. Bodily vulnerability is retained, but must be understood, at least with respect to race, as being produced in racism and systems of racism.

The break in the identity of the individual upon whom racialized power operates can be understood as a limitation of or even the production of a limited capacity to narrate one's life. The production of a body that is toxic, hostile, demonic, injured, imprisoned

[115] Noémi Michel, “Accounts of Injury as Misappropriations of Race: Towards a Critical Black Politics of Vulnerability,” *Critical Horizons* 17, no. 2 (May 3, 2016): 240–59, https://doi.org/10.1080/14409917.2016.1153895, 250. Emphasis in original.

and imprisoning, done with or without the consent of individual, denies her or him a voice in the production of her own identity. Thus, vulnerability of the body is accompanied by the second vulnerability that Michel identifies, "*enunciative vulnerability*." Here, "by constituting subjects who stand in affective suspension apart from others and whose voices are permanently marked as suspicious or criminal, race exploits the possibility for subjects to be stabilized in a noisy and unintelligible position."[116] Not only does the individual's voice not count for herself, in so far as she is denied a place to contribute to her own identity, but what she says, what she expresses and offers to the world around with respect to her place in it is met with suspicion. The fundamental and preemptive devaluing of the contribution of individuals ensures their continued and continuing marginalization in society. In that language of capacity, they are stripped of their capacity to speak. Again, I want to note what is not said by Michel; racialized power produces enunciative vulnerability in that it decides whose voices will be heard. And the repetition of exploitation ensures that the enunciative vulnerability will be reproduced, again and again, until it becomes a central feature of existence.

In articulating enunciative vulnerability we find ourselves already in the realm of the social, and with respect to the exercise of power, the sphere of the political. Power has already been described as operative in an exploitative fashion on the vulnerability of the body, but now power is shown as defining and delimiting one's participation in, even one's belonging to, a political community. It is in fact in politics that one can see most clearly the implications of the limiting and silencing of voices. In her analysis of

[116] Michel, 250. Emphasis in original.

Rancière's reading of the Roman plebeian uprising at Aventine Hill, Aletta Norval concludes that, "Domination occurs both outside democratic states and inside well-established democratic polities, and is usefully thought here through the category of voice: there is domination where there is deprivation of voice."[117] The vulnerability of the body articulated a distortion in the relationship that one has with one's own body; now the enunciative vulnerability articulates a distortion of the relationship that one has with others.

One of the things made clear by the analysis of issues of race and physical ability under the theme of fragility 1 is that this fragility is historical and contingent. Furthermore, it is largely, though not wholly a product of social forces and is to be understood as a central element of social interaction. Thus, fragility 1 crosses the analytic boundary between the self and the interpersonal sphere, to use Ricoeur's language, and even ventures into the sphere of institutions. This can be seen to be the case when one considers the way in which, say, institutional forms of racial oppression impact the ways that individuals can participate in society and also the ways in which those forms impact the formation of narrative identity. However, fragility 1 is insufficient for theorizing the tenuous nature of the sphere of institutions adeptly identified by Ricoeur. The relationship of institutions, one to another, including the relationship between economic instruments, political bodies, even at the level of the nation state, the existence and operation of international treaties and governing bodies, both economic organization such as the World Trade Organization or International Monetary Fund, and

[117] Aletta Norval, "Democracy, Pluralization, and Voice," *Ethics & Global Politics* 2, no. 4 (December 2009): 297–320, https://doi.org/10.3402/egp.v2i4.2118, 306.

the political and humanitarian mandates of the United Nations, are more appropriately theorized under the category of fragility 2.

Fragility 2

Similar to fragility 1, the nature of fragility 2 is given clearest expression in an analysis of language, in particular political language. In politics, Ricoeur identifies the fragility of political language as constituted by its location between rationalistic proof and sophistic argument.[118] The representative framework of the political sphere does not and cannot operate at the level of certainty required of scientific investigation and mathematical proof, a claim that echoes the opening lines of Aristotle's *Nicomachean Ethics*. But this does not mean that the concerns of the political are fanciful, disconnected from reality and truth. This sophistic end of the spectrum is filled with what Ricoeur calls, "clever fallacies intended to extort belief from the audience by means of a mixture of false promises and real threats."[119] What fragility 2 thus refers to in this context is the balancing act required of a particular kind of politics, one that avoids the totalitarian tendencies of both rationalism and sophistry.[120]

This fragility is explored in greater detailed by Ricoeur in his essay "The Fragility of Political Language." There, the operation of language is considered at three different

[118] Paul Ricoeur, "The Fragility of Political Language," *Philosophy Today* 31, no. 1 (1987): 35–44, 35–36.

[119] Ibid., 36.

[120] In his book *Paul Ricoeur: The Promise and Risk of Politics*, Bernard Dauenhauer writes specifically of "political fragility." He identifies such fragility with the idea, discussed, of the "political paradox." While I agree with Dauenhauer's assessment of the political paradox, and its contribution to the fragile nature of social existence, I find the particularities contained in Ricoeur's discussion of political language to be a more fruitful avenue for getting at the specific ways in which fragility at the level of the political is affected. See Ch. 7 in particular.

conceptual levels. “First, on the level of political deliberation, with its necessarily conflictual aspect; next on the higher level of discussion about the ends of good government, where an insurmountable plurality aggravates the fragility of political language; and, finally, on that highest and most distant plane of the horizon of values within which the very project of good government our representation of the ‘good life.’”[121] The level of political deliberation has to do with the development of policy through the practice of discussion and argumentation. Fragility is marked here by the “relationship between consensus and conflict”, where consensus refers to arriving at agreement, while conflict entails continued divergence of ideas, ideals, desires, etc..[122] Divergence or disagreement on certain values, principles, preferences, or practices, is the fundamental mark of pluralism, which Ricoeur has no desire to supplant, as indicated by the championing of fragility. The goal is to arrive at agreement or consensus[123] without denying such rights as freedom of speech or conscience or attempting to erase any other meaningful expressions of difference. The difficulty of this task leads to its characterization as fragile and is also why Ricoeur highlights the existence of rules of discourse, or rules of argument that provide a procedure by which the political order is able to arrive at consensus.

The first level of political language, concerned with procedure, gives way to the more theoretical considerations of the ends of good governance at the second level of

[121] Ricoeur, “The Fragility of Political Language,” 38. This distinction between the levels at which the fragile nature of politics can be discerned appear also in *Oneself as Another*, though there they are not representative of different instances of fragility.

[122] Ibid., 38–39.

[123] Consensus should not be taken in the strict sense of a lack of dissent. Rather, it means simply agreement to abide by decided outcomes.

political language. The ideals of democracy become the central focus at this level. Ricoeur notes, in particular, words such as “freedom,” “security,” “prosperity,” “justice,” and “equality”[124] as the terms under debate. Here, fragility is indicated in disagreements with regards to the degree to which each concept is to be sought and the ordering of their relationship, one to another, with respect to the promotion of one or more over others. Ricoeur argues that a discussion concerning the ends of good government is not a discussion aimed at arriving at a particular form, as if some form of good government exists outside of history. Rather, “it is the irreducible plurality of the ends of good government that must draw our attention even more.”[125] The historical contingency of politics requires careful attention to and reasoned argument about the values and goals of a particular society in order to avoid reduction to ideological forms or uncritical acquiescing to the propagandizing on the basis of the emotionality of the ideas listed above. Here, fragility is indicated in the fact that “no practice can satisfy every possible end at the same time. So, each constitution has to express a certain scale of priorities among values that are not reducible to one another, and it must do so on the basis of contingent factors stemming from geographical, historical, social, and cultural conjuncture not totally transparent to the political agents on the scene.”[126]

The tension inherent in the negotiation of a hierarchy of ends ensures the continued fragility at this second level.

[124] Ricoeur, “The Fragility of Political Language,” 39.
[125] Ibid., 40.
[126] Ibid., 40–41.

This brings us to the third level, that where good government clashes with the good life. Ricoeur is less clear on the fragility of this relationship, but it is rightly characterized as a clash. Here, the absolute and irreducible plurality of the good life, which can be found in Ricoeur's discussion of self-esteem in *Oneself as Another*, is brought into contact with the good or goods decided upon at the second level of political discussion. The individual may, though without necessity, be given in her conflict with the goods that most clearly and directly support the end to which the government of which she is a part aims. "Here," Ricoeur tells us, "political language is confronted not only with ambiguity but with ambivalence." This ambivalence "reflects the fact that human beings can love or hate the same things for good reasons, that they can welcome or reject the same values."[127] Thus, in order to avoid the subsumption of the individual into the "good" of government, to avoid the trampling of personal identity in which the end of good government is implicated, a balance between government and individual needs is to be sought and implemented.

It should be noted that it is at this third level that the insidious practices and systems of group oppression also lurk. The encounter of "good governance" with the particularities of individual or group existence is at the heart of racialized, gendered, ethnic, sexual, etc., exercises of power that establish and reestablish forms of domination. Thus, while Ricoeur does not note this, the fragility of the encounter between discourses of the ends of good government and discourses about the

[127] Ibid., 41.

individual good life is of particular exigency if we are to avoid the fundamental injustice of oppressive governance.

There are those that would argue that government, even politics, by its very nature is oppressive and violent. Achille Mbembe, following Georges Bataille, Foucault, and others, argues that politics is best understood in terms of sovereignty. In the end, this means that government is less "society's capacity for self-creation through recourse to institutions inspired by specific social and imaginary significations" and more "*the generalized instrumentalisation of human existence and the material destruction of human bodies and populations*."[128] Put more succinctly, politics is "the work of death."[129] Mbembe's argument is primarily concerned with politics as the exercise of power in the colonial sense, in the subjugation of people, in their annihilation, in their categorization and manipulation. This manifestation of politics is certainly not absent from history, and in fact it might be the dominant form of politics in the modern era. But such a perspective as Mbembe presents tends to reduce politics to its international operations and manifestations. Furthermore, the emphasis on politics as the work of death, highlights the operations of power that impinge on, limit, or oppress persons, primarily by virtue of the exercise of sovereignty as exception. Little attention is paid to the ways in which the exercise of power in the political sphere can also be an operation for the greater good of a political community.[130] This is not to say that Mbembe is not aware of

[128] Achille Mbembe, "Necropolitics," in *Foucault in an Age of Terror*, ed. Stephen Morton and Stephen Bygrave (Palgrave Macmillan UK, 2008), 152–82: 154. Emphasis in original.

[129] Ibid., 156.

[130] This possibility will be raised in later chapters when Giddens is considered alongside Ricoeur's emphasis on human capability.

these potentialities, only that his work emphasizes domination in all its destructiveness. It is likely that the truth of politics is located somewhere in the balance between the positive and negative exercises of political power.

This balancing of understandings of power is exactly what is found in Ricoeur's articulation of the political paradox, discussed at greater length earlier in this chapter. It was shown that political fragility obtained in the fact that mythical creation of the political order leads to a struggle to maintain it, which leads, ultimately, to violence. The political paradox, conceived in terms of fragility, is exactly the co-existence of both progressive and regressive forces in the sphere of the political. Ricoeur writes, in particular, of the fragility that marks the intersection of domination and the will to live together. He notes that "the authority resulting from the hierarchical relations tends to hide, or even inhibit, the will to live together. Yet the will to live together is the true origin of power."[131] While domination becomes the primary way that power is expressed and thus understood, still the foundation of power is the mythical formation of the political community, which is deemed good.[132] This tension is understood as both the source of legitimate living together and the ever-present possibility of its abuse. To hold politics thus is to grasp its fragility.

This intersection between the formation of a power-in-common and its corruption given in domination indicates a second aspect to political fragility under the concept of

[131] Ricoeur, "Fragility and Responsibility," 20.

[132] Ricoeur, "The Political Paradox." Of course, not all political theorists agree that the initial formation of government should be deemed a good. Thomas Hobbes is a clear example to the contrary. Ricoeur relies heavily on Rousseau, for whom the social contract is at best ambiguous in its goodness. Nevertheless, on this issue, Ricoeur interprets Rousseau positively.

fragility 2. The representative nature of democracy is called into question when the representative enters the altogether different world of politics. “This symptom of fragility, which effects the Western form of democracy, is doubtless related in depth to the paradox of democracy itself, namely that it proceeds from a self-authorized auto-foundation.”[133] While the representative may gain authority by way of election, and thus an individual mandate to make decision for her constituents, under Ricoeur’s conception of the social contract the political order of democracy can point to no other ground than itself. When faced with diverse and even divergent views, from within or without, it stands always on the precipice of failure, requiring for its continuation the assertion of its authority through every available means. Thus, the political paradox of modern democracy feeds a tendency toward the violence out of which it was born.[134]

The tendency towards violence in modern politics is the essence of a third aspect of political fragility that Ricoeur notes. The intersection of the original violence that creates the political and the ongoing exercise of violence through its legitimation in things like the military or police force lead to the fragility of nonviolence. “At this point of equilibrium which characterizes the legal state, political power is defined both as force, inasmuch as it holds the legitimate violence, and as form, inasmuch as it is submitted to the constitutional rule by which the initial violence was humanized and institutionalized.”[135] It is here that Ricoeur comes closest to the argument that Mbembe makes, where it is

[133] Ricoeur, “Fragility and Responsibility,” 21.

[134] The French and American revolutions are the most salient examples of the formation of a state out of violence. The transition of India to independence was violent, while the transition of both Canada and Australia were peaceful. But the latter were nevertheless based on colonial violence.

[135] Ricoeur, Paul, “Fragility and Responsibility,” 20.

violence that characterizes the state, both in its formation and in its persistence. Ricoeur writes, “Residual violence can be recognized in the police force which has progressively stripped citizens of their right to retaliate, of their private relations of violence.”[136] What is one to make of this fragility? Where in fact does the incongruity lie to which Ricoeur would have us attend? In the end, the stripping of individual rights to violent recriminations is not decried by Ricoeur. The police, in Ricoeur’s view, are only an extension of the legitimate exercise of force by the state.[137] It is the emergence of a state out of the grasp of another state that is illegitimate on legal grounds. Thus, the constitution of a society out of violence is illegitimate, insofar as it stands outside of the laws against which it is asserting and establishing itself. Revolutionary wars of independence are clearly illegal with respect to imperial or other types of rule. Yet, in victory, this violence is legitimized through new law that now becomes the basis for governing actions and relations within the new political structure. Fragility in this instance has to do with the nature of the continuing exercise of power in light of the initial act of violence out of which the state is born. At bottom, the concern is about the nature and legitimacy of forms of violence and its legislation, and the continuance of a state without endorsing the kinds of violence out of which it emerged.

Violence does not exhaust the operation of the political, at least under Ricoeur’s analysis. His focus on political and judicial aspects of living together reveal a fundamental uncertainty in the operation of entities that emerge out of or are designed

[136] Ibid., 20.

[137] There is little doubt that corruption and abuses can be found in police departments the world over. Ricoeur is writing of the police in their abstract and most perfect form, the ideal of the police.

for living together. Each institution cannot address all needs, concerns, desires goals, and it is likely, and we have witnessed, that they often represent competing goods, methods, even efficiencies, that lead to struggles and conflict, in an attempt to overcome this uncertainty, to attain to absolute and universal status. One can grasp the resonance that Ricoeur has with Arendt's thought.

> The fragility of human affairs is not, in fact, reducible to the perishable, mortal character of undertakings subjected to the merciless order of things, to the physical effacement of traces, that purveyor of oblivion. (Which is to say the it does not have to do with either the category of labor or that of work, but of action. This is evident in the context of the claim that Ricoeur is making.) The danger has to do with the character of uncertainty that attaches to action under the condition of plurality. This uncertainty is to be related, on the one hand, to the irreversibility that destroys the desire for sovereign mastery applied to the consequences of action, to which forgiveness responds, and, on the other hand, to the unpredictability that destroys confidence in an expected course of action, the reliability of human action, to which the promise responds.[138]

Irreversibility and unpredictability have and can lead to all manner of uncertainty in life with others. As will be shown later, institutions arise out of, or at least respond to this uncertainty by offering stability and continuity; institutions as centers of power-in-common represent both the possibilities of living together and the corruption of that power in domination. Seen in this way, institutions step into the conceptual framework of disproportion under which human being is understood in both its limitations and potential. In this way, life together in institutional form is impacted too by fragility 2. And yet, the fragilities identified by Ricoeur indicate the limitations inherent in institutional life; and the reference to Arendt indicate a caution against the attempted

[138] Paul Ricoeur, *Memory, History, Forgetting*, trans. Kathleen Blamey and David Pellauer (Chicago: University of Chicago Press, 2006), 486–87.

universalization of institutions, or the search for a “God” institution. Here, life with others, mediated through the institutions that are either intentional or otherwise conceived, can set expectations, but not fully obliterate the irreversibility of actions or provide the perfect prediction of the consequences of actions. Life in institutions too, is marked by fragility 2.

No sharp line can be drawn between fragility 1 and fragility 2. Systems of oppression, for instance, that impact bodies and voices are produced in the social realm and operate exactly because of the functioning of particular kinds of institutions. Thus, fragility 1 predicts fragility 2. But fragility 1, in its reference to body and voice, is primarily applicable to the individual. It marks the intersection of the precariousness of human life with the social and political forces that act on that life; we are, as human beings, the fragile, acting and suffering beings, to which Ricoeur points. But the systems that we develop, intentioned or otherwise, to order, promote, a mediate our lives with others are also fragile. They can only imperfectly produce the kind of certainty and stability to which we are driven. The plurality of modern existence, marked by the plurality of systems for living together that ensure an always imperfect and fraught existence, is fragility 2.

Conclusion

It was stated at the outset that the concept of fallibility is best understood as a framework for a dialectic between the possibilities of human evil and human capability. There can be little doubt that, for Ricoeur, fallibility marks the limitations that inhere in

human being with regards to the actualization of our aimed at goods. This is made abundantly clear in his phenomenology of fault presented in *Symbolism of Evil*. What followed in the analysis of capacity focused on the dependency that Ricoeur's ascription of four particular capacities has on an already existing network of social structures and forces. In this way it remains unclear how capacity can be located within a hermeneutics of fallibility. Yet in the notion of the good, present as it is in both human capacity and Ricoeur's anthropology of fallibility provides a link that situates capacity, not in opposition to fallibility, but in opposition to fault, to failing, to weakness, to fragility. This can be seen, perhaps most clearly in the paradoxes that motivate much of Ricoeur's work, notably the political paradox, in which the aim at goodness is marred by the machinations of power. Such a reference gestures towards the field of politics, and thus raises the question of the structures that operate to organize society. As Ricoeur notes in *The Just,* it is within these structures that the actualization of capacities takes place.[139] What the reflection on capacity has revealed is the co-orginary nature of both human capacities and social conditions for their actualization. What is yet required is a careful consideration of these conditions so to adequately apply the ethic that Ricoeur develops. These conditions include the existence of systems, and in a more particular way, institutions that regulate social interaction, establishing a field of meaning that gives substance to our actions vis-à-vis others. It is to this consideration that I now turn.

[139] Ricoeur, *The Just*, 5.

Chapter 2 – Institutions of the Ethical Aim

"The ethical life is a perpetual transaction between the project of freedom and its ethical situation outlined by the given world of institutions."[1]

Introduction

The centrality of the social nature of human fragility and the need to seek justice at the level of the social brings into focus the ways in which institutions are implicated in the possibility that fragility is meaningfully addressed, that is, the possibility for justice. While the foci of Ricoeur's career can be parsed in numerous ways, the above quote suggests a division between freedom and institutions. The "project of freedom" describes his early concern with the human will;[2] the "ethical situation" appears in his latter works and their consideration of questions of justice. As indicated by the use of the term "perpetual transaction," the project of freedom and the ethical situation should not be viewed as mutually exclusive. The language of project is again instructive here, as it suggests an ongoing process, spanning time, and without completion. Hence the central concept of Ricoeur's ethical reflections is given in what he terms the ethical aim: "aiming at the good life, with and for others, in just institutions."

[1] Paul Ricoeur, *Political and Social Essays*, ed. David Stewart and Joseph Bien (Athens: Ohio University Press, 1976), 269.

[2] Ricoeur's Philosophy of the Will is found in the texts *Freedom and Nature, Fallible Man* (which was treated at length in Chapter 1), and *Symbolism of Evil*.

The ethical aim, reflected on extensively in Ricoeur scholarship,[3] contains, in varying degrees of development, many of the elements that concerned Ricoeur throughout much of his career. Each element of the aim raises its own concerns. "Aiming at" is an action that reveals the presence of an agent, thus bringing into focus the need for reflection on a self for which this aim is central. The "with and for others" marks out the fundamentally social nature of human existence, the basic fact of human life as a life that is shared with others, regardless of any desire to the contrary. Even destructive actions often reveal a desire to share life only with a very particular kind of community, with a very narrow set of values or acceptable activities. Thus, terrorist actives are constituted, at least partially, by this shared nature of human life. But the "with and for others" also marks an orientation towards others, those sharing human existence, that rejects the possibility of a narcissistic individualism in favor of a position of charity, or, if that is to strong, at least something more than basic mutuality. What stands between these two, though found at the end of the articulated aim, are the institutions that govern, that indeed make possible, social and political life. Institutions give a sense to life together, protecting it from mere chaos and both holding and creating meaning in this shared life. And, in Ricoeur's vision, it is the institution that

[3] A good, though brief exegesis of the theme appears in Fred Dallmayr, "Ethics and Public Life," in William Schweiker, John Wall, and W. David Hall, eds., *Paul Ricoeur and Contemporary Moral Thought* (New York: Routledge, 2016).

The concept of the ethical aim has also had significant impact in other areas of scholarship. For discussion about the relationship of the ethical to aim to religion, see James Carter, *Ricoeur on Moral Religion: A Hermeneutics of Ethical Life* (Oxford: Oxford University Press, 2014). For treatment of the ethical aim in relationship to nursing, see Lennart Fredriksson and Katie Eriksson, "The Ethics of the Caring Conversation," *Nursing Ethics* 10, no. 2 (March 2003): 138–48, https://doi.org/10.1191/0969733003ne588oa.

makes possible life that is not merely with others but for others as well. That is to say that institutions, within Ricoeur's framework, provide a framework for justice and also open up the possibility of charity.

This important place that institutions have in the ethical theory of Ricoeur is nevertheless betrayed by an ongoing lack of theorization of the concept of institution, which ultimately leads to a lack of clarity with regards to the actual and potential impacts of institutions, both positive and negative. Consider the following questions that will form the basis of much of the argument in this chapter: What does it mean to live well? How is such living affected by the togetherness of human life, both as fact and goal? What role do institutions have in this living well? And more specifically, what role *should* an institution play in the aim of living well if it is to be a just institution? This latter question reveals the need for discerning what an institution is and how it relates to the other elements of social existence, and also determining the ways in which institutions might either aid or inhibit living well; a key part of this assessment is identifying elements or aspects of the just or unjust institution. The issue of a just or unjust institution will have to wait until Chapter Four, requiring as it does a thorough understanding of what constitutes an institution and the nature of its functioning in social life.

Chapter 1 laid the framework for thinking about the human condition. Most important of these conditions for Ricoeur's thought was the fact of social existence, including its implications with respect to the experience, production, and mitigation of human fragility. Building on this framework, this chapter focuses on the conditions under which this nature is addressed. In order to do this, some understanding of the aim is

required and so I will first provide a brief sketch of the "good life," or “living well,” as understood and deployed by Ricoeur. The formulation of this concept begins in the reflections of a self that are analytically distinct from the social framework of which they are a part. But, as was already seen in the previous chapter’s attention to human fallibility, this social framework is vital, both for understanding selves and for determinations of the “good” both at the levels of description and norm. Thus, this analysis of “living well” will necessarily lead me next to a reflection on “living well with and for others,” as articulated by Ricoeur’s ethical aim. Ricoeur’s analysis suggests that his three analytic levels - the self, intersubjectivity, institutions - are connected under the sign of the good. At their corresponding levels, these signs will be shown to be esteem, solicitude, and justice. In order to get at the possibilities for justice, the relationship between esteem and solicitude, and then solicitude and justice will be carefully analyzed. I will show that the relationship between solicitude and justice, in Ricoeur’s analysis, is ill-defined and incapable of providing content to the just institution. Nevertheless, in order to assess the possibilities for justice given under the conditions of human social existence, particularly fragility, it is vital that we understand what Ricoeur means by institutions, and more specifically, what might constitute the **just** institution. The difficulty identified in the movement from solicitude at the interpersonal level to justice at the institutional level will be shown to be amplified by limitations in Ricoeur’s social theorization. This discussion will then form the basis for turning to Anthony Giddens in the following chapter, for assistance in understanding the social sphere with

respect, in particular to institutions. Ultimately, such a move will enable me to modify and even enhance the ethical aim at the conclusion of this dissertation.

Living Well

What does it mean to "live well"? In the previous chapter I showed briefly that, for Ricoeur, to live well, to live the good life, is the live the life that is good for me within a social framework built upon practices.[4] But, since the ethical aim is predicated on an understanding of what such a life is, what is now required is an analysis of the concept of the good life itself.

In a very basic sense, to live well is a reference to the "good life" as Aristotle conceived of it. As any reader of *Nichomachean Ethics* will know, there are other kinds of lives besides the good life. There is the life of politics, focused on the pursuit of honor, fame, glory, and power, and there is also the life of pleasure with its preoccupation with material goods. But the good life, that towards which *Nichomachean Ethics* is the life of contemplation, the ethical life with its various detours and even challenges. Thus, the good life never refers to a life of pleasure, a life of narcissistic hedonistic pursuit. As Ricoeur rightly notes, the good life, for Aristotle, is the ethical life.

Knowing that the good life is the ethical life does not yet say much about what the good life is. Since pleasure is rejected in itself, along with the life of honor and public esteem, one begins to wonder if any content can be given to the "good life" when Ricoeur writes, "In Aristotelean ethics, it can only be a question of the good for us."[5]

[4] See page 97 of this dissertation.
[5] Ricoeur, *Oneself as Another*, 172.

That is, the good life is not good because it is good for others and not me, or good just for others. A life lived at the expense of oneself is not deemed a good life, at least not by these standards. It would be hard to imagine a life of pure sacrifice being deemed a good life, though such possibility might obtain under the most drastic of circumstances and extreme considerations of a whole or completed life.[6] What Ricoeur is highlighting, I think, is that the good is judged by us, determined by us, arrived at by us. It is not something imposed from the outside or applicable to any other than us. What is more, while the "us" refers undoubtedly to a multitude, something that will become important when the social nature of human life is brought to the fore, the us is representative of an entity with the capacity for judging between good and bad. At the very basic level this entity is, for Ricoeur, a self.

Ricoeur asserts the self as constituted through narrative.[7] The self is absolutely vital, in Ricoeur's estimation, as a description of human existence in the world and, more importantly, for the possibility of ethical behavior. But this is not some grand vision of the self, some transcendental entity separable from the world of experience and identical throughout time; this would be the concept of the self that other modern thinkers would challenge and, to a large extent, overthrow. Narrative offers a rebuttal: "Without recourse to narration, the problem of personal identity would in fact be condemned to an antinomy with no solution. Either we must posit a subject identical

[6] The life of a martyr might, in some communities and contexts, be deemed a good life. But this is more about the apex of life; martyrdom could be called a good death, but not a good life. A monastic's life might be deemed good by some standards as well.

[7] Ricoeur is not the only contemporary thinker to argue for narrative as the central constituent element of individual personal identity. Alisdair MacIntyre is another notable thinker emphasizing narrative identity, though is a slightly different way. See *Alasdair C. MacIntyre, After Virtue: A Study in Moral Theory, 2nd ed. (Notre Dame, Ind.: University of Notre Dame Press, 1984)*.

with itself through the diversity of its different states, or following Hume and Nietzsche, we must hold that this identical subject is nothing more than a substantialist illusion whose elimination merely brings to light a pure manifold of cognitions, emotions and volitions."[8] Narrative provides for individuals both meaning and a way of grasping the world in which we live and our experiences of that world. Narrative also enables a moral position through the imputation of action to agents.[9]

In developing his conception of narrative identity Ricoeur draws attention to two central elements. The first of these elements is "discordant concordance."[10] In witnessing, experiencing, and living through events, often even being the central agent in an event, the individual seeks, among other things, to bring a semblance of connection between happenings irrespective of any natural connection. By this, individuals attempt to make sense of the world in which they live by what Ricoeur calls the "synthesis of the heterogeneous."[11] The second element is directly related to this attempt to make sense of things in the world that are logically disconnected. Part of the process of sense-making is putting the world in order, or, in the language of narrative, putting the plot together; Ricoeur calls this "emplotment."[12] It is the telling of a story using existing events and actions as they occur in relation to a character, which, in the

[8] Paul Ricoeur, *Time and Narrative*, trans. Kathleen McLaughlin and David Pellauer, vol. 3, 3 vols. (Chicago; London: The University of Chicago Press, 1984), 246.

[9] Bernard P. Dauenhauer, "Taylor and Ricoeur on the Self," *Man and World* 25, no. 2 (April 1992): 211–25, https://doi.org/10.1007/BF01250538, 219.

[10] Ricoeur, *Oneself as Another*, 141.

[11] Ibid., 141. This idea of the "synthesis of the heterogenous" is related to the "reflexive monitoring of action" that is a central idea in Anthony Giddens' social theory; it will be addressed later in this work. By constantly reflecting on one's social participation, one might be said to be engaged in the formation of a narrative, of sense-making, rather than mere behavior modification signaled by Giddens' concept.

[12] Ibid., 143.

world of human experience and action is the social actor. Thus, Ricoeur argues that, "The narrative constructs the identity of the character, what can be called his or her narrative identity, in constructing that of the story told. It is the identity of the story that makes the identity of the character."[13] On the practical level, I understand myself to participate in a story, the very story that gives me my identity. It is in the process of sense-making in a world that often makes little sense that I emplot my story, thereby cooperating in the formation of a narrative identity.[14]

Reflecting on narrative identity thus described, Ricoeur sought a modification that could more easily account for both the continuity and transformation of the self. In *Oneself as Another* we are introduced to the concepts of *idem* and *ipse* which are central to Ricoeur's fully develop idea of the narrative self. What is sought with these concepts is permanence in time, linking the character of a particular narrative to that same character in a modified or expanded narrative. *Idem* refers to sameness and captures the static character described in narrative; *ipse* refers to selfhood and provides for continuity across time. Sameness, or *idem*, can be understood in four distinct though related ways: numerical identity, qualitative identity, uninterrupted continuity, and permanence in time.[15] The first three exist solely within the realm of sameness, but it is with the latter, permanence in time, that Ricoeur identifies an overlap with selfhood, or *ipse*. The character identified above in narrative identity is representative of sameness;

[13] Ibid., 147–48.

[14] Ibid., 160. The idea of cooperation is important because, as Ricoeur notes, we can, at best, be considered "co-authors" of our stories.

[15] Ibid., 116–18. See also David Wood, *On Paul Ricoeur : Narrative and Interpretation*, Warwick Studies in Philosophy and Literature (London: Routledge, 1991), 188–99.

selfhood is most clearly described by Ricoeur according to the idea of keeping one's word. This latter demands a continuance of the one making a promise and the one fulfilling or breaking that promise in the future. In this way, *ipse* brings into consideration the "Who" of activity, whereas *idem* only addressed the what. A closer look at this distinction is warranted.

The question "What?" reveals the character in that it seeks to describe the actor. "By "character"," Ricoeur writes, "I understand the set of distinctive marks which permit the reidentification of a human individual as being the same."[16] He later qualifies this: "Character … designates the set of lasting dispositions by which a person is recognized."[17] Not only does the character consist of distinctive marks that mark it out from other characters, such as skin or hair color, stature, etc., but it also consists of particular ways of acting in certain circumstances; character leads to the expectations that others have of me. In this latter sense in particular, character is in fact open to change, though any change would have to be slight so as to allow it to pass the test of sameness required for identification. This continuing set of dispositions is Ricoeur's primary focus as he writes, "To a large extent, in fact, the identity of a person or a community is made up of … identifications with values, norms, ideals, models, and heroes."[18] In short, dispositions can be associated with "habits" and "*acquired identifications*," which we might also call "evaluative preferences" or morality.[19] While it is possible to imagine dispositions that may change over time, in Ricoeur's view, they

[16] Ricoeur, *Oneself as Another*, 119.
[17] Ibid., 121.
[18] Ibid.
[19] Ibid.

are generally permanent, establishing the possibility that one can be recognized as the "same" person at different moments in time.

At the opposite pole to *idem* is the concept of *ipse*, referring to selfhood. Here, keeping one's word is representative of the broader idea of "self-constancy."[20] "Keeping one's word," Ricoeur writes, "expresses a *self-constancy* which cannot be inscribed, as character was, within the dimension of something in general but solely within the dimension of "Who?""[21] The response to the question "Who?" is "I." In the context of the promise, the question becomes "Who promised?" eliciting the response, "I did."[22] It is in this response that the promise is linked through time to the promise maker; obviating the absolute continuation of the elements of character described above. The spirit of keeping one's word is manifest in the continuing availability that one shows to the one who receives the promise. "Self-constancy is for each person that manner of conducting himself or herself so that another can *count on* that person. Because someone is counting on me, I am *accountable for* my actions before another. The term "responsibility" unites both meanings: "counting on" and "being accountable for.""[23] Self-constancy, selfhood, in this respect links the narrative self to ethics.

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[20] Ibid., 123.

[21] Ibid.

[22] It is possible to imagine a situation in which the response to the question "Who promised?" is "I did not." In this instance at least to possible interpretations present themselves. First, the one who promised recognizes herself in the inquiry but lies about having made the promise. Here we see an instance of the negative element within the promise, aligning it with the negative interpretation surrounding the golden rule as noted earlier. Hence, we are required to suggest a first a second order promise along the lines of the economies of reciprocity and superabundance. Secondly, there may be a failure of recognition at each level, making it impossible to locate the promise maker. In this instance it becomes impossible to impute responsibility to any actor, effectively nullifying the force of the promise.

[23] Ricoeur, *Oneself as Another*, 165.

This ethical rendering of the self through narrative connects the individual to a particular kind of good. For instance, what is deemed as good in the good life, according to Ricoeur's analysis is alternately denoted by him as "successful" or even "genuine".[24] Successful and genuine serve to ground the good in a life of praxis. "Genuine" conjures the notion of adequacy in representation with respect to an established model for outcomes. If an action or practice can represent a given model according to a certain standard, if that action is engaged in in the correct or established way, or if the intention of the action can be said to align with the end that the standard holds up, then such a practice can be deemed genuine or perhaps authentic.[25] "Successful" implies, among other things, the notion of completion, of having arrived at a given or set goal, having engaged in a particular action. Such is not mere completion, but rather achievement measured against some standard. The ethicality of this "good" life is signaled already in the discussion of narrative self in which the stated aim is, following MacIntyre, for "a subject of action [to] give an ethical character to his or her own life taken as a whole."[26] This is the "good for me."

While this establishes the ethical character of the good life it gives no insight into what it actually is. The above mention of narrative holds some clue to this. The ethical character of the good life emerges out of the adjudication of actions and characters in narrative. Narrative signals an evaluation that is, for Ricoeur, "moral judgment" or

[24] Ibid., 160. These terms arise in a discussion of Alisdair MacIntyre's analysis of practices.

[25] Authentic here should be understood in the general sense of originary and should not be equated with the authenticity to which much of Heidegger's work is oriented, though Ricoeur draws heavily at times on Heidegger.

[26] Ricoeur, *Oneself as Another*, 158.

"explorations in the realm of good and evil".[27] Certainly no absolute right or wrong, good or evil is given in narrative, nor is it necessary. For Ricoeur, narrative contains constant evaluative judgment with respect to the actions, and by extension practices, of the characters, judgments that are then applied to the character of a narrative, whether justly or unjustly.

Thus, the possibility of a "good life" for me is tied directly to a capacity for evaluative judgment regarding my actions and my character. My character is how I think about myself and how others think of me. It is the set of lasting dispositions, of personal qualities and attributes that define how I am represented to the world. Character is tied to action as well in so far as I am the kind of person who acts in a particular way. For instance, one of Ricoeur's favored examples in discussion selfhood is the promise. The promise is a speech act that is related to character where one is viewed as a keeper of promises. The consistent keeping of promises produces and reveals a character of integrity and honesty that becomes a key way of relating to the world. Both action and character are thus dually important for considering the possibilities of and for a good life, an ethical life.[28] It is impossible to attribute the ethical nature of human life to only one aspect of one's selfhood and imprudent to suggest that we can speak of an ethicality of action without also speaking of an ethicality of character.

In Ricoeur's analysis, the capacity for evaluative judgment is articulated by the dual capacities for self-esteem and self-respect. Self-esteem means, for Ricoeur, the

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[27] Ibid., 164.

[28] This dual nature of selfhood is given clear expression by Ricoeur in his distinction between idem (sameness) and ipse (selfhood), covered extensively in *Oneself as Another*. For details on this distinction see the "Introduction."

capacity to judge one's life as good, to see oneself as capable of aiming at a good life and achieving some semblance of that good. Self-respect refers to the capacity to follow rules, to see oneself as capable of doing the right thing in a given situation. In so far as the central focus of this analysis, following Ricoeur, is on the ethical aim - living well with and for others in just institutions - initial attention should be paid to the ethical realm. The concept of self-respect will be raised in considerations of the contributions of the moral realm to the possibility and actualization of the ethical aim.

In order to clearly articulate the multiple aspects of the ethical life it is important to maintain Ricoeur's analytic distinction between the self, intersubjectivity and institutions, shown above to be the three aspects of the ethical aim. But, owing to the entanglement of the self with other selves and with the institutions that are the central concern of this analysis, the maintenance of this distinction is difficult. Self-esteem marks the level of the self that is the good life of the self. The difficulty in maintaining this distinction is apparent immediately in the connecting of self-esteem to practice. Indeed, the reference to practice above that establishes the ethical nature of the good life already betrays the need for situating the self within a social framework, within a conception of the "with others". Nevertheless, a thorough analysis of the self in isolation is necessary for establishing the focal point for the ethic that Ricoeur proposes.

Living Well in Practice

In reflection on narrative identity and ethical identity above, Ricoeur locates the good life in praxis. The good life is about what is practical, not what is theoretical. Which

is not to say that the ordinary usage of practical or impractical are meant. From this one can see that, for Ricoeur, the good resides in the world of practice, the world of action. But to distinguish from what may be intrinsically good from the good life, Ricoeur notes "scales of praxis." These scales form a spectrum on which the notable concepts of practices and life plans can be found.[29] On the one end of the spectrum, individual practices are oriented towards a localized and limited end. However, by virtue of their belonging to a spectrum of praxis, they relate on the other hand, to a broader telos, that of the life plan. Narrativity is a central component of this life plan in its functioning as an ordering methodology for local, minimal, individual, etc., actions that together form a narrative unity of life. The narrative unity of life is closely related to the life plan. The unity signals events already past, conjoined together under a single or singular meaning that is the narrative. This backward orientation shifts to a future orientation with the life plan. The life plan too relies on the past insofar as the past events and meanings structure the possibilities of the present and the future. The plan can be folded into the narrative in that it represents hopes and aspirations for the unfolding of a story of which basic and base practices are the building blocks.[30]

[29] Ricoeur, *Oneself as Another*, 175.

[30] I would say at this point that the placing of practices and life plans on a spectrum of praxis goes a long way to answer at least one criticism of Ernst Wolff, whose arguments will be considered at some length below. Wolff argues that Ricoeur's account of teleological action cannot account for every day, mundane activities. Such actions, Wolff holds, are not properly teleological. But this criticism, in my view ignores much of what Ricoeur has to say about the relationship of parts to the whole in his hermeneutic theory, and also much of what seems to be central to Aristotle's ethics - that activity is habit forming, and it is only in habitual ethical action that we can rightly be deemed ethical. So, while it might be difficult to ascribe a particular mundane action to a life plan that is good, it remains that each action, good or bad, is in fact part of the whole of that plan. See Wolff, "Ricoeur and Giddens," which will form a considerable part of a later analysis in this chapter.

If praxis is at the heart of the relationship between the formation of a life plan and individual actions, it can thus be understood as oriented to the good life. Of course, praxis refers to action, but is it possible to be more specific than that within the framework of Ricoeur's reflections? When seeking out the ethical foundation of practices it is important to note what Ricoeur excludes from this field. He writes, "The unifying principle of a *practice* (profession, game, art) does not reside in the logical relations of coordination…nor in the role of constitutive rules in the sense of game theory and speech-act theory, which, we recall, are ethically neutral."[31] Both logical relations and constitutive rules, while conceptually regulatory, are silent on the issue of good, they lack any foundation in evaluative judgment.[32] In order to give to practice an ethical character, Ricoeur turns to MacIntyre and his "standards of excellence."[33] Standards of excellence, like the evaluation of character under the formation of the narrative self, give to practices their ethical character because of their strictly evaluative nature. The presence of a standard, but more importantly awareness and understanding of it, gives to those engaged in a practice something towards which to aim, and a means for adjudicating the engaged action with respect to that end. In this sense, a "standard of excellence" is a concept that provides an adjudicatory framework for the evaluation of good and bad. Which is not to say that the "good life" is a standard of

[31] Ricoeur, *Oneself as Another*, 176.

[32] Thus, while the rules that make up a game of chess, for instance, an example that Ricoeur himself deploys, are vital for making it the game of chess, they say nothing about what makes a given game of chess good or bad. They most certainly do allow for adjudicating right and wrong moves, for denying that a rook move diagonally, for instance. This distinction between good and right will become important in a later discussion of different kinds of institutions and their functions within a social sphere. But, since Ricoeur is concerned at this stage of his analysis with the makeup of a "good life," with "living well," the rules that constitute and thus govern that life are not of immediate concern.

[33] Ricoeur, *Oneself as Another*, 176. See also MacIntyre, *After Virtue*.

excellence, in the exact sense, but only that standards of excellence provide the means for measuring that which constitutes the good life.[34]

While a "standard of excellence" is insufficient for the adjudication of a good life, it nevertheless contributes to the measure of a good life in two important ways. The first way is in their capacity to provide content to the categorical imperative. They thus link the goods of practice to the moral sphere and the concept of self-respect which will become important when the discussion shifts to proceduralism. More importantly for the present analysis, the second way in which standards of excellence relate to "living well" is by revealing goods internal to a practice. In the above discussion of a scale of praxis, a spectrum was described in which the practical sphere is said to be composed of multiple levels. Embedded within the individual practices are, what Ricoeur along with MacIntyre describe as internal goods. These internal goods are those things which make a practice good in itself independently of a larger telos of which they are a part.[35] This independence does not require that internal goods be non-teleological, but rather constitutes the very teleology of a particular action outside of the plan of life. Thus, an internal good in the practice of skeet shooting would be skilled targeting. Targeting, in

[34] Here one might say that Ricoeur departs from Aristotle for whom we know what the good life is like by witnessing the good person. To my knowledge, Ricoeur never invokes a single or singular standard individual as a standard against which the good life can be measured. This is one of the reasons that Ricoeur locates the initial aim at the good life in the sphere of the self, where the goal is constructed according to one's own wishes and understanding of the world. Only after this can what is deemed "good" be measured against the good of others.

[35] MacIntyre, *After Virtue*, 188. According to McIntyre's definition, goods internal to a practice can only be gained through that practice or a similar practice. With respect to the practice of chess, which is a favorite example of his, internal goods consist of such things as, "the achievement of a certain highly particular kind of analytical skill, strategic imagination and competitive intensity, a new set of reasons, reasons now not just for winning on a particular occasion, but for trying to excel in whatever way the game of chess demands." Any game or activity similar to chess, would produce these same or similar virtues. Other practices would produce a different set of virtues.

this respect, is something absent which skeet shooting cannot be performed well - lack of targeting leads to bad skeet shooting. Targeting may be a part of the good of the larger life plan, but it need not be, especially if being a good skeet shooter has only peripheral meaning in the life plan. Thus, when addressing internal goods, Ricoeur notes that “interest and satisfaction” are central if not primary concepts within this framework of internal goods. Such goods are derivative of the interests that one takes in a given action and are realized in the satisfaction that action, or practice, provides. But it does not end here. Personal satisfaction, even satisfaction at the achievement of one’s interest is expression of the judgment that one is doing well, leading Ricoeur to draw a direct connection between standards of excellence and self-esteem.

Practices, multiplied and extended through time, expand to form a life plane. For Ricoeur, partial action, or individual practices, have a place within the whole: “narrative theory brought us to take into consideration this higher degree of integration of actions in global projects, including, for example, professional life, family life, leisure time, and community and political life.”[36] It is to this same structure that practices and internal goods belongs. But the temporal nature of human life demands that what is good in professional life, family life, one’s leisure activities, and community involvement, is never static, or at the very least does not remain static. Thus Ricoeur, holding close to Aristotle again, invokes the whole of life. As individual practices are merely a *part* of an activity, so individual instances of human interaction are only part of the whole person. Thus, the life plan should not be taken as referring merely to a complete plan, but also to a whole

[36] Ricoeur, *Oneself as Another*, 177.

life. On this Ricoeur notes one of the things that Aristotle is after in his ethical analysis. *Ergon* is the function or task that is unique to human life, it is what makes us specifically human. Furthermore, *ergon* is directly related to practice: "This *ergon* is to life, taken in its entirety, as the standard of excellence is to a particular practice."[37] The ethical character of practice is expanded to encompass the whole of life, making the ethical life a uniquely human life, and the good life a sort of finalization of the project of being human identified in the concept of human fallibility in Chapter 1.

So, what is the good life? Having detoured through a discussion of practices and life plans Ricoeur now gets closest to describing the good life directly. "With respect to its content," Ricoeur writes, "the 'good life' is, for each of us, the nebulous of ideals and dreams of achievements with regard to which a life is held to be more or less fulfilled or unfulfilled."[38] Given the ethical character of narrative identity, the organization of these ideals and dreams according to a set of practices and standards of excellence is given its greatest evaluative form exactly in the construction of a narrative identity. The individual brings together all of her dreams, goals, ideals, under a single, though complex and likely comprehensive aim that is the plan of life.

This plan of life, as noted earlier, is incorporated into a narrative unity of life, ensuring the capacity to adjudicate between good and better, or worse, dreams or ideals, for the constitution of the desired end. But, importantly, the evaluation of these dreams and ideals does not occur in a vacuum, a fact that protects Ricoeur's analysis at this juncture from pure narcissism. The standards by which my practices are judged,

[37] Ibid., 178.
[38] Ibid., 179.

even by me, are not my own. Which is to say that the "good life," the life that I deem good for me, cannot be verified. Self-interpretation, which is, ethically speaking, self-esteem, can only be measured by its adequacy in aspiring to "plausibility in the eyes of others".[39] This will become increasingly important as the analysis moves from the sphere of the self to that of intersubjectivity. For the moment, the provisional and momentary nature of the "good life" at the level of the individual self is of central importance. Pointing to the measuring of one's ideals and dreams, and thus the construction of a life plan aimed at the good life, Ricoeur writes, "This experiential evidence is the new figure in which attestation appears, when the certainty of being the author of our own discourse and of one's own acts becomes the conviction of judging well and acting well in a momentary and provisional approximation."[40] Here we see clearly that the earlier discussion of parts and wholes is never lost on Ricoeur. What is good, what is excellent, what it means to do and act well, are always contingent. Thus, the search for the good life can never be said to have been completed, which is why the ethical aim is just that, an aim.[41]

Living Well "with and for others"

The temporal nature of the ethical aim is revealed in one of the key reasons for the provisional and momentary nature of the good life. It is in temporality that we witness, endure, and undergo constant transformation of our situation, and thus also our

[39] Ibid., 180.
[40] Ibid.
[41] Under the terms of fallibility, discussed at length in Chapter 1, the ethical aim would be a "project." It is in this respect that the aim is never completed.

perspective of what is good for us. Who has had the same goals and ideals since childhood? Further reason for the provisional approximation of living well is the social nature of practices, alluded to above in the brief discussion of the measure of practices according to standards of excellence. The fundamentally social nature of practices brings into view the "with and for others" that proceeds from Ricoeur's initial analysis of the good life at the level of self. Yet, while practices are undeniably social and are placed at the heart of Ricoeur's argument for the ethical character of the practical field, where the collection of practices were organized in terms of a life plan, his discussion of intersubjectivity diverges from a reliance on the concept of practice and life plans. The distinction that Ricoeur makes between ethics and morals leads to a fundamentally different analytical focus at this juncture. When it comes to intersubjectivity, solicitude emerges as ethical orientation par excellence at the level of ethics; at the level of morality norms take center stage. These concepts will be engaged in some depth below, but a few words remain in this analysis of practice.

As has already been noted, standards of excellence reveal the ethical nature of practices. This is because a practice is judged as good or bad with respect to an already established standard. Such a standard is not particular to an individual but to a practice. And a practice is a practice only if it is engaged in by more than one person. That is to say, practices are fundamentally social. Ricoeur writes, "Practices, we observe following MacIntyre, are established socially; the standards of excellence that correspond to them on the level of this or that practice originate further back than the

solitary practitioner."[42] In much the same way that actions do not occur in a vacuum, the standards of excellence by which practices are measured are not derived independently of the social framework organizing the practice. This is, undoubtedly, already obvious. But what is not immediately evident on the surface is that practices have a history. This is given in the identification of standards as prior to any instantiation of that practice, as "further back than the solitary practitioner." This history gives meaning to an action, contributing to the transition from mere action to practice. Thus, it is the particular history of an action or set of actions that makes action meaningful. But while standards provide to practice its ethical character, Ricoeur is careful to caution against the ascription of ethicality to action on the basis of the historicity of action without proper consideration given to the historicity of the standard which is directly tied to the constitution and transformation of a practice within the social framework.[43]

One of the key aspects of standards of excellence that indicates their sociality is their rootedness in a competitive framework. This competition can be seen from at least two fronts. Firstly, there is the competition between practitioners for achievement that is most representative of excellence. Thus, in Olympic sports, for instance, the awarding of medals accords with the highest level of achievement determined through competition. Secondly, and more importantly, there is competition amongst those who would seek to challenge or merely define the standard. Modern presidential elections in the United States have, for instance, broached the question of citizenship requirements for presidents, especially the issue of whether they are natural born or not. The nature

[42] Ricoeur, *Oneself as Another*, 176.
[43] Ibid., 155. Ricoeur notes, importantly, that constitutive rules are not yet moral rules.

of this debate revolves around how to define natural born and thus exercise the highest form of control over this standard against which individual presidents, or presidential hopefuls, will henceforth be judged. Here we are faced with the possibility of a practice in transformation, but also its potential hypostasis. In the case of the question of presidential birth, both court and congress inattention to the issue ensure the continuation of the status quo; nothing changes without some action or activity. In the case of Olympic competition, a standard may be raised, for instance, by the setting of a world record, thus demonstrating the transformation of a standard. But such transformation considers only the final outcome of an activity, not the method or means of achieving it. These latter must be accounted for in consideration of standards, a fact demonstrated by the above discussion of internal goods. Lacking internals goods is tantamount to considering only the outcome of an action, which would make Ricoeur's analysis strictly consequentialist, something it most certainly is not. Competition occurs both within a practice and at its intended end.[44]

If competition reveals the social nature of practices, it nevertheless gives way to the concept of solicitude in Ricoeur's ethics. An analysis of practice led Ricoeur to argue that self-esteem is the desired product of the measure of achievement at the level of the self. Now, at the level of intersubjectivity, self-esteem gives way to solicitude. Solicitude, Ricoeur tells us, "unfolds the dialogic nature of self-esteem."[45] Importantly, solicitude is

[44] The operation of competition within practices and the setting of standards, in all their complexity, reveal the presence of the concept of power, ushering in the need for a reflection on politics that will have to wait until later in this work. Interesting, while Ricoeur notes the competitive aspect within the practical sphere, he does not link such competition directly to political forces.

[45] Ricoeur, *Oneself as Another*, 180.

not added to, does not compound self-esteem. It is not an altogether independent concept operating on fundamentally different terms in order to address life with others. Rather, solicitude reveals that self-esteem, central in identifying the level of fulfillment of the self, is itself dependent on others. Given the social nature of practices and standards of excellence, measuring the degree of achievement requires the judgment of others - my relationship to the standard; the degree of my achievement; the quality of the action leading to that achievement; deviance in method of attaining the goal; etc. This is important because Ricoeur assigns the worth of esteem to capacity and not to achievement,[46] again rejecting the consequentialist focus. In the first place, then, esteem bridges the theoretical gap separating the sphere of the self from the sphere of intersubjectivity.

But what is solicitude? Ricoeur begins his analysis of solicitude by pointing to an ethics of reciprocity, drawing in particular on Aristotle's discussion of friendship.[47] Here, solicitude reveals the lack that the self experiences as it is addressed by the other. In short, the other has something to offer me that I cannot produce myself or attain on my own. This by itself would suggest a narcissistic approach to friendship that is to be avoided; I only need others until I get that which I want or need from them. However, friendship is not one-sided, as the articulation of lack suggests. Friendship is rather two dimensional. Certainly, it begins with the question, already noted above, "what do I need from the other?" Ricoeur writes, "It is first for the other that I am irreplaceable."[48] I need

[46] Ibid., 181.
[47] Ibid., 187.
[48] Ibid., 193.

the other to recognize me, not as a means, but as an end, unique in my being and uniquely capable with respect to the practices that define our shared existence. In short, I need the other to *esteem* me. But the second dimension of friendship is equally important for Ricoeur. It can be articulated by the question, "What does the other need from me?" Here Ricoeur finds resonance with Levinas, for whom the central concept at play is that of responsibility. Responsibility, operative within the organizing concept of solicitude, is what Ricoeur refers to as "benevolent spontaneity".[49] Here, acts of goodness and compassion, acts of generosity arise out of an immediate esteeming of the other. The spontaneity or immediacy is important because it rejects strict reciprocity in that it does not arise out of the reception of esteem from the other. In short, I do not need to be recognized by the other to recognize him. Ricoeur puts it thus, "recognition of the superiority of the authority enjoining it to act in accordance with justice."[50] Here it is merely the presence of the other, the face of the other in the words of Levinas, that makes a demand on me, that cries out against suffering.

These two dimensions, recognizing the other and being recognized by the other, are labelled sympathy and responsibility. They form the two ends of a spectrum, at the middle of which sits, for Ricoeur, the ideal of friendship and its characteristics of equality and reciprocity. Equality and reciprocity are two characteristics explicitly denied by the strict dimensions of both need and responsibility discussed above. It is equality that will find the greatest expression in the operation of the ethical aim at the level of institutions.

[49] Ibid., 190.
[50] Ibid.

For now, we can say that the aim of living well encompasses a responsibility for and to others that is rooted in our human capacities by virtue of the esteem discussed above.

How does one move from the intersubjective level dominated by solicitude to the institutional level? This is an important question raised by Ricoeur's assertion that "The other is also other than the 'you'."[51] A third person is implied here, one that already appeared - causing problems that Ricoeur notes - in his analysis of speech acts in the first part of *Oneself as Another*. It may be tempting to consider the application of solicitude to this third person, this other than 'you'. But this is made impossible by the fact that this third person remains, by virtue of distance and basic lack of interaction, faceless to me. Hence, responsibility, foisted on me by the face of the other seeking a reprieve to suffering, finds no direct correlation. As noted in the introduction to this chapter, this lacking correlation opens up the need for reflection on how solicitude, albeit in a different form, extends to the level of the whole of society, the level of institutions. What is more, if living well already implies a living with, as the analysis of esteem indicates, Ricoeur's definition of institutions as merely "the structure of living together as this belongs to a historical community",[52] is insufficient for marking the good life together, let alone the higher call of justice. It is thus here that I embark on a detailed analysis of the nature of institutions in Ricoeur's work and their relationship to his ethical analytic.

[51] Ibid., 194.
[52] Ibid.

Living Well in Institutions

One of the key ideas coming out of the level of intersubjectivity is that of responsibility conjured by the face of the other. At the next level of Ricoeur's analysis, the level of institutions, face-to-face interaction gives way to a plurality of selves for which the model of face-to-face is inadequate. In the plurality of selves that is society, a multitude of faces ensures that the dialogic of esteem unfolded by solicitude breaks down. As Ricoeur writes, "The plurality includes third parties that will never be faces."[53] Though they will never be faces for me, the fact of their selfhood ensures the requirement of extending the possibility of aiming at the good life to them. But how is the good life extended to the faceless other? The simple answer is through the social framework governing interaction, which relates to the practices and standards that impact others. This social framework is represented in Ricoeur's ethical aim by just institutions. Institutions, then, serve to extend the good life from the intersubjective to the broadly social.

My argument that, in Ricoeur's analysis, institutions are central to attaining justice in society, and that the theorization of such institutions is problematic, is aided by a broad consideration of Ricoeur's deployment of conceptions of institutions. I have limited my analysis so far in this chapter to *Oneself as Another* in order to lay the groundwork for a consideration of institutions. With institutions as the focus of the current chapter, it was necessary to determine, in the most direct and focused way, the foundation on which they are built by Riceour. While the relationship that various

[53] Ibid., 195.

elements of society have with institutions undoubtedly changes throughout Ricoeur's career, it is in *Oneself as Another* that this relationship is given its most thorough treatment. What comes after this text in Ricoeur's oeuvre is less concerned with determining the constitution of the self and the functioning of intersubjectivity than with uncovering the meaning and possibility for justice within an institutionally organized society.

For Ricoeur, the meaning and possibility for justice is theorized differently according to the analytical difference that Ricoeur maintains between morality and ethics. Ricoeur's development of the "little ethic" is organized around a distinction that he makes between ethics and morals in *Oneself as Another*. Studies 7 and 8 deal respectively with the ethical and moral aspects of the spheres of the self, interpersonal relations, and institutions. The two are in fact both competing and complementary, with the resolution of their conflicts appearing under the application of practical wisdom, which is Ricoeur's concluding statement on ethics in *Oneself as Another*.

The distinction between ethics and moral consists in the difference in society between teleology and deontology. Ricoeur articulates the distinction thus: "I reserve the term 'ethics' for the *aim* of an accomplished life and the term 'morality' for the articulation of this aim in *norms* characterized at once by the claim to universality and by an effect of constraint…"[54] He goes on to link the former to an Aristotelean perspective, the latter to a Kantian perspective, both of which are worked out extensively in his argument and figure significantly in the present analysis. The distinction is a very real

[54] Ibid., 170.

one, as indicated by these two leading figures in moral theory, but it is for Ricoeur a conventional one, an analytic tool for getting at constituent elements in the ethical life of a society. But as is already clear, it produces difficulties of language owing to its departure from everyday interchangeability of the two terms. I thus use ethics to refer broadly to refer to the project that this analysis treats, while reserving the idea of an "ethical sphere" to specific discussions of Ricoeur's analytic.

The significance of the distinction is given in its illumination of competing strands of ethical application in broader society, to say nothing of moral theory. Importantly, Ricoeur's argument attempts to bring the two together, to require universality but ultimately subject it to the ethical aim. He writes, "I propose to establish, without concerning myself about Aristotelean or Kantian orthodoxy, although not without paying close attention to the founding texts of these two traditions: (1) the primacy of ethics over morality, (2) the necessity for the ethical aim to pass through the sieve of the norm, and (3) the legitimacy of recourse by the norm to the aim whenever the norm leads to impasses in practice - impasses recalling at this new stage of our meditation the various aporetic situations which our reflection on selfhood has had to face."[55] In following this line of argument, it is helpful to think of ethics and morals in terms of values and rules respectively: the things we aim at are the things that we value; the way we get at those things is by following a set or sets of rules. We organize our lives by aiming at things big and small. This doesn't mean that we all always have a grand plan for our lives; our being able to conceive of a plan, whatever that plan may be, can be more or less

[55] Ibid., 170.

impacted by the current situation in which we find ourselves. Those struggling to pay their bills, living paycheck to paycheck, worrying about a potential medical bill, or not having money to put gas in their cars, will certainly struggle to aim at funding their retirement. In this case, financial security in retirement may be a desire or a hope, but it should not be considered an aim in the sense that Ricoeur is deploying the idea. Nevertheless, whatever present situation one might find themselves in, the things at which they aim in that moment, big and small, reveal that things that they value and that values of human life that they prioritize.

The aims or values that people have should be thought of as the big picture. Rules or norms of constraint are not necessarily in contrast to this picture of aims. As will be shown in Chapter 2, rules very often serve to make possible ones achieving an aim. Taken in their most basic conception, rules and norms in Ricoeur's analysis represent the outlines for a way to get at that at which one aims, the guidelines for achieving particular ends. Such guidelines are important in a social existence, because they provide a level playing field of sorts, establish particular expectations by indicating what behaviors or actions are in or out of bounds. Under this conception, it is clear why Ricoeur subordinates morality to ethics; morality is the means to ethics ends. But it remains that morality in this conception is the most basic way of getting on in society as its universality ostensibly tells everyone how to get on together. It is only in the hard cases, where universality breaks down under conflict or complexity, that Ricoeur's analysis finds ultimate recourse in the values held most dear in a society. In the end, morality must give way to ethics via practical wisdom.

One might get the impression from way that Ricoeur constructs his analysis that institutions in particular are vehicles of morality and not ethical elements in society; this is not the case. While it is often difficult to see in Ricoeur's analysis how institutions fit into the ethical sphere that he develops, they nevertheless remain always vehicles for the protection and furtherance of a particular set of values, which, as was noted above, reflect a particular picture of the aim of society. What follows is a consideration of the distinct possibilities for justice in institutions given this important analytical distinction.

Institutions and Rules

One of the primary ways of conceiving of institutions is as a rule-based organization. Such an organization is both rule-structured and rule-enforcing. This is the first conception of institutions that one finds in Ricoeur's work. Ricoeur's early reflections on institutions emerge out of a concern about the atrocities of the Second World War and the looming threat of global nuclear annihilation owing to the arms races of the Cold War. Thus, he quickly merges his depth analyses of human action and freedom, not to mention fallibility, with broader reflections on the relationship of such freedom and action to social and political structures.

In his collection of essays entitled *Political and Social Essays*, Ricoeur specifically links human action to institutions. He writes, "The key concept of this new conceptual framework [that going beyond the action of the individual], it seems to me, is that of *institution*. It covers all kinds of social bodies in which the individual plays a role in accordance with *rules* which prescribe a behavior which contributes to the functioning

of the whole body. It is mainly because man belongs to institutions - professional, social, political, religious institutions - that he appears as a rule following animal."[56] Rules are at the heart of institutions. Not only is the fact that institutions are rule based emphasized here by Ricoeur, but rules are argued to be the only sense-making mechanism of institutions. Human social behavior only makes sense according to the existence of institutions that provide rules for sense-making. Room is given to the possibility of other meaning-making structures, by virtue of the claim that institutions are only the central operative concept in the meaning of human interaction. However, such other structures remain, at this juncture, secondary to institutional rules. The primacy that Ricoeurs gives to a rule-based understanding of institutions is already undercut by him when he, in *Political and Social Essays*, acknowledges that this very rules approach emerges from the behaviorism of B.F. Skinner and is thus unable to adequately address the social nature of human existence.[57]

This limiting of rules-based conception of institutions finds greater expression in *Oneself as Another*. In Study 7 on the ethical aim we find Ricoeur's clearest definition of institutions, which furnishes the basis for his analysis in that text. "By institution we are to understand here the structure of *living-together* as this belongs to a historical community - people, nation, region, and so forth - a structure irreducible to interpersonal relations and yet bound up with them in a remarkable sense which the notion of distribution will permit us later to clarify."[58] Here a number of things are of particular

[56] Ricoeur, *Political and Social Essays*, 158. Emphasis in original.
[57] Ibid., 46–67.
[58] Ricoeur, *Oneself as Another*, 194.

note: 1) institutions are structures, and 2) they are embedded within a temporality, which is to say they are historical, and they lead, in the theoretical realm at least to the "theme of distribution."[59] The issue of structures is not immediately addressed by Ricoeur in *Oneself as Another,* except in so far as the norms of the moral sphere serve to structure the practical life, something that will be addressed later in this work. Temporality, in contrast, is clearly at work in the organization of practices and the development of standards of excellence. Distribution, which arises out of Ricoeur's reflection on the ethical aim but finds its greatest expression in the moral norm, will again be addressed under a modified definition of institutions, appearing later in *Oneself as Another*. This first definition provides a sort of plan for deciphering Ricoeur's approach to institutions throughout the work.

It might seem that the above definition does not in fact counter a rules-based conception of institutions, but rather promotes one as most accurately representing the historical institutions. But Ricoeur immediately addresses this concern: "What fundamentally characterizes the idea of institutions is the bond of common mores and not that of constraining rules."[60] The rules that formed the core of institutions in Ricoeur's earlier work are now rejected, and if not rejected outright, then swept aside in favor of a new center for institutions. Importantly, rules at this juncture are noted for their constraint, rather than their making freedom possible, as might be the case in the constitutive rules of games or practices noted above. Immediately one sees the interjection of an ethical element into the institutional frame. This ethical element is

[59] Ibid., 227.
[60] Ibid., 194.

given the title of common mores, values, shared values following the model of practices that are embedded in and constitutive of an existing social structure. As practices are shared, along with the standards for their measure, so too are values shared. Sharing, then is at the heart of living together, and what is shared is largely values. But Ricoeur addresses the institution at greatest length in his analysis of the moral norm with its characteristic absence of value. In order to show both the importance of the institution to Ricoeur's analysis and support my claim that inconsistencies in his theorization lead to a breakdown in considerations of the just institution, I will look first at the institution under the norm, which will effectively lead back, in a sort of hermeneutic circle, to the importance of shared values.

In Study 8 of *Oneself as Another*, entitled "The Self and the Moral Norm," Ricoeur refers back to the definition of institution given earlier in the text (quoted above) and makes a couple of important additions. He writes, "By institution, we meant the diverse structures of wanting to live together, which, to this end, secure duration, cohesion, and distinction."[61] These additions, duration, cohesion, and distinction, will be shown to be of fundamental importance to an understanding of institutions not only at this level of the moral norm but also, later, at the level of the ethical aim. At the level of the moral norm, they demonstrate that institutions, following a discussion of procedurals, become the means for distribution. Thus, the "how" of distribution becomes central and replaces the "what," the thing(s) to be distributed.

[61] Ibid., 227.

This shift occurs as a result of the singular focus of the deontological perspective, given expression now as the rule of justice.[62] Now the "rule" of justice can be taken to mean a number of things. It can mean that justice rules or is a ruler, in the sense of sovereign. This would require that justice prevail in the practical sphere such that it would make sense to consider justice the dominant operative concept by which a society is organized. While this could certainly be a goal, or perhaps only a utopic vision, it is clear that Ricoeur is not suggesting that justice rules in this way; his is an approach aimed at expanding justice. More likely, given the "principles of justice" that Ricoeur discusses here in *Oneself as Another*,[63] the rule of justice should be taken to stand for the organizing prescriptions and proscriptions by which justice can obtain. That this is the case becomes clearer yet when what follows in Ricoeur's analysis is a discussion of rules as procedure. He writes, "we can state that it is in a strictly *procedural* conception of justice that a formalization such as this reaches its goal."[64] Ricoeur takes Rawls' point to be that the goal of political liberalism is the formal establishment of a procedure for determining justice and adjudicating its application. Beyond the procedure nothing can be said about justice. By this Ricoeur situates

[62] Ricoeur is here closely following John Rawls.

[63] These principles of justice are those developed by John Rawls. While Ricoeur primarily uses *A Theory of Justice*, the two principles of justice, from which is derived the principle of maximizing the minimum portion of distribution, are also found in *Political Liberalism*. The principles are: "a. Each person has an equal claim to fully adequate scheme of equal basic rights and libraries, which scheme is compatible with the same scheme for all; and in this scheme the equal political liberties, and only those liberties, are to be guaranteed their fair value. b. Social and economic inequalities are to satisfy two conditions: first, they are to be attached to positions and offices open to all under the conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least advantaged members of society." John Rawls, *Political Liberalism* (New York, N.Y.: Columbia University Press, 2005), 5–6.

[64] Ricoeur, *Oneself as Another*, 227.

himself, as I have note below, quite firmly within the contractualist tradition occupied by Rousseau, Kant, and Rawls.

Like the continuity furnished to the transition between self and intersubjectivity by the concept of esteem, Ricoeur uses the concept of distribution to give continuity in the shift from intersubjectivity to the institution. Again, using Aristotle, Ricoeur notes that institutions are indispensable for their mediating function. He writes, “it is always in relation to external and precarious goods, in the context of prosperity and adversity, that the vice of always wanting to have more - *pleoniexia* - and inequality are determined. Now these evils and these adverse goods are, precisely, goods to be shared, burdens to be shared. And this sharing cannot help but pass through the institution.”[65] The goods present in society are finite and thus lead to conflict that requires the institution for its resolution. Solicitude is ostensibly insufficient for meeting the needs of conflict resolution because the constant overlap of the public and private places distributive justice beyond the intersubjective. This, Ricoeur suggests, is sufficient to give continuity to the transition from the intersubjective to the institutional.[66]

Ricoeur goes on to argue that distribution mediated by institutions effectively repudiates any claim that the individual relates to society in a simplistic way. Following Durkheim, Ricoeur asserts that society is irreducible to a sum of its members, but that can society be viewed as an entity supplemental to the collection of members. Thus, Ricoeur writes, "An institution considered a rule of distribution exists only to the extent

[65] Ibid., 199.

[66] This claim is questionable, as was discussed briefly in the introduction. The argument that follows below attempts to overcome these limitations.

that individuals take part in it."[67] Ultimately, this conception of distributive justice will enable Ricoeur to highlight equality as the core of justice, perhaps elevating equality to the level of a central value. This latter possibility signals the potential link between the institution and his ethical aim. Indeed, with the core of justice expanded beyond procedure and into values, the emphasis for institutions can now be common values, and more merely rules. But Ricoeur is ambiguous with respect to his own move to and emphasis on values. Already in his analysis of the self vis-á-vis the good at the level of the good, Ricoeur refers to the institution as a "rule of distribution," strongly indicating a procedural core that is the basis of a discussion of institutions at the level of the moral, that is, in the sphere of the right. Thus, one is left wondering whether in fact institutions can fall within the sphere of the ethical or whether they are merely procedural tools to be limited to the sphere of morals.

The extension of institutions into the sphere of ethics and the good is largely driven by the limitations of the procedural nature of institutions at the level of morals. In his study on the moral norm, Ricoeur signals this by again addressing distribution. He writes, “On the one hand, every allocation of shares can be challenged - especially […] in the context of unequal distribution. On the other hand, to be stable, distribution requires a consensus about the procedures for arbitrating among competing demands.”[68] In order to address these “procedures” Ricoeur rehearses Rawls’ theory of justice and its method for determining the principles of justice that Rawls promotes. In the end, Ricoeur comes up against the circularity of Rawls’ argument, claiming that

[67] Ricoeur, *Oneself as Another*, 200.
[68] Ibid., 233–34.

Rawls' theory ultimately must presupposes an inherent sense of the good, a sense of justice, something that Ricoeur carefully places under the sign of the ethical aim and, thus, teleology. Only by assuming a sense of what is good an one's legitimate orientation to some form of that good can principles of justice or rules of justice be developed. Identification of a circularity and a discussion of the limits of proceduralism seem to bolster Ricoeur's argument that institutions are first and foremost about shared values and not rules.

What does this mean for my consideration of institutions in Ricoeur? Is the concept of rule, closely connected to that of constraint, to be jettisoned? One question that can be posed is, how does Ricoeur's model of the institution fit with sociological definitions of institution? Here, Jack Knight's distinction between the a "commonality" model of institution and a "determining benefit" model is instructive.[69] The former model represents common interests working towards common goals; the latter views institutions as tools for the exercise of power by the strong over the weak in order to maximize the strong individual's or group's benefit. This, according to Knight, is better representative of the way in which institutions actually work in our society, that is, or so Knight argues. The "determining benefits" model of institutions emphasizes conflict and struggle over cooperation. While Ricoeur clearly elevates shared values over rules, a reflection on the role that conflict plays in Ricoeur, by way of a consideration of the nature of constraint is a fruitful area in which to determine the efficacy of this judgment, in particular because the seeking of justice is often a response to violence.

[69] Jack Knight, *Institutions and Social Conflict,* (Cambridge: Cambridge University Press, 2004), 49.

Ricoeur's submission of constraining rules to shared values in conceiving of institutions raises the question of what is being relegated secondary importance. Consider the idea of constraint. Constraint can be taken in at least two ways. It can be viewed as limiting freedom by acting as an obstacle to some action. Here constraint carries implications of conflict, coercion, possibly manipulation, that may produce a conception of institution as oppressor. On the other hand, constraint may be viewed as holding in, in the sense of providing a boundary required for some sort of action. Here the constitutive rules of games, discussed at some length by Ricoeur present themselves as constraining rules that provide the framework of meaning without which a game would make no sense. Indeed, such rules do not allow just any action whatsoever, only those actions defined by the game. Without the rules there would be no game, or at least not that game, and in this sense constraining rules are wonderfully freeing, they enable play. I would contend that Ricoeur would tend towards this latter conception of constraining rules, but that the former also is a part of the institution so conceived by him.

Now conflict and struggle appear at both the ethical and moral levels[70] and are thus part of the system of shared values *and* that of rules. At the ethical level, conflict is apparent in the process by which standards of excellence emerge as a measure of

[70] As noted above, Ricoeur takes as his convention a distinction between ethics and morality. "I reserve the term 'ethics' for the aim of an accomplished life and the term 'morality' for the articulation of this aim in norms characterized at once by the claim to universality and by an effect of constraint." *Oneself as Another*, 170. For clarity of analysis I will maintain this distinction throughout this paper. However, owing to his characterization of the whole project as a "little ethic" and the falling away of the noted distinction in later works it is at times difficult to clearly distinguish between the two. Thus, when neither ethics nor morality are meant in their specificity I will use the term ethico-moral. The weight of this division will become apparent as the analysis of this paper is developed.

judgment from a community of practice. For Ricoeur, that there is an inherently controversial aspect embedded in practices is due in part to their competitive nature. It is in the vying to be the best, but more, in the jockeying for the right to determine the standard by which an action will be deemed excellent, that shared values emerge out of conflict.[71] The conflict then, and not the values per se, make necessary the institution by which those values persist as part of a community through time. The constitutive practices of a historical community, including practices surrounding the articulation of that history, are the product of competition of varying degrees of agonism. With respect to the form and content of a community narrative, on can say that there are different ways of telling history, even different histories. Important for Ricoeur's ethical sphere, commonality wins out over competition and thus becomes the justification for his claim that institutions must be viewed primarily in terms of what is shared amongst those who exist within them.[72]

But the experience of competition ensures that conflict remains. The institutional structures of society as Ricoeur conceives of them serve to mediate conflict. Conflict is directly addressed in his essay "Capabilities and Rights," found in *The Just*. Here Ricoeur follows Hegel in characterizing relationships with others as the seeking of recognition. And while Ricoeur is hesitant to use the idea of struggle that is demonstrated in its extreme form in Hegel's master/slave dialect, he nevertheless

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[71] Ibid., 176.

[72] Ricoeur draws heavily on Alisdair McIntyre's discussion of practices for this conception of competition. For MacIntyre, tradition is an argument through time. Tradition and institution are not th same, but they exhibit many of the same characteristics, notably competition between values and extension through time. An analysis of MacIntyres thoughts on institutions appears in Chapter 4 of this dissertation. See Alasdair MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame: University of Notre Dame Press, 2008), 12.

argues that one's denial of recognition to another marks an injustice that calls on the institution for rectification. At an abstract level, the institution of law in particular exists to mediate relations and to resolve conflicts defined by insufficient recognition of one's person.[73] Thus at least some institutions that are primary in Ricoeur's analysis are predicated on conflict. This is further verified when Ricoeur continues specifically with institutions: "The same conflictual situation may be seen at work in the successive levels of institutions implying personal participation and governed by rules embodying the historical heritage of shared values, such as those of family, of social interacting, and culminating in the State characterized by its constitutional structures."[74] Ricoeur is here demonstrating that institutions mediate relations by way of values-based rules passed down through history. Both values and rules, then, together provide the grounds for institutional adjudication of conflict.[75]

In a more roundabout way, Ricoeur arrives at the conflictual nature of institutions in the penultimate study of *Oneself as Another.* Having detoured through tragedy in order to demonstrate the conflict of rules with one another on the moral plane, Ricoeur rehearses his point that the concept of distribution illuminates an inherent conflict, namely its equivocalness based on the distinction between "share" and "sharing."[76] This equivocalness is expressed two possibilities for the idea of sharing. There is, on the one hand, the idea of sharing is something, of being a part of an institution, as Ricoeur puts

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[73] Ricoeur, "Capabilities and Rights," *The Just* (Chicago: University of Chicago Press, 2000), 23.

[74] Ibid., 23.

[75] Recognition of the person means, among other things, recognition of their capacities and the goods they determine for themselves within their particular community. This community will be a part of ever larger communities until we arrive at the level of all of humanity. Recognition of the "goods" of others clearly links the institution as mediating structure to both ethical and moral spheres.

[76] Ricoeur, *Oneself as Another*, 200.

it. On the other hand, one can receive a "share" of something, making one a recipient in a system of distribution. These two are not mutually exclusive, Ricoeur thankfully notes, but it is the way that shares are distributed that determine the way in which one can be said to participate in the system, to share in the institution. While this equivocalness can be overcome, as just demonstrated, it is made worse, Ricoeur suggests, by Rawls' formalism that effectively glosses over differences in interest.[77] While considerations at the level of the moral norm, as noted above, give precedence to "disinterested interest" and its tendency to individualism, distribution reveals itself in this respect in both commonality and conflict, shared values *and* constraining rules.

It is perhaps not surprising, given Ricoeur's penchant for dialectics, for his ethical reflection to bring together two competing viewpoints under a single organizational framework. Ricoeur's prioritization of the field of values, however, ensures that values and rules do not form a strict dialectic in his thought. In his analysis of Ricoeur's ethic, Ernst Wolff argues, using the definition of institutions found in Ricoeur's study on the ethical aim, that the content of the structure of living together are in fact common values. Wolff goes so far as to argue that under Ricoeur's model, institutions are exactly common values but that this definition is contradicted by Ricoeur's own analysis.[78] By following Rawls, Wolff contends, Ricoeur ends up making institutions both the rules and the means for distribution. But this criticism ignores Ricoeur's argument regarding the shortcomings of Rawls' position in which the reduction of justice to a procedure for distribution is found to be grounded in certain value or values. A better conclusion than

[77] Ibid., 250.
[78] Wolff, "Riccœur et Giddens," 106.

the one proposed by Wolff, I contend, is that values form the content of institutions while rules - both constitutive and constraining - form the means for the distribution of those values. Distribution in this sense would be the ensuring of durability, cohesion, and distinction marked out in the definition of institution applied by Ricoeur to the moral sphere.

Regardless of the limitations of Wolff's criticism, based on what would appear to be an oversight of the importance of Ricoeur's analytic distinction between the ethical and the moral, Wolff provides a significant avenue for criticizing the prioritization of shared values. Central to his argument is that the description of institutions in terms of shared values is both insufficient in itself and also an incomplete picture of the complexity of institutions operative in Ricoeur's work. To this end, Wolff notes two key concepts: forgetting and authority.[79] Forgetting is taken to be a lack of consciousness, a lack of awareness of whom one is, what one is capable of, and not the loss of consciousness that forms an important part of Ricoeur's theorization in *Memory, History, Forgetting.*[80] Authority is more important than memory, both in Wolff's analysis and my reading of Ricoeur.[81] Importantly, for Wolff, institutions, as Ricoeur writes about them, are not only about the durability of values but also the transmission of authority across time. What Wolff means by this is that institutions should not be considered as bearers of tradition (as is the case in MacIntyre), nor protectors of practices (as Ricoeur borrows from MacIntyre), but as concerned primarily with the protection and advancement of

[79] Ibid., 108–9.
[80] Loss of consciousness already appears in Ricoeur's *Time and Narrative*.
[81] See Chapter 1 above.

authority. Thus, according to Wolff, institutions would be thoroughly political. What sense could be made of institutions outside of politics? Wolff asks exactly this question[82]. However, the successful unification of rules and values under a single dialectic, for which I am arguing, retains the broader conceptions of tradition and practice, making politics only a subset of the much larger conception of institutions; not all institutions are first and foremost about power.

For his part, Ricoeur rejects, at least implicitly, a strictly political conception of institutions. For him, all manner of historical communities are designated institutions. "We may […] consider, nations, people, classes, communities of every sort as institutions that recognize themselves as well as others through narrative identity. It is in this sense that history, in the sense of historiography, can itself be taken as an institution destined to make manifest to preserve the temporal dimension of the orders of recognition we have been considering."[83] These orders of recognition are the "large-scale organizations that structure interaction," and can alternatively be referred to as social systems.[84] While it is clear that this mention of institutions relates to earlier moments in its consideration of institutions as social structures, it complicates the concept of institution by extending it to all manner of community that can be constituted narratively. But if one considers by this, that every community is in fact an ethical community, something that Ricoeur does through the attribution of judgment to narrative, the problem becomes one less of breadth than one of the designation of just.

[82] Wolff, "Riccœur et Giddens," 109.
[83] Ricoeur, *The Just*, 7.
[84] Ibid., 6–7. Such systems include: "technical systems, monetary and fiscal systems, juridical systems, bureaucratic systems, pedagogical systems, scientific systems, media systems, and so on."

The reference to narrative identity addresses the possible critique that Ricoeur's conception of institutions problematically attempts to account both for the origin of institutions and their already always existing. Johann Michel is a central figure in Ricoeur studies worrying about this potential contradiction. In his study, "Le sens des institutions," he addresses this question directly. The concern arises out of a tension that Michel notes in Ricoeur's work between a sociological conception of institution and a phenomenological one. A sociological conception of institutions is obtained from Weber and proposes that institutions emerge out of and are derived from already existing institutions. A phenomenological conception of institutions, in contrast, understands institutions as emerging out of intersubjectivity. The question that Michel raises is whether these two conceptions used by Ricoeur are actually compatible. He writes, "si les institutions dérivent toujours d'institutions antérieurers, on ne voit pas comment elles pourraient en même temps reposer entièrement sur un fondament intersubjectif, tout nouvel échange intersubjectif supposant l'existence du toujours déjà d'institutions préalables."[85] By combining Weber with Husserl, as Michel details, Ricoeur seeks to combat the threat of a totalitarian conception of institutions deemed to follow from Hegel's universal spirit. But this leads to what Michel uniquely identifies as an apparent contradiction, or at least a tension between the necessity for institutions to already exist in order for social action to be meaningful and the necessity for institutions to emerge out of and respond to particular social needs and desires.

[85] Johann Michel, "Le sens des institutions," *Il Protagora: rivista di filosofia e cultura.*, 6, 39, no. 17 (2012): 105–17: 111.

As Ricoeur's work stands, and as Michel astutely notes, institutions are both derived from already existing institutions but also fundamentally constituted intersubjectively.[86] Ricoeur leaves this tension unanswered insofar as he goes with Rawls in thinking of institutions as primarily oriented towards distribution. But as we have seen, the distributive nature of institutions remains in question even after Ricoeur appeals to Rawls, exactly because of the desire to emphasize values over rules. Even without an analysis of a procedural justice, dominant in the moral sphere, this tension is not resolved in Ricoeur's work. It is retained because of the analytic distinction between the intersubjective and the institutional realms.[87]

Michel's analysis is instructive in that it directs us back to the relationship between the spheres of intersubjectivity and institution. As was shown above, the lack of conceptual continuity between the two is a significant problem for understanding the role and function of institutions within Ricoeur's ethic. But the tension between the sociological and phenomenological conceptions remains productive. By suggesting that institutions are both pre-existent and emergent, Ricoeur is combatting the potential hypostasis of the social order, for which Ernst Wolff criticizes him.[88] In Wolff's criticism, one forgets that they are participants in the institutions constituting society; what is is taken as merely a fact and the social order is hardened. The presence of emergent institutions in Ricoeur's writings allows more readily for ongoing participation by social

[86] Ibid.

[87] This tension may not be particularly problematic for Ricoeur if one considers his treatment of origins. He insists that any appeal to origins is mythical at best, something made clear in his analysis of an original contract along the lines of Rousseau. See Ricoeur, "The Political Paradox."

[88] Wolff, Ernst. "Ricœur et Giddens," 108.

actors in the formation of society. With his historical view of society and institutions Ricoeur seems, at least in his later analyses, to be engaged with exactly this problem that Wolff locates in the concept of forgetting; a conception of institutions grounded in shared values cannot account for change and transformation, only the protection of the status quo because of its lack of awareness. Since institutions are commonly viewed as presenting established procedure and standards for the completion of tasks, any activity or attempt at completing tasks outside this framework necessarily fall outside of the institution. Institutions, in this model, cannot be agents for social transformation. Thus, we might be able to say that forgetting is at the heart of institutions as they mindlessly ensure continuity but are left questioning whether forgetting is at the heart of just institutions.

Now, with forgetting, the idea of authority returns too with a vengeance. Authority, linked to the idea of time embedded within any possibility of forgetting, establishes both the values and rules that constitute institutions and then maintain their stability and durability through history. These two themes, stability and durability are linked by Ricoeur to a discussion of institutions vis-à-vis tradition.

The idea of tradition gestures back towards the earlier discussion of practices because, among other things, tradition refers to certain activities done in a certain way. Practice is important in revealing the values shared by a community, but it is in the perdurance of practices through time that brings the importance of the institution into focus. Now, an institution has been defined by MacIntyre as a “bearer of a tradition of

practice or practices."[89] The institution serves to ensure the persistence of a given practice, or practices, through time. Regardless of how these practices came into being, or why they were decided as worthy of protection, or what the standard of excellence that measures success within a practice is, or even how the practice relates to the broader sphere of practices. Tradition ensures a semblance of stability such that these practices are recognizable in a different time as belonging still to a community. More importantly, a tradition is directed in its historical movement by a distinct set of goods. This definition is commensurate with Ricoeur's position insofar as shared values mark the goods established by the community of practice. It is thus reasonable to read Ricoeur as characterizing the institution as a "bearer of shared values."

Institutions are thus carriers of shared values. Does this contradict what was said earlier using Wolff, that institutions are not about tradition but about the transmission of authority through time? Here it is necessary to look beyond *Oneself as Another* for new ways of understanding institutions. In his essay "Capabilities and Rights," Ricoeur assigns to institutions responsibility for providing "stability and durability" to the process of recognition, operative, in this instance, primarily at the level of the legal system.[90] This means that institutions, in Ricoeur's view, should ensure that the capacities of individual selves, and the collections of goods agreed upon within a community should be recognized as such, under the above discussed concept of esteem. That is, the values of the individual are emphasized, and, in so far as those values are shared with

[89] MacIntyre, *After Virtue*, 222. Ricoeur relies heavily on MacIntyre's conception of practices and especially the notion of "standards of excellence" as the identifier of the value shared within a given community of practice. See in particular "Study 7" in Ricoeur, *Oneself as Another*.

[90] Ricoeur, "Capabilities and Rights," 21.

others in a group, the values of the intersubjective sphere are protected as well. But is the emphasis on stability and durability, or is it on the values that are recognized? As has been shown, Ricoeur places values at the heart of institutions, but the characterization of institutions in terms of stability and durability is significantly problematic.

One of the difficulties raised by assigning roles for stability and durability to institution, if institutions are about a collection of values, is the fact that the values of a community, its traditions, are rarely stable and certainly not static. It may, in fact, be the responsibility of an institution to repair a tradition or to guard it in a moment of weakness from external and even internal threats. This latter brings into focus the conflictual aspect embedded in the concept of institution while also linking the durability that is a central temporal characteristic with the stability that is intended to garner the continued following of a community. Such a notion of community following can be understood as assent to authority. With this in view it becomes clear that the political realm provides the easiest view to reflect on the impact of instability on a community. Challenges to authority are made in the form of vigorous questioning of leadership, severely opposing legislative agendas to the point of crippling governments, or outright resistance to actions seeking to maintain government control, to name a few. Fundamentally, what is required for the stability of government is the recognition by the people of its legitimate authority, or the capacity of the government to affect the acquiescence of its people absent such legitimacy.

Since this is the case, it is clear why Wolff, reading Ricoeur, characterizes institutions in their historical aspect as concerned, not with the transmission of tradition through time, but rather with the preservation and transmission of authority. Here we find at the heart of institutions the exercise of power. The legitimacy of an exercise of power, as was seen in the previous chapter, is linked to the legitimacy of the claim to authority. The justness of an institution, then, it would seem, must be linked to the legitimacy of the claim to continued authority, using the model of institution as a transmission of authority proposed by Wolff. But because Ricoeur does not engage in a thorough reflection on legitimacy it is never clear exactly how the solicitude of the interpersonal relations is directly related to institutional justice, a problem that I will address through the use of Anthony Giddens in the following chapters. Furthermore, the continuity of institutions can be found in the claim that institutions are by their very nature historical entities, along with communities, peoples, classes, nations, etc.,[91] by virtue of which Ricoeur assigns to them narrative identity. Narrative identity, as we have seen above, allows for transition and transformation over time, for the emplotment of events into a coherent framework of meaning. That narrative is the means for the introduction of ethical and moral value is again important. The institution, having a narrative identity can be judged just or unjust. But we have yet to identify the content of such a judgment, as well as the content of a such an identity. Ricoeur does not provide this for us, but it would seem that authority is central to the identity of institutions. And, adding to Wolff's argument to this end, considerable attention must be given to the

[91] Ricoeur, *The Just*, 7.

capacity for institutions to transform, to change, to adapt. Thus, the durability and stability functions of just institutions cannot be merely about protection from the forces of change.

Institutionalization

The idea that institutions are about more than the protection of the status quo is given credence in a brief section of one of Ricoeur's last published works. He briefly takes up institutions in *Memory, History, Forgetting*. In a short passage embedded within a lengthy discussion of history and historiography[92] Ricoeur introduces the term "institutionalization," contrasting it in effectiveness to the term "institution." Here he writes, "The major uses of the idea of an institution - as juridical-political; as an organization functioning in a regular manner; as an organization in the broad sense tying together values, norms, models of relations and behaviors, roles - lead to the idea of regularity. A dynamic approach to the constituting of the social bond will then surmount the contingent opposition between institutional regularity and social inventiveness, if we speak of institutionalization rather than of institutions."[93] This passage is instructive in at least two important ways. Firstly, Ricoeur never defines institutionalization but intimates that it signifies a sort of unity between regularity and change, between stability and durability on the one hand, and growth and transformation on the other. Here exactly Ricoeur is answering the worry that institutions

[92] In this larger passage Riceour traces a shift in historical projects away from a focus on mentalities to one on representations, which he describes as a transition in scholarship from ways of thinking to ways of communicating.

[93] Ricoeur, *Memory, History, Forgetting*, 220.

are anti-historical entities, so to speak. Institutionalization offers a tool to discuss the possibility of social transformation without altogether jettisoning a theory of institutions, as discussed above, organized around the protection of shared values and operating on the basis of a system of rules. If the values that are shared are to change, if one value is discarded in favor of another, or if one value is merely demoted in status in favor of another, be it by natural social evolution or direct action by members of society, institutions can be part of that change.

On the issue of the participation of institution in social change one is aided again by Wolff. His contention that institutions are about the transmission of authority, not the transmission of tradition is again insightful. Specific value and specific practices making up tradition are not what are important, they are not necessarily subject to the protective strategies that are deemed to be part of the institution taken as grounded in practice. This is important because it reveals that where authority lies, so too lies the capacity for determining a hierarchy of values and practices by which contemporary society will be organized. But this means that the location of authority can also determine the nature of its attempted transmission through time. Thus, an authority invested in a given set of values and/or practices may, in order to preserve itself, engage in activities aimed at the protection of those value, over any other set of values that may be more representative of a transformed or transforming field of sharing. In this sense, “institutionalization” is at once descriptive and also prescriptive. It is descriptive in so far as adaptability and improvisational capacities of power ensure its gain or retention of political control.[94] But

[94] This topic has been addressed in considerable depth in the field of post-colonial studies.

it is prescriptive in so far as it rejects the entrenchment and hypostasis of values or sets of values to the potential detriment of individuals and groups within a historical community; this makes the just institution possible.

The more insidious view of institutions is the descriptive view that strictly takes the adaptability of power to be absent of any and all values except control or the increase of control.[95] In this view, whatever values are being discussed vis-à-vis institutions become inconsequential. But Ricoeur rejects this model as insufficient, a fact which can already be seen in his engagement with Arendt's concept of "power-in-common" and his continued emphasis on the shared nature of human life and its content of mutual values. He puts it most clearly in *Memory, History, Forgetting*. Having shifted from an emphasis on institutions to one on institutionalization, Ricoeur writes, "In relation to the metacategory of social change, the categories of continuity and discontinuity, of stability and instability, have to be treated as opposite poles of a single spectrum."[96] He goes on to say that features of stability "can be inscribed on a scale of modes of temporality parallel to the scale of degrees of efficacy and of constraint."[97] Here another dialectic is introduced into reflection, added to that of values and rules, which forms the basis of much of Ricoeur's reflection in *Oneself as Another*. This dialectic brings together the stability offered by a rules-based model of institution with the instability witnessed across history and sometimes sought within societies no longer content with the status quo. The point is that the structure of living together that are the

[95] Nietzsche's "will to power" is a good example of this line of thinking.
[96] Ricoeur, *Memory, History, Forgetting*, 225.
[97] Ibid.

institutions of Ricoeur's reflections in *Oneself as Another*, are insufficient for theorizing the transformation that is at the heart of historiography and thus also insufficient for theorizing the ethical life in any society other than an ideal one. To the society in which we live, institutionalization introduces the necessary dynamism for not only aiming at, but also achieving, to whatever degree possible, a collection of just institutions.

Conclusion

The preceding analysis of Ricoeur's ethic began with a sketch of the "good life." There, the centrality of the concepts of self-esteem and self-respect to an ethical framework became apparent, as Ricoeur built these concepts of judgment out of a narrative framework that emphasized characters and action. From this foundation the idea of practices, repeated actions within a social context, was shown to provide a bridge to a life lived with others; practice became the reference point by which one could not only measure and evaluate the effectiveness of one's actions with respect to the aim of the good life, but those actions could be measured against the social construction of practices and the evaluations of others. This latter element is not included in Ricoeur's analysis, a point that is both curious in that practices will be shown later as extremely helpful in assessing the justness of institutions, and problematic in so far as there is a discontinuity between the individual and interpersonal spheres in Ricoeur's analysis.

This discontinuity notwithstanding, the concept of solicitude is introduced by Ricoeur. This idea provides a link between self-esteem and self-respect at the level of

the individual, and other-esteem - both esteeming others and being esteemed by others. Thus, the link that Ricoeur provides is one that requires both self and other for the production and reproduction of ethical and moral interactions.

Having grounded ethical reflection in the self as well as the intersubjectivity of human life, as conceived by Ricoeur, the above analysis arrived the final part of Ricoeur's ethical aim, just institutions. Analysis of Ricoeurs use of "institution" revealed inconsistencies and, at times, contradictions. Competition in his writings between a rules-based conception of institutions and one base on values reveals a tension in Ricoeur that is consistent with many of his reflections.[98] A final analysis showed that, while rules are important to institutions as conceived by Ricoeur, the values that they represent, created, and perpetuate are given primacy. This was shown to lead to a problem in attaining just institutions in so far as institutions under the latter conception are shown to provide stability and durability. If this is the case, then how are we to arrive at justice given unjust institutions? Is it possible to, and how might we, move from unjust institutions to just institutions?

In order to arrive more closely at acceptable answers to these troubling questions, Ricoeur, in *Memory, History, Forgetting* introduced the idea of institutionalization, preferring the idea of process to the fixed term institution. This was shown to be a promising avenue for reflection, though one sadly under theorized by

[98] Such tensions are often referred to as "productive." See William Schweiker, "Ricoeur and Theology: Act and Affirmation," in *Ricoeur across the Disciplines*, ed. Scott Davidson (New York: Continuum, 2010), 44–64; Timo Helenius, *Ricoeur, Culture, and Recognition: A Hermeneutic of Cultural Subjectivity* (Lexington Books, 2016); Alison Scott-Baumann, *Ricoeur and the Hermeneutics of Suspicion* (A&C Black, 2011).

Ricoeur. Attention to the ways in which institutions transform and adapt is required to get at the possibility of aiming at just institutions.

Ricoeur's deployment of institutions in the development of his ethic falls short of what is needed for determining that sort of society to which we can aim, and the very nature of the institutions that can and must be a part of that society. For this, it would seem, one needs a thorough social theory and a complex understanding of the nature and role of institutions in it. Admittedly this is not Ricoeur's goal. Rather he is concerned with freedom, justice, selfhood. Indeed, just institutions are in fact requirements for all of these ideas. This is why Ricoeur inserts just institutions into the aim of the good life. But a deeper understanding of institutions is required if we are to be able to determine what kinds of activities, what kinds of relationships make them just. For just such a reflection I turn now to the work of Anthony Giddens, whose hermeneutic sociology addresses itself to the problem that Ricoeur is attempting to solve in his late emphasis of institutionalization over institution, that of transformation.

Chapter 3 – Detour: A Clearer View of Institutions

Introduction

Institutions are ubiquitous in social discourse, both scholarly and popular, which means that they are construed in numerous different ways. The term “institutional” is often used to refer to entities in society that are large, bureaucratic, and at times unwieldy. The term “institutionalize” or “institutionalized” likely conjures images of prisons and psychiatric hospitals. In these respects, the term “institution” is often negative, if not outright derogatory. But more benign uses of “institution” are very common as well. Governments, financial and educational organizations, healthcare and religious organizations are all examples of things that are referred to as institutions. These latter share the feature of offering service to a large group, often over a large area. It is thus possible to view institutions as negative forms in society, particularly as impinging on freedom through such methods as regulation, proscription, sanction, etc., while at the same time viewing institutions as necessary for a cohesive society, and thus positive elements of society. What can often be lost in consideration of the value of institutions for society is what constitutes an institution. Thus, in order to assess the contribution of institutions to society it is important to understand what an institution is - what counts as an institution and what does not.

The term “institutions” is deployed extensively across the social sciences. For instance, anthropological reflections on the global nature of modern societies refer to such institutions as capitalism, bureaucracy, media, and even modernity. Anthropologist Daniel Miller argues that institutions are both “globalizing and homogenizing,” and are

massive in their scope.[1] A similar sentiment can be found in sociologist Anthony Giddens' *The Constitution of Society*. There Giddens addresses at least two of the institutions mentioned by Miller: "Rational capitalism involves the forging of regularized market relationships across space, something that can only become well-developed with the formation of a bureaucratic state, which guarantees not only property rights but also other essential institutions, most notably a regularized form of paper money exchange."[2] Politics, bureaucracy, finance; these are the central figures in reflections on institutions, and they dominate our understanding of institutions. Yet, how exactly these entities count as institutions, what makes the list of institutions and what does not, is rarely explored beyond the ascription of characteristics that paint the institution in this daunting way. This lack of detail is not necessarily a negative. Whether or not theorists have been casual about defining institutions, as Powell and DiMaggio point out, theorists give weight and attention to certain aspects of institutions on the basis of the type of study in which they are engaged.[3] Nevertheless, the lack of a universally accepted conception of institutions makes it difficult to address, in particular, normative claims about the types and roles of institutions in our society, and their potential contributions to justice or injustice.[4]

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[1] Daniel Miller, ed., *Worlds Apart: Modernity through the Prism of the Local* (London; New York: Routledge, 1995), 3. A similar position, noting the size and influence of modern institutions, can be found in James G. March and Johan P. Olsen, *Rediscovering Institutions: The Organizational Basis of Politics* (New York: Free Press, 1989). In the field of economics, the primary conception of institutions is as structural constraints and incentives. See Douglass C. North, "Institutions," *Journal of Economic Perspectives* 5, no. 1 (March 1991): 97–112, https://doi.org/10.1257/jep.5.1.97 and Geoffrey M. Hodgson, "Economics and Institutions," *Journal of Economic Issues* 1 (1988): 1–25.

[2] Giddens, *The Constitution of Society: Outline of the Theory of Structuration*, 152.

[3] André Lecours, *New Institutionalism: Theory and Analysis*, Studies in Comparative Political Economy and Public Policy (Toronto: University of Toronto Press, Scholarly Publishing Division, 2005), 1.

[4] Economist Geoffrey Hodgson notes the difficulty of analyzing institutions without knowing what they are. See Hodgson, "Economics and Institutions."

While no agreed upon definition of institutions exists in the literature, basic use of the term “institution” in mundane discourse seems to indicate broad agreement. For instance, the idea of Sunday football in the United States has been called an institution, and people occasionally refer to a long-standing eating establishment in their town as an institution. From this one might assume that this central concept can be defined without difficulty or controversy, that we can say with clarity and without doubt what an institution is. If that were the case, then my questioning of Ricoeur’s use of institution would be without significance. Yet the institution, while broadly used both in colloquial discourse and scholarly studies, has met with little attention to their fundamental constitution and relations to other elements of society.[5]

The examples given above, of the NFL and the local diner, are clearly examples of informal elements of contemporary society. Such informal institutions are central to sociologist Robert Bellah’s reflections on society. This fact suggests that Bellah might provide the necessary resources for modifying and enhancing Ricoeur’s ethic.

In *The Good Society*, his follow-up work to *Habits of the Heart*, Bellah defines institutions as simply “patterned ways of living together”.[6] Those activities that are repeated and at least minimally organized, either consciously or non-conscious,[7] are deemed institutions. Thus, the “Sunday Fun Day” or the local diner might count as

[5] For his part, organizational theorist Guy Peters identifies four elements of an institution: they are either an informal or a formal “structural feature of the society and/or polity”; they demonstrate stability over time; they effect the behavior of individuals; and they exhibit some shared values and meaning. This is a helpful rubric for distinguishing between institutions and other forms of social organization, but it only begins to address the question of what institutions are. See B. Guy Peters, *Institutional Theory in Political Science: The New Institutionalism* (London; New York: Pinter, 1999), 19–21.

[6] Robert N Bellah, *The Good Society* (New York: Vintage Books, 1992), 4.

[7] “non-conscious” in this respect will be defined as “practical consciousness” by Giddens, an important concept that will be addressed at some length below.

institutions. Bellah's favored example is the handshake, which, dependent on the social context in which it is offered, draws on expectations of courtesy or collegiality, expectations that stem from and set a pattern for a particular aspect of living together. The emphasis here on expectations, rather than the characteristics or qualities of a given action, reveals the importance in the patterns, patterns which are followed in Bellah's theorization, with the enforcement of positive or negative sanctions.[8] Thus, the sanction attached to the handshake is the embarrassment of not being met with an outstretched hand, signaling disapproval, disdain, judgment, or any other manner of cues challenging the relationship at the center of this interaction. On a more formal level, Bellah notes that institutions such as taxation, hold much stronger sanctions, in which the patterned response to non-compliance is punishment.[9] What Bellah draws from the presence and enforcement of sanction, whether formal or informal, or rather more social rather than legal, is that institutions have a moral element.[10] That is to say, "institutions are normative patterns embedded in and enforced by laws and mores."[11] In this view, institutions reveal to members of society what that society deems to be right and wrong or good and bad.

But then does the institution not become the measure of justice operative in society? This is certainly not Bellah's desire, as he writes, "We need to understand how much of our lives is lived in and through institutions, and how *better* institutions are essential if we are to lead better lives. In surveying our present institutions, we need to discern

[8] Bellah, *The Good Society*, 10.
[9] Ibid.
[10] Ibid.
[11] Ibid., 11.

what is healthy in them and what needs to be altered, particularly where we will begin to destroy the nonrenewable natural and nearly nonrenewable human resources upon which all institutions depend."[12] Bellah's project is revealed, thus, not as aimed at understanding the nature of institutions as such, but rather at adjudicating institutions according to an established, or desired morality. Bellah is interested in deciding in favor of institutions that will enable or lead to the constitution of a good society. This good society is, of course, assumed, the values and characteristics that define it established in advance. This is not unlike the project I am engaged in - determining what counts as a just institution - but it is ultimately insufficient as a starting point. That is, without favoring a normative determination of the good society, to understand what counts as a just institution one needs to first be clear on what an institution is. By expanding institutions to include basic and mundane social interactions, Bellah's work provides an entry into the consideration of institutions as practices, which I will argue for in the final chapter of this dissertation. However, Bellah's reflections on the institution, appearing largely in the appendix of *The Good Society* lack the depth of analysis necessary for a robust ethical theory.

Turning elsewhere for clarity on institutions, it becomes immediately clear that, if not the most, then certainly one of the dominant ways in which institutions have been conceived is as constraint.[13] This conception of the institution was already clear in the

[12] Ibid., 5. Emphasis added.

[13] Stephen Barley and Pamela Tolbert, "Institutionalization and Structuration: Studying the Links between Action and Institution," *Articles and Chapters*, January 1, 1997, http://digitalcommons.ilr.cornell.edu/articles/130, 95. We have already encountered the concept of constraint in Ricoeur's work and more widely in the work of social theorist Jack Knight. See page 129 above.

previous chapter's exploration of Ricoeur's reticence to consider institutions as constraining rules. Ricoeur's concern with the constraint model of institutions is that such a model is incapable of allowing for human action and expression in all its variable forms.

One of the places that the constraint model of institutions is most evident is in the debate between methodological individualism and structuralism.[14] The question posed in this debate, roughly speaking, is of the degree to which institutions place constraint on the individual. Do we create our own world, or is the social world, and our actions within it, determined by society? Here, social structures and individual actors are locked in an opposition that must be decided by one side or the other. Significantly, British sociologist Anthony Giddens rejects this dualism outright, demanding equal attention to both the individual and social forces, along with careful consideration for the ways in which the two relate. The question of society is decided neither in favor of a societal totality, conceived in terms of deterministic social structure, nor for the individual actor, whether conceived in terms of individual identity or agency. While there is certainly a middle ground to this debate, evidenced by, say, the work of Durkheim and cited in Ricoeur's work, Anthony Giddens' strong rejection of the dualism forms the basis of his development of structuration theory. To understand the institution or social structure one must consider and account for the individual; to understand the individual actor, perhaps even the individual self, one must understand the institutional forms that operate on that

[14] Anthony Giddens addresses this debate in particular in *Constitution of Society*, 207 ff. Concerns with the duality of this debate are also raised elsewhere, including *Central Problems in Social Theory*, Ch 1, and *New Rules of Sociological Method.*

individual. For Giddens, then, the relationship between the individual and social structure is a duality that denies the possibility of considering one to the exclusion of the other.

Conversation Partners: Giddens and Ricoeur

There is considerable overlap in the philosophy or Paul Ricoeur and the social theory of Anthony Giddens, making them useful interlocutors. Giddens' theory of structuration, insofar as it takes seriously both the individual and social structures in the formation and mediation of social life, can provide valuable insight into the relationship of the individual to the institution that is a significant piece of the ethics that Ricoeur develops. For Ricoeur, the self moves through the interpersonal sphere and into the sphere of institutions. Justice at each level is informed by justice at both the preceding and following analytic levels, meaning that the relationship is bidirectional. Thus, structuration suggests itself as a way of illuminating the realization of the fulfilled self and the constitution of the just institution, two central elements in Ricoeur's ethic.

Beyond this obvious alignment of analytic focus, Giddens aligns well with Ricoeur in terms of methodology. Giddens' approach to social theory is largely informed by hermeneutics, the central methodology of Ricoeur. Beyond meaning in language, Ricoeur's work addresses the ways in which actions have and create meaning. This orientation is key in grasping the way in which Giddens conceives of the social realm, because meaning, what Giddens refers to as "structures of signification," permeate all

other social structures.[15] Giddens argues that the meanings of actions are tied up with the practices and social forms that organize and structure our lives together. In this way he makes it very clear that without attention to the meaning of actions, practices, or behaviors, it is impossible fully to grasp the nature of social existence. If we cannot understand social existence, then normativity is likewise out of reach and Paul Ricoeur's argument for just institutions falters.

In addition to these similarities in their hermeneutic approaches, both take a particularly syncretic approach to argument.[16] Giddens takes elements that he deems useful from a number of different, even competing theories in order to develop the theory of structuration. Similarly, Ricoeur brings together Kant, Aristotle and Hegel, among others, in order to develop an ethic that is nuanced enough to address the challenges of contemporary plural existence. This approach signals a desire to bring together, to encourage unity, to seek shared meanings and values that not only refuses to deny the potential for multiple values and positions within the argument but can also promote an increase in justice towards which Ricoeur's project aims.

With this potential for meaningful dialogue between Ricoeur and Giddens in place, in order to produce a thorough understanding of social development necessary for modifying Ricoeur's ethic, this chapter will present an in-depth analysis of Giddens' theory of structuration. The scope of this theory, developed over the course of at least four of Giddens' major books, makes it impossible to address every nuance of structuration in this chapter. But the main themes will be addressed, establishing the arc

[15] Giddens, *The Constitution of Society*, 31.
[16] Richard Kilminster describes Giddens' approach as syncretic rather than eclectic.

of structuration beginning with its embeddedness in a theory of human action tied to important claims about forms of human consciousness. The relationship of actor to social structure will be discussed with particular reference to the way in which Giddens articulates a central tenet of structuration, the duality of structure. With this basic background in place, the latter half of this chapter will focus specifically on institutions. I will argue that Giddens' analysis of the way in which institutions form, their relation to one another vis-á-vis meaning, power, and sanctions, and the potential for their transformation provides significant benefit for attaining the goal of a more just society.

The nature of the institution as described by Giddens will enable me, in the final chapter of this work, to address the challenge offered to Ricoeur's work by the desire for social and thus institutional change. While a thorough discussion of the application of structuration theory to Ricoeur's ethic will be reserved for the following chapter, the ways in which Giddens is applicable to a study of Ricoeur's ethic will be noted throughout. Thus, this chapter will present analyses of some of the key concepts in Giddens' work that will assist in enhancing Ricoeur's ethical aim. While social theory as Giddens develops it is not of exclusive benefit, I will argue that his theory is particularly useful for modifying Ricoeur's ethical theory.

The Self in the Social

The importance of the self is another point of contact between Ricoeur and Giddens. In *The Constitution of Society* Giddens writes, "The basic domain of study of the social sciences, according to the theory of structuration, is neither the experience of the

individual actor, nor the existence of any form of societal totality, but social practices ordered across time and space."[17] The rejection of "the experience of the individual actor" is not a rejection of the self *per se*. This becomes immediately evident in Giddens analysis of the concept of consciousness that must be, according to Giddens, rescued from the weaknesses of Freud's conceptions of both the conscious and unconscious.[18] Rather, Giddens' interest in the self extends only as far as it is an entity engaged in and responsible for social action against the backdrop of a network of systems. On the other hand, over against the limited place for a self within Giddens' theory, the network of systems is also conceived always in limited form. These systems cannot be deemed to constitute a "societal totality," they do not tell the whole story of social existence. For Giddens, only by viewing the actions of social beings or selves across spans of both time and space can one begin to understand what is meant by the social.

The emphasis that Giddens places on the existence of selves and social systems being "across space and time" is an attempt to address a tendency in social theory to reify social concepts. In this view, "fixed" and "static" are the primary operating qualities of the social elements under investigation. By holding firmly to the idea that the social exists and functions "across space and time," Giddens is further able to broadly address the numerous dyads of the social sciences, including diachrony/synchrony, macro- and micro-sociology, structure and action, and so on. In setting up the discussion in this way, Giddens rejects what he calls the typical understanding of structure in the social sciences. What is required, he holds, is an explanation of what is being realized when

[17] Giddens, *The Constitution of Society*, 2.
[18] See Ibid., Chapter 2.

we speak of social structures. While they are normally seen as “some kind of ‘patterning’ of social relations or social phenomenon”,[19] they depend on something prior. The theory of structuration is an attempt to work this out. This line of thinking was already seen in the work of Bellah noted above, but it is, for Giddens, an insufficient starting point for study of the social order. For his part, Giddens understands structure as a conceptual form that is prior to its realization in time in a particular social phenomenon. In this way, Giddens presents the theory of structuration presents itself as an alternative to previous social theories.

Most basically, the theory of structuration is about human practice. What are practices, according to Giddens? They are repetitive actions or activities embedded within a network of systems that give meaning to said actions.[20] The meaning giving nature of systems is closely tied to the hermeneutic methodology that Giddens values and applies in his theory construction. And such meaning giving is linked to the repetition of action with the social sphere. “Human social activities,” Giddens writes, “are recursive.”[21] It is repetition, re-creation, that moves a basic action into the realm of practice. Thus, for an action, social or otherwise, to be deemed a practice it must be re-created again and again. Such repetition or re-creation points to the temporal nature of both the social sphere and the meaning of the activities undertaken within the social

[19] Ibid., 16.

[20] Anthony Giddens, *Central Problems in Social Theory: Action, Structure, and Contradiction in Social Analysis* (Berkeley: University of California Press, 1979), 65–66.

[21] Giddens, *The Constitution of Society*, 2.

sphere. Practices are, therefore, repeated actions embedded in time.[22] It is from this understanding of practice that Giddens builds his social theory of structuration.

Structuration: A Social Theory

The theory of structuration is divided by Giddens into three distinct, though very much dependent and interacting parts: structure, system, duality of structure.[23] In this formulation, systems are particular historical social forms of and for human interaction. Structure is logically prior to system and refers to the properties, outside of any historical consideration, that social systems exhibit. Duality of structure is the most important of Giddens' concepts, referring to the way in which systems are produced and reproduced through the interaction of structure and agent. The complexities of this duality and its importance for grasping structuration require considerable analysis in order to understand the historically particular systems with which the current project is interested. Thus, it will only be after this groundwork is in place that an analysis of institutions themselves will be engaged.

Structure

Structure is the first term in the theory of structuration. It refers, Giddens proposes, to rules and resources of social systems. While "resources" remains a somewhat opaque concept, at least in *The Constitution of Society*, Giddens offers a brief

[22] This is a much thinner conception of practice than was found in Ricoeur, and also MacIntyre. The ideas of repetition and meaning are, however, shared.

[23] Sometimes Giddens calls this third term merely structuration. Regardless, it always refers to the duality of structure and action, thus directing equal attention to agents and to social forms.

discussion of rules in order to clarify what he means. He provides an unexhaustive list of possible instances of rules by which to get his intended meaning for rules. These include: "1) 'The rule defining checkmate in chess is…'; 2) A formula: an = n2 + n-1; 3) 'As a rule R gets up at 6.00 every day'; 4) 'It is a rule that all workers must clock in at 8.00 am."[24] The regular rising of an individual is rejected because it represents merely habit, a routine. Thus, it fails to generalize to the social level with which Giddens is interested. Both 1) and 4) get closer to what Giddens intends, but he argues that they represent aspects of rules rather than instances of rules themselves. In the first instance the rule of checkmate is constitutive; in the fourth instance the rule is a sanction. What these two examples point to is the role of rules with regard to the creation of meaning and application of sanction.[25] It is rule as formula that Giddens believes to be the most accurate definition of rules. Here, knowledge of the formula is distinct from understanding it, as one could state it without being able to apply it, or one might be able to apply it without clearly stating it. In this view of rules, "It is simply being able to apply the formula in the right context and way in order to continue the series."[26] The reference to context means, furthermore, that rules should be taken as sets and not in isolation. In order to know one rule, one must grasp a constellation of other rules, either implicitly or explicitly. This is because a rule, or more accurately an instantiated rule, is always embedded within a context that is greater than that one rule.

[24] Giddens, *The Constitution of Society*, 19.
[25] Ibid., 20.
[26] Ibid. Giddens borrows this conception of rules from Wittgenstein, whom he cites in this discussion.

Giddens offers at least two ways of thinking about rules and resources as they apply to the larger production and reproduction of social systems. On the one hand, they are "modes whereby transformative relations are actually incorporated into the production and reproduction of social practices."[27] In this respect, rules and resources are the constellation of elements that orient a social actor to a particular action or practice. In the language of Ira Cohen, a key interpreter of Giddens' structuration theory, rules and resources participate in an "ontology of potentials"[28] in so far as they, in a particular setting, establish the possibility of an action or a set of actions to the exclusion of other actions, but also offer different possible outcomes. On the other hand, though in a related way, rules and resources can be thought of as methodological procedures for action. Here the "competent social actor" is understood as a social theorist, weighing the potentials for actions and considering the possible outcomes given the set of elements with which one begins. To this end, Giddens offers the following exhortation: "Let us regard the rules of life, then as techniques or generalizable procedures applied in the enactment/reproduction of social practices."[29]

While the concept of rules is relatively straightforward, the idea of resources has greater ambiguity in Giddens' theory. I judge it to refer to the capacity to impact or command over people, on the one hand, and material goods on the other. For instance, one's experience may figure heavily as a resource in practices. Consider the game of

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[27] Ibid., 18.

[28] Ira J Cohen, *Structuration Theory: Anthony Giddens and the Constitution of Social Life* (New York, N.Y.: St. Martin's Press, 1989), 11. One of Cohen's central arguments in this text is that structuration theory addresses post-positivist thinking by presenting exactly an ontology of potentials. This idea is described by Cohen as the universal elements that, deployed differently at different historical moments can lead to different possible outcomes

[29] Giddens, *The Constitution of Society*, 18.

chess, the novice player suffers defeat at the hands of the grand master, not because of a lack of knowledge of the rules, but because of the master's understanding of the types of moves that can be made, the outcomes of those moves, and the likelihood of certain moves leading to a favorable outcome. Such understanding comes from repetitive play and encountering such moves on a recurring basis. One might say that practice makes perfect. The resources being deployed here is knowledge, experiential and theoretical, and it is being deployed in order to "win" over an opponent. Similarly, the possession of land by a farmer makes that land a resource, as it can be manipulated into the production of goods. All of these kinds of resources factor heavily in the ability to engage in social activity in a productive, even successful way.

The nature of resources and their contribution to the possibility of just institutions will be addressed in the next chapter. But the centrality of rules in the preceding discussion of Ricoeur's ethic requires a closer look at how rules work for Giddens.

The issue of rules, along with their conception as constraining, requires particular attention. This is because not only does constraint figure strongly in the literature on structuration, but also because Ricoeur, with whom this dissertation is centrally interested, insists that institutions are not primarily about constraining rules. Giddens' insights concerning constraint are illuminating. He notes multiple constraints, both internal and external to the individual, in his discussion of structuration. These include, but are not necessarily limited to, time, geography, and demographics. It goes without saying that we cannot control the flow of time, dreams of time travel notwithstanding, and are thus limited to a 24-hour day and 7-day week to accomplish the things that are

set before us or to which we aspire. Similarly, my span of life is indeterminate, though it is terminal, limiting the scope of things I can reasonably achieve.[30] With respect to the limit of geography, it can be said that certain regions are suitable to certain activities and endeavors, whereas other activities might not be realistic. Farming, if not absolutely impossible, is certain incredibly difficult in the Rocky Mountains, limiting one's capacity for being a farmer in that region. Demographics present a slightly different limitation. Those living their lives in racially and culturally homogeneous regions will have different experiences with language, race, differing interests based on age, among other things, than those living in diverse regions or communities. Knowledge about how to interact with people of different backgrounds can certainly be gained in the former instance, but it cannot be met with the kind of practical knowledge that comes with one living in a diverse community and provides the "know-how" for engaging with those who are different. This should not be taken as a judgment on either community, only an observation of the kinds of limits that are placed on us by virtue of having been born into a certain family, a certain community, a certain country, and at a certain time.

Giddens identifies these limitations of our existence in order to dispel any negative connotation to the concept of constraint. As sociologist Richard Whittington points out, if ontological constraints are not out of necessity negative, then Giddens should be taken as rejecting a strong model of society as constraining that is found in other theorists amenable to some of the positions of structuration theory, such as Bourdieu and

[30] In existential literature in particular, the fact that one's life will end, as well as the indeterminacy of that end together have the effect of producing anxiety. Within the framework under discussion here, such anxiety could reasonably be deemed a psychological constraint, to be added to geographic, demographic, and other such ontological constraints.

Archer.[31] That is to say, Giddens does not view institutions - the systems that form society - as inherently intransigent. The linkage between constraint and negativity or intransigence is, as Barley and Tolbert point out in their analysis of structuration theory, a central focus of institutional studies.[32] A positive view of constraint thus begins to make sense of Ricoeur's claim that institutions are about something different, even something more than constraining rules.

Duality of Structure

One of the central reasons to Giddens' rejection of institutional intransigence and the malleability of social systems and institutions is exactly because he holds human agency in high regard. Thus, against arguments that propose a social framework operating independently of the purview and influence of agents,[33] Giddens argues for a duality that sees society and all its aspects as products of the interplay between structures and agents. This Giddens calls the duality of structure.

In the theory of structuration, both structure and agent are fundamental to the production and reproduction of social systems. Giddens has named this property of social life the "duality of structure." In an early text devoted to structuration, *Central Problems in Social Theory*, one finds the emergence of this duality of structure as a complex structure. Giddens writes, "the structural properties of social systems are both

[31] Richard Whittington, "Giddens, Structuration Theory and Strategy as Practice," in *Cambridge Handbook of Strategy as Practice*, ed. Damon Golsorkhi, 2010, 109–26: 116.

[32] Barley and Tolbert, "Institutionalization and Structuration," 95.

[33] Theories of particular interest to Giddens include orthodox Marxism and functionalism, but also structuralism and to a lesser extent, Foucault. See Giddens, *Central Problems in Social Theory*.

the medium and the outcome of the practices that constitute those systems."[34] Structure produces action. It does so by providing the rules and resources, already discussed, that are deployed in everyday action. But on the other hand, and perhaps less intuitively, actions produce structures. This is done in at least two ways. An action repeated and eventually shared creates the rules for its understanding and measurement under the idea of practice. This production of rules is paralleled by the production of resources of whatever kind is necessary for the practice or a natural product of the practice. Thus, structures appear as one engages in action. A second way in which actions produce structures is by reinforcing or transforming them. For instance, by acting according to established structures, those structures are reinforced. However, action that deviates from a norm, from some particular rule or the deployment of an unusual resource, can, if followed by repetition of that action, lead to the production of new rules; these are new structures produced through action.

In this dialectical relationship between structure and action can be found a sort of hermeneutic circle in which structures are defined by actions that are defined by structures. This circular process requires the agent to exercise reflection, at least a minimal degree, in order to participate in society. It is this reflective engagement that "both draws upon and reconstitutes the institutional organization of society."[35] Here the activity of the agent is shown to reflect on the organization of society in order to act

[34] Giddens, *Central Problems in Social Theory*, 69. See also Giddens, *The Constitution of Society,* 25.

[35] Giddens, *Central Problems in Social Theory*, 255.

according to that organization. Knowledge of the organization is therefore not only a potential resource, but also a key element in social action.

Based on the definition of structure and rules, theorist Valerie Haines, writing on social network analysis, notes the centrality of the duality of structure to the social sphere. She writes, "to act is to apply rules and resources. Structure is therefore a condition of action. At the same time, because it exists only if translated into concrete action, structure is a consequence of action."[36] What she has to say about the duality of structure specifically is instructive. It places "concrete action" at the center of social analysis. Without action, there are no structures; and if one has action, then an actor or agent is required.[37]

One concern raised by critics of structuration is that the introduction of an agent through the centrality of action too heavily weights the individual. This is the outcome of Richard Kilminster's attempt to read structuration alongside liberalism. In his essay, "Structuration as a worldview," Kilminster attempts to ascribe to structuration a specific structural valuation. "The implication is clear: the unstated value premise of this view of human action is that individual human dignity, self-expression and freedom *should* be maximized against and within institutional parameters and against unequal power

[36] Valerie A. Haines, "Social Network Analysis, Structuration Theory and the Holism-Individualism Debate," *Social Networks* 10, no. 2 (June 1, 1988): 157–82, https://doi.org/10.1016/0378-8733(88)90020-2, 171. Haines' attempt to read methodological individualism together with structuration[1] reveals a lack of understanding of some fundamental aspects of the duality of structure as well as Giddens' larger project. Her desire to read these two approaches together arises out of a historical debate between methodological individualism and structuralism. Structuration theory can align itself with neither of these positions because it holds at all times to the identification of action with structure and vice versa.

[37] Giddens notes this very fact in his criticism of Foucault. He writes, "The point is not just that human beings resist being treated as automata, something Foucault accepts; the prison is a site of struggle and resistance. Rather, it is that Foucault's 'bodies' are not agents. Even the most rigorous forms of discipline presume that those subject to them are 'capable' human agents which is why they have to be 'educated', whereas machines are merely designed." Giddens, *The Constitution of Society,* 154.

chances."[38] The point being made is that the emphasis on the agent and action within the duality of structure places a value on individual action, a move that implicitly aligns structuration with liberalism. However, Giddens would reject this interpretation on the basis of his rejection of an anthropology. Kilminster's position is that giving place to action in a theory depends on a specifically positive anthropology. Regardless of the simple fact that Giddens himself would reject any alignment of structuration and liberalism, his project nevertheless seeks to provide a social ontology rather than developing a particular anthropology,[39] something signaled in the secondary research by Cohen's "ontology of potentials" discussed above. Furthermore, while a certain anthropology may be implied within structuration theory, namely that humans are both social and actors, the strict adherence to the duality of structure does not require Giddens to say anything about whether it is good to be a social actor, or even how to be a better social actor, only that it is a fact of human existence that we are social actors. There may be an affinity between structuration and liberalism, but it is not an anthropological one.

Action

As noted in the beginning of this chapter, structuration is a theory about practice. The preceding discussion has moved behind the practice towards a consideration of the

[38] Christopher G. A Bryant, David Jary, and Richard Kilminster, eds., "Structuration as a Worldview," in *Giddens' Theory of Structuration: A Critical Appreciation* (London; New York: Routledge, 1991), 74–115: 79.

[39] This is most clearly revealed in Giddens' emphasis of "time-space" in the constitution of the social. See, in particular, *The Constitution of Society*, Chapters 1 & 3.

constitutive element of practices, namely action. Giddens analysis of action begins with the psychological framework for particular action. He is not particularly interested in specific actions, but in why and how those actions are engaged in, i.e., their place in the broader social environment. To this end, the teleology of social systems is rejected, but that of the actions of agents remains.[40] Thus, while actions should be viewed as oriented towards some end, that end, for Giddens, can only be conceived in terms of the reasons and the motives that drive particular action. Reasons are the "ground of action."[41] They represent the answer to the questions "Why did you act in such a way?" As the ground, they are not necessarily immediately present to the actor. Giddens is keen to point out that "we will not ordinarily ask another person why he or she engages in an activity which is conventional for a group or culture of which the individual is a member."[42] Giddens' reflection on reasons thus reveals at least two things. Action within a social context depends on knowledgeability of the generally accepted reasons for a given action. It is certainly possibility to perform an accepted action without the requisite acceptable reasons.[43] But if the issue is the social adjudication of the action, it is the action that counts more than the intent. Furthermore, the possibility of unintentional outcomes will indeed figure in the formation and transformation of social structures.

[40] "I wish to insist that the only teleology involved in social systems is that comprised within the conduct of social actors. Such teleology *always* operates within bounded conditions of the rationalization of action." Giddens, *Central Problems in Social Theory*, 112. This is another way of saying that the social sphere is not deterministic. Actor may still share values and goals, something that will be important in my argument concerning institutions as practices in the next chapter.

[41] Giddens, *The Constitution of Society*, 6.

[42] Ibid.

[43] Acceptable reasons would be those justifications for action that fall within the allowable motivation in a given community.

However, since Giddens is not concerned with moral judgments, he has no interest in assigning responsibility for outcomes to individual agents.

A second element revealed in this line of reasoning is that, while knowledgeable with regard to acceptable reasons and expected actions, such knowledge is tacit, and generally available to the agent only through reflection after the fact. This need not always be the case, but when considering the repetition of daily activities that form social structures, it should be clear that any detailed formation of cogent and coherent sets of reasons for all action would bring basic social activity and interaction to a standstill. Giddens general point is that we get on with life together without needing to constantly defend ourselves.

Similarly to reasons, motives can be offered in response to the question "Why?" But motives, for Giddens, are more basic than reasons and may very well diverge from the grounds of an action. That is because motives are the "wants which prompt action."[44] What one wants is *x* in the statement, "I did *y* because I wanted *x*." In every instance, motive precedes the rationalization of action. And it need not be the case that motive and action be logically linked. Here the possibility of acting in ways contrary to one's desire comes into play. It is certainly possible for one consciously to act against one's desires, say, in the case of dieting, where certain desired foods are forgone to the end of weight loss. But this might better be an example of competing desires, competing motives, where the individual is tasked with deciding between desires on the basis of a specific goal or end that is deemed to be greater or higher or foremost. Such

[44] Giddens, *The Constitution of Society*, 6.

adjudication clearly falls within the process of rationalization and deals with the acquisition and development of values most often determined or decided by the social community to which one belongs. This is the social context or situatedness that is one of the key elements of structuration theory. Nevertheless, the above example notwithstanding, Giddens holds that, like reasons, motives are only rarely present to consciousness.[45]

His discussion of reasons and motives reveals a break in consciousness that leads Giddens to distinguish between two forms of consciousness. In order to address the possible conflict between motives as well as a general unawareness of reasons for action, Giddens introduces a division in consciousness.[46] Giddens proposes a practical consciousness and a discursive consciousness. While these two concepts are related to those of motive and reason, they are not isomorphic. Discursive consciousness refers to "being able to put things into words".[47] In this respect it relates to reason giving in that it is discursive consciousness that provides the answer to the question "Why did you do that?" Discursive consciousness should be thought of partly as the process whereby one reflects on his or her action and mines their knowledge for the reasons or reasoning that grounds said action in order to address the question "Why?" Discursive consciousness, though, says nothing of what happens prior to acting, the process operating by which the agent actually engages in a social action. This latter refers, in

[45] Ibid. "Motives tend to have a direct purchase on action only in relatively unusual circumstances, situations which in some way break with the routine."

[46] Ibid., 7. Giddens works out this division on the basis of his rejection of Freud's model of the conscious and unconscious. Specifically, Giddens abandons the Freudian distinction because the "distinction of ego and id cannot easily cope with the analysis of practical consciousness, which lacks a theoretical home in psychoanalytic theory as in the other types of social thought previously indicated."

[47] Ibid., 45.

Giddens' analysis, to practical consciousness. Ira Cohen, an important interpreter of structuration theory argues that the rationalization of action does not take place at the level of discursive consciousness.[48] We do not generally, at least in everyday activity, talk ourselves through the actions that we take. Thus, discursive consciousness, which can also be thought of as a "bringing to words," is not adequate to practice. Cohen further notes that for Giddens, rationalization of action refers to the intentionality of the actor processed in the practical consciousness. It is in this respect that the difference between the pair reason/motive and discursive/practical consciousness can be seen as related. Both discursive and practical consciousness can contain both reasons and motive. Certainly, practical consciousness contains both in that the desires one has and the grounds that drive one's actions necessarily participate in the construction of an action.

One can say, then, that practical consciousness is an awareness or knowledgeability by the agent of the rules and resources available and required to produce a certain outcome. This includes a knowledge of the expectations with regard to established norms and modes of behavior. Giddens is clear, "all social actors, no matter how lowly, have some degree of penetration of the social forms that oppress them".[49] The term "oppress" here should not be taken in the sense that agents are only oppressed or dominated by social forms, a notion rejected in the earlier discussion of constraint. Rather, oppression merely refers to the fact that social forms impact the actions and possibility for action of the agent. For example, it is a generally held social convention

[48] Cohen, *Structuration Theory*, 52.
[49] Giddens, *Central Problems in Social Theory*, 72.

that when meeting someone with an outstretched hand, fingers pointed straight out or slightly downward and thumb pointed upward, a handshake is the appropriate response. Giddens is not saying that such knowledge is innate or natural, or that all actors within a social setting will share exactly the same knowledge. It is quite likely that someone with little participatory experience in a society in which the handshake is a social norm will know nothing about the proper response to the outstretched hand. However, Giddens' contention is that knowledge about the handshake is gained by participating in a given social network such that one need not be taught about the handshake but will come to know its expectations tacitly.

The example of the handshake is, of course, a mundane and even trivial example of the gaining and deploying of social knowledge. The fact is that we hold vast stores of knowledge about how to interact and behave in a multitude of social settings. Giddens is keen to argue that we are not and cannot be altogether ignorant of the forces that affect us, the framework of social systems and their components that impact our daily lives. The distinction that Giddens draws between discursive and practical consciousness allows that we may not have readily available language to talk about our actions, but we nevertheless know something about how to act.

While the knowledge we gain from social interaction, however limited it may be, goes into forming new actions, there remains a very real possibility that the actions that we take will not bear the intended outcomes. While intentionality is located in the practical consciousness and is central to the rationalization of action, this does not mean that we can necessarily achieve our intended outcomes. This may be due to lack

of knowledge, distorted or incorrect knowledge, inadequate or insufficient access to resources, etc. Added to these individualistic limiting factors are external constraints particular to the context in which an action is taken. Thus, as noted above, geography, demographics, the actions of others, the others actually present for the action, etc., may all play a part in determining the outcome, intended or unintended, of an action. While limited knowledge and resources can certainly impact the capacity for action, even full knowledge and unlimited resources cannot ensure that an intended outcome will be achieved. This is of significant importance when considering ways to deal with problems of justice, in which there are multiple actors, multiple interest groups, imperfect knowledge, and limited resources. This is not to say that such challenges are impossible, only that they demand significant awareness of and attention to the breadth of the social framework for any action to be met with success.

Action and Meaning: A Hermeneutic

The very term “practical” in “practical consciousness indicates already a relation to practice. Giddens is clearly focused on social action, which, in its repetition is social practice. Furthermore, in line with the hermeneutic sociology in which Giddens engages, it is the social framework in which one lives and acts that gives meaning to action. Since action depends on a base of knowledge of rules and resources, a hermeneutic approach is a viable approach to the study of the participation of an individual within the social framework. We live and act within systems that are made up of relations and sets of relations governed or constituted by rules and resources or sets of rules and

resources. So, how do we come to know more or differently than we currently do as individuals? If such a constellation of systems is the definition of society, how are our lives not fully determined?

One of the key ways in which individuals engage with and respond to actions is, as Giddens argues, the reflexive monitoring of action or conduct. This reflexive monitoring of action is placed by Giddens squarely within the practical consciousness, meaning that it occurs below the level of linguistic expression, though it can, of course, often be brought to language under interrogation. However, its place in the practical consciousness serves to hide it from any regular discursive demands. Like our rationalizations of action, our attention to the relationships between rules, resource, and contexts is at the heart of social action, though it occurs out of sight.

Reflexive monitoring of conduct refers to the ongoing adjudication of at least two things. First, one's own action is judged according to how well it is able to fulfill one's own motives. While any failure to achieve one's goals is not necessarily met with the alteration of actions, the ends oriented nature of human life ensures that failure to achieve one's ends will likely be met by some sort of assessment. This may or may not lead to an alteration of actions, and it may be the case that an individual is mistaken about the relationship of her actions to the intended outcomes. Nevertheless, this entire sphere of adjudication refers to the reflexive monitoring of one's own actions.

On top of the attention paid to one's own actions or conduct, reflexive monitoring of action also includes the monitoring of the actions of others. There are at least two reasons for this. Firstly, the actions of others are judged according to how they fit within

the expectations connected to the rules and resources constituting a given social activity. Basic social activity is accountable to the social group as a whole. Secondly, by monitoring the actions of others within a given social network, and by attending to the sanctions and praises ascribed those actions, one learns the very rules by which social action is engaged. In this way, the individual relates his or her actions to the social group as a whole.[50] The reflexive monitoring of action thus refers to what I like to call the "fitting in" of my actions with the actions and activities of others as well as the more general context, both physical and social, of action. Reflexive monitoring of action is a process that relates one's motives - desires and wants - to the process of rationalization of action, leading to the reinforcement of practices or possibly the transformation of them. As a process it may be impacted by unintended consequences as well as unacknowledged conditions of action.[51] This guards against the claim that the agent can be all-knowing or perfect in her application of the knowledge she has.

It is not, however, being proposed that this process is under the strict intellectual control of the individual agent. The distinction between discursive and practical consciousness is of vital importance at this stage. All of the reflective processes discussed above occur, in Giddens' view, within the practical consciousness. Without the external pressures requiring a discursive response to questioning of one's actions, reflexive monitoring of action is an internal process operating with minimal conscious effort.

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[50] Giddens, *The Constitution of Society*, 5.

[51] Ibid. It is also likely that the foreseeable outcome of action - thus the possibility of double effect - is operative on the periphery here as well as the unintended consequences, though this is not addressed by Giddens, possibly due to its particular normative nature.

Parts to the Whole

The reflexive monitoring of action reveals the situatedness of the actor/agent within a constellation of relations and systems. In order to understand this situatedness, and the demands that it places on the individual agent, it is necessary to understand those systems and structural properties that they exhibit. But understanding this situatedness also requires reflecting on the nature of the relations that form the social network. This latter will be addressed first.

In *The constitution of Society,* Giddens begins his analysis of social relations by introducing two related concepts: presence and co-presence.[52] The former refers primarily to the way in which an individual is present to her- or himself, largely through the mode of the body. Giddens notes literature that effectively demonstrates a differentiation between capacities for similar movements under different circumstances in order to highlight the centrality of the body in our interactions with the world.[53] Not surprisingly then, the concept of presence, and the body of the individual, figures heavily in the ways in which individuals are or can be co-present with others in a social setting. Co-presence is the quintessential interpersonal mode of interaction, given greatest expression in the form of the face-to-face encounter.[54] And while technological advancements, such as first the telephone, and now the ubiquity of video conferencing, may call into question the centrality of physical presence, co-presence remains direct

[52] Giddens, *The Constitution of* Society, 64 ff.

[53] Giddens notes in particular a study of brain-damaged individuals in which it was observed that certain individuals cannot "own" the movements of their own bodies. This demonstrates, for Giddens, a differentiation in capacity for being present to the world through one's body. See Ibid., 65.

[54] Ibid., 67.

interaction of one individual with another. As Giddens puts it, “Although the ‘full conditions of co-presence’ exist only in unmediated contact between those who are physically present, mediated contacts that permit some of the intimacies of co-presence are made possible in the modern era by electronic communications, most notably the telephone.”[55] From this, two things are of note. Firstly, co-presence refers to a level of intimacy that does not necessarily indicate the depth of a relationship but would nevertheless include such things as the awareness of vocal tone and inflection, positioning of the body, including facial expressions and bodily gestures, general appearance, including such things as clothing, personal hygiene and even physical context. One of the important elements that Giddens addresses is the orientation of the face, something that can signal interest or even disdain.[56] All these elements communicate certain meaning beyond the basic use of linguistic communication, indicating a mode of relating that is distinct from institutional relationships.

Secondly, the level of mediation is also important to co-presence. While Giddens never provides criteria for deciding at what level of mediation an interaction is no longer one of co-presence, indicated by the allowance that the telephone continues to allow co-presence, when mediation is linked to the diminishing of intimacy, one begins to see the requirement for a mode of interacting that goes beyond the face-to-face relationship. It is here that the institution comes into focus, as it did for Ricoeur. Importantly, both

[55] Ibid., 68.

[56] The notion of the face-to-face also introduces the ethical claim made by the other in Levinas’ work, an ethical element that Ricoeur will pick up on but that is absent in Giddens’ reflections.

presence and co-presence are distinct from that of anonymous interaction which dominates social life at a spatial and temporal distance.

The Institution

With the interpersonal sphere in place, Giddens distinguishes it from the "institutional" sphere by the distinction, largely borrowed from David Lockwood, between social integration and systems integration. For Giddens, social integration applies to the interpersonal sphere and refers to what he calls the "systemness" of the face-to-face.[57] By systemness is meant merely the reliance of social interactions on instantiations of rules and resources. Thus, the practice of the handshake and the knowledge of its appropriateness to a given situation is an example of the operation of social integration. At the level of the institution, Giddens asserts that the primary mode of relating is "systems integration." This refers to the capacity for interaction or connection with others who are absent. Such absence may be indicated by anonymity, applicable in the digital sphere or possibly our online representations, by distance, or by time. Here the concern is with the ways in which the systems that we use interact with one another with little respect paid to the individual agent. One might consider the institution of congress interacting with the institution of war as an example of this relation.

I want to be careful here. The designation of certain systems as institutions following from a discussion distinguishing the interpersonal from the institutional sphere might seem to identify Giddens' categories of structure and system with those of individuals

[57] Giddens, *Central Problems in Social Theory,* 76.

and institution respectively. This is not the case. As the above discussion indicates, systems are operative at both the interpersonal and the institutional level. Structures, as Giddens defines them, are properties of the systems operative in each of these spheres. Furthermore, whereas systems are recursive practices that instantiate structural properties, institutions are, for Giddens, merely "those practices which have the greatest time-space extension" within a social group.[58] Following Radcliffe-Brown, Giddens claims that institutions "may be regarded as 'standardized modes of behaviour' which play a basic part in the time-space constitution of social systems."[59] And while standardized modes of behavior largely refer, for Giddens, to day-to-day social activities, it is clear that institutions cannot be confined to the everyday.[60] What is more, by taking the institution into consideration alongside the designation of the two modes of relating, social integration and systems integration, the institution is in fact shown to be operating at each level. The necessity of a system to provide meaning for the handshake at the interpersonal level allows for the possibility that the handshake is an institution. Such breadth of penetration of the concept of institution requires a deeper engagement with this concept.

To understand the institution then, requires beginning with systems. System is the second element in Giddens' theory of structuration. As stated above without explanation, system is defined, quite simply, as the time-space instantiation of

[58] Giddens, *The Constitution of Society,* 17. Emphasis in original.

[59] Giddens, *Central Problems in Social Theory*, 96.

[60] For example, the institution of war is largely a specialized institution rather than on that is addressed to everyday life. Certainly, this is not universally true. There are nations in which the effects of war are immediate, and even in those nations with no war within their borders, sending soldiers overseas to fight makes war an ever-present reality for some.

structures.[61] These structures, recall, are themselves the rules and resources for action. There are two important elements to be drawn from this definition. Firstly, is the dyad of rules and resources. They have no existence apart from their historical instantiation in social systems, and yet they form the basis for all action. Secondly, the abstract existence of rules and resources now gives way to historical consideration in the form of social systems. Time-space is key to thinking about the way in which our actions or behaviors are tied to others. For example, the idea of tradition represents a certain sharing over time of a history, a story, and an identity or identifying characteristics. With respect to linkage across space, the idea of the nation-state connects people living in different cities, different regions, and different geographical areas under the banner of a single entity. Both time and space, thus, indicate a "sharedness" to systems life. A certain "working together" is implied, though this should not be taken as meaning a lack of conflict, competition, or violence. Yet, this "working together" reveals enduring outcomes, both intended and unintended, foreseeable and unforeseeable that constitute those participating in systems.

Giddens rejects the claim that structures determine action. Furthermore, he also rejects the necessity of existence across time-space leading to homeostasis. This rejection of a deterministic model of social systems is present in his sustained critique of functionalism. This is clearly articulated by Christopher Bryant, who writes of structuration, "Structures are generative in that they afford, but are not causal in that they do not determine; systems are expressions of structure, but they are not logically

[61] Giddens, *Central Problems in Social Theory*, 73.

entailed by them. Only in this way is it possible to retain the knowledgeability and capability integral to agency."[62] Here the knowledge of the agent, which has been shown to be subject to constant reflection, is importantly retained. Thus, while Giddens acknowledges that "Tradition is the 'purest' and most innocent mode of social reproduction",[63] he can also assert that "we must not cede tradition to the conservatives," meaning those intent on continuing a fixed constellation of practices and their attendant structures of meaning.[64] Furthermore, the dynamic elements of society - including structures, systems, and agents - ensures that reproduction is not necessarily exact. This is because of the role of action and agency, as Bryant indicates, within the duality of structure. The reflexive monitoring of action can lead to the reflexive modification of action. But this is not all. Changing contexts also transform the ways in which actions can be made sense of.

What is being described here is Giddens' largely incremental approach to social change, rather than any sort of revolutionary transformation. To bolster this view, he cites the example of language: "Every instance of the use of language is a potential modification of that language at the same time as it acts to reproduce it."[65] The deployment of language reinforces such linguistic elements as spelling, definitions, clauses, sentences, etc., thus ensuring the continuation of that language along expected lines and also the maintenance of a framework of meaning necessary for

[62] Christopher G. A Bryant and David Jary, *Giddens' Theory of Structuration: A Critical Appreciation* (New York: Routledge, 2011), 142.
[63] Giddens, *Central Problems in Social Theory*, 200.
[64] Ibid., 7.
[65] Ibid., 220.

communication. But this is not all that happens with language. The use of a word in an unexpected context may lead to the transformation of a definition, or it might introduce a symbolic meaning that was previously absent from the term. The idea of metaphor is, of a course, a classic example of the transformation of definitional expectation in word deployment. With respect to spelling, the modern world of digital communication has led to unique arrangements of letters in order to communicate using the fewest possible characters on a screen. Thus, advances in technology can lead to changes in the ways that language is used, without introducing an altogether new framework for communication.

It might be argued that technological innovation is the primary driver of changes in language. However, it is also the case that research into the ways in which language oppresses, intentionally or otherwise, a group of people can drive changes in the types of language used in given situations. Thus, feminist thought has led to, for example, the widespread replacement of the male pronoun in scholarly literature with more inclusive language such as alternations between male and female pronouns or the use of non-gendered language. This is a prime example of explicit reflection on the nature and impact of certain structures, as well as their produced systems, that has brought about transformation. Whereas the former example, that of response to technological advancement is largely indicative of unintentional consequences, perhaps even epiphenomenal, this latter example points to the possibility of intentional transformation of social systems.

While it is undoubtedly true that careful reflection on the organization of society can lead to change, in his discussion of language at least Giddens suggests that large social change generally results from the forces of external elements. That is, “Radical social change transforms institutions.”[66] By this Giddens means elements external to a society, examples of which would be natural disasters, war (though this could also be an example of internal forces), colonization, etc. In this respect, Giddens seems to be espousing a view of social change similar to that of Marshall Sahlins, for whom it is encounter with external forces that drives social change.[67] But the presence and centrality of the reflective element in Giddens’ work distances him substantially from Sahlins position. It should also be noted that in Giddens’ view, major change initiated from within is not necessarily precluded.

A potentially damning critique of the possibility of social change in Giddens’ theory is offered by Nicos Mouzelis. In his analysis of structuration theory, Mouzelis distinguishes between three different levels of action: 1) the practical level, that of everyday mundane activity or practice; 2) the theoretical level, in which abstract reflection occurs, such as reflection on language; and 3) the strategic level, in which action is deployed towards a particular end, most often one that deviates from established social norms.[68] He argues that, while duality of structure is adequate to action at the level of practice, it cannot

[66] Ibid., 228.

[67] Sahlins does not have an analogue to reflection that enables internal transformation of society in Giddens’ theory. Rather, it is the event, something foreign to a given society, that forces interpretation and reinterpretation of cultural forms, leading to cultural transformation. See Marshall David Sahlins, *Islands of History* (Chicago: University of Chicago Press, 2006), particularly Ch. 5, "Structure and History".

[68] The strategic level would be the primary level for social change insofar as it marks the identification of particular goals and the enactment of specific practices in order to attain those goals.

adequately address action at the theoretical or strategic level.[69] For example, Mouzelis argues that studying language does not reproduce language as the duality of structure would hold. A study of the deployment of pronouns, for instance, can give the investigator an understanding of the way that pronouns function within language without engaging in the actual social deployment of such pronouns necessary for the reproduction of language under the duality of structure. Extrapolating from this, it would seem that the intentional transformation of social forms through strategic action would also violate the duality of structure because such action is necessarily a deviation from a given system. Mouzelis does not follow this thread. His point, nevertheless, is that the production and reproduction of structures through actions of an agent is only a partial explanation of social formation. This would severely limit the capacity for agents to affect social change or produce more just institutions.

While Mouzelis presents a compelling critique, I contend that much of his concerns can be addressed from within Giddens' argument. For instance, while Mouzelis is right that the theoretical study of a language does not reproduce that language, it remains true that the theoretical study of language reproduces such academic fields as linguistics or more broadly social anthropology and their concomitant practices. This is the production and reproduction of a system distinct from, though related to language, demonstrating the interconnection of systems. The study of language is not the use of language, which is why studying language does not reproduce language. Studying language is its own system, albeit closely related, that is itself reproduced in that

[69] Nicos Mouzelis, "Restructuring Structuration Theory," *The Sociological Review* 37, no. 4 (n.d.): 613–35, https://doi.org/10.1111/j.1467-954X.1989.tb00047.x, 625.

particular action. Taken seriously, this interconnection weakens the claim that the duality of structure is insufficient to address theoretical actions. Consider, more importantly, the strategic level of action. Here the reflective monitoring of action, detailed above finds its deepest expression. Though Giddens does not emphasize the ways in which this process impacts the transformation of social norms and forms, the example of a change in acceptable language in scholarship, detailed above, demonstrates how change can grow out of careful attention to the modes and contexts of one's own actions.

This position is supported by the writings of Ira J. Cohen, a central expert on Giddens' theory of structuration. Cohen notes "strategies of control," which he calls the "ways in which agents apply knowledge regarding the manipulations of the resources to which they have access in order to reproduce their strategic autonomy over the actions of others."[70] The idea of strategies of control undoubtedly raises issues of power and asymmetry of relationships, which will be discussed below. However, what Cohen wants to emphasize with this claim is that within institutional forms it is nevertheless the agent that deploys her particular knowledge of the rules and resources to enact a particular outcome that is not wholly determined by the institution. The three avenues for social change that Cohen subsequently identifies follow from this autonomy of action within the institutional form. Mistaken action, refraining from expected action, or engaging novel action are all ways in which the actor manipulates the available resources and known rules in a strategic way against full-blown deterministic action.

[70] Cohen, *Structuration Theory*, 44–45.

Since, therefore, social transformation on the basis of accident or strategy is possible, according to Giddens' theory, it remains to be shown what it is that is transformed when considering social transformation. Of course, social change may refer to such things as demographics, but given the present consideration of action it is the institution that is of primary interest. These two social elements, demographics and institutions, are intimately related, with institution adapting to or resisting change. This relationship reveals a central feature of institutions: their lack of a fixed nature. Social productions are subject to the movements of history, and institutions are simply one of many social productions.

The Power of Institutions

Institutions are directly linked to the three elements of structuration theory. Out of the tri-part division into structures, systems, and structuration (or the duality of structure) Giddens offers the following breakdown.[71] He identifies three dimensions of structures: signification, domination, legitimation. These are alternately referred to as "structural properties." Since the structures are clearly described by Giddens as the rules and resources that make social action possible, what he is presenting at this juncture is the way in which these resources have to do with particular forms of interaction: interactions of communication exhibit the structural property of signification; interactions of power exhibit the structural property of domination; and interactions of sanction exhibit the structural property of legitimation. With respect to the relationship that these structural

[71] Giddens, *The Constitution of Society*.

properties have to institutions, Giddens explains that particular forms of institutions apply to each dimension, at least analytically. Within the dimension of signification lie the symbolic orders or modes of discourse; within the dimension of domination lie political institutions, having to do with authorizational resources, and economic institutions, dealing with allocative resources.[72] The dimension of legitimation applies, in Giddens' view, to legal institutions.

Symbolic orders represent the broadest and most inclusive categories of social forms. Language is such a form. Furthermore, what some would call social institutions - such things as the handshake or Sunday football in the United States - fall largely within this category of symbolic order, though not neatly. One of the difficulties with this category is that, since it refers to practices and the category refers to meaning and meaning formation, there remains a large theoretical gap between the action and the meaning such action produces or reproduces. Perhaps this is one reason that Giddens' himself largely avoids discussing particular social practices and activities.

Nevertheless, Giddens does assert that "structures of signification always have to be grasped in connection with domination and legitimation."[73] He points to Habermas' critique of Gadamer in which it is argued that Gadamer ignores or at least misses the "differentials of power" often inherent in the deployment of language and the development of tradition.[74] Thus, while it is possible for analytic purposes to distinguish between the dimensions of structural properties in much the same way as the analytical

[72] The important distinction between authorizational and allocative resources will be addressed in-depth in Chapter 4 of this dissertation.

[73] Giddens, *The Constitution of Society*, 31.

[74] Ibid.

distinction between ethics and moral in the preceding chapter, it remains vital to understand them as always interconnected and codependent. The dynamic nature of the social sphere and the contingencies of social interaction across time-space demand careful attention to social dynamics.

The interdependence of structural dimensions is an important factor for understanding what constitutes institutions and the ways in which they change and can be changed. But it seems to me that Giddens is too quick in separating the legal institutions, constituted by structures of legitimation, from the forces of power that are the dimensions of domination. Do laws dominate us? Is there such a thing as an illegitimate law? While the dimension of legitimation certainly includes both the positive legitimacy and negative illegitimacy, the very fact of oppressive laws and legal systems calls into question this part of Giddens' analytic. The concept of power thus plays a central role across the dimensions, including the dimension of signification.

Similarly to Ricoeur's positive conception of power-in-common, for Giddens, power is fundamentally generative.[75] As such, power should not be construed as a zero-sum game in which it is conceived primarily in terms of dominance or oppression.[76] Rather, for Giddens, the generative nature of power is linked to his argument that social structures are *both* constraining *and* enabling. This means that relationships of power derived from social structures in which there is an asymmetrical distribution of power are not necessarily oppressive or even constrain the one with less power. Giddens offers the example of the grade school classroom. Bargaining between the teacher and

[75] Ibid., 117.

[76] This is the case even though Giddens characterizes the dimension of dominance using power.

student(s) is required in order that punishment or discipline is appropriate to the (mis)behavior. As Giddens presents it, an appropriate response to violations of classroom rules has the effect of garnering the proper respect and behavior modification of the students. Improper discipline, either too little or too harsh, generally results in the revolt of students unwilling to continue under the implicit agreement of an unjust classroom organization. This negotiation of appropriate rules and discipline is not, for Giddens, an example of a sharing of power because at every stage the teacher remains the one with the larger allotment of power. Negotiation with respect to appropriateness is merely an indication of the ways in which power and even asymmetries of power can lead to the enabling of behavior, in this case learning.[77]

Giddens expands on his brief discussion of classroom dynamics by mentioning the nature of the relationship between the various levels of educational institutional organization. The institutional structure of education has different bodies or individuals operating with considerable autonomy.[78] The teacher's autonomy applies to the classroom, the principal's to the school, the superintendent's to the region. Certainly, in each case autonomy is not absolute. What the teacher can do in the classroom is dictated by policy at the level of the school and the region, but also the choices of the teacher can impact performance reviews of schools and school divisions, or encourage or discourage fundraising efforts by schools, for example. Giddens gives the following explanation: "The controls which teachers seek to exercise over their pupils is immediate, involving the teacher's continuous fare-to-face presence with the children.

[77] Giddens, *The Constitution of Society*, 138.
[78] Ibid., 139.

Supervision of the activity of teachers, however, is necessarily indirect and proceeds by other means. One might hazard a guess that it is only in organizations in which a considerable amount of autonomy from direct supervision is given that a graduated line of authority can be achieved."[79] The interrelatedness of the hierarchical power relations does not demonstrate an equal sharing of power, but rather the way in which asymmetries of power do not of themselves indicate structures of dominance or oppression. This is a clear form of disciplinary power[80] that only operates because of autonomy.

In his reading of Giddens, Richard Whittington illuminates the relationship between social structures - rules and resources - and power. He writes, "Resources give power; plurality affords discretion", by which he means that possession of more resources and a greater understanding of the rules provides greater opportunity for not acting, or acting at the right or appropriate time for a desired outcome.[81] This would seem to indicate that social structures, in their time-space instantiations in systems, are automatically skewed towards an innate asymmetry of power in society, due, in large part, to an unequal distribution of resources. Ira Cohen's interpretation of structuration theory seems to support this position. He see's structuration theory as working under the assumption that every relationship is asymmetrical with respect to the "access to and manipulation of resources." He further argues that the "latitude of freedom of agency crucially depends upon the range of practices that an agent is competent to

[79] Ibid., 138.

[80] See Michel Foucault, *Discipline and Punishment: The Birth of the Prison*, trans. Alan Sheridan (Vintage Anchor Publishing, 1995).

[81] Whittington, "Giddens, Structuration Theory and Strategy as Practice," 111.

perform."[82] Here Cohen is pointing to the asymmetry of power that is witnessed in the example of the classroom. The knowledgeability of the teacher ensures a capacity for much broader action than that of the students, regardless of the broader hierarchical organization of the school or the teacher's assigned position of authority. This suggests that the arguments of both Whittington and Cohen notwithstanding, Giddens' argument that exploitation does not follow from an unequal distribution of knowledge stands. Every relationship includes a subordinate and superordinate, though in different ways and differently assigned at different times. Exploitation is only contingent, based on the interests of one or more individuals and the desire to act towards that interest from the position of superordinate power.[83]

This rejection of innate exploitation and the reference of individual interests should be read against the background of a more significant idea present in the example of hierarchical power not yet identified. The example of the hierarchical organization of education presents the institution *par excellence*, the system extended over time-space. Institutions have the greatest extension: "The most deeply embedded structural properties, implicated in the reproduction of societal totalities, I call *structural principles*. Those practices which have the greatest time-space extension within such totalities can be referred to as *institutions*."[84] Taken in the sphere of power, thus of institutions of domination, institutions overcome geographical limitations with varying degrees of effectiveness and efficiency. For example, the practice of voting within a democratic

[82] Cohen, *Structuration Theory*, 25.

[83] Anthony Giddens, *A Contemporary Critique of Historical Materialism* (Stanford, Calif.: Stanford University Press, 1995), 60–61.

[84] Giddens, *The Constitution of Society,* 17. Emphasis in original.

republic, enabled by technological advancements that allow for the processing of large numbers of votes simultaneously in different locales, supports the institution of democracy. Institutions further enable the overcoming of temporal limitations. For example, a practice entrenched within an institution has a greater likelihood of being repeated in more or less the same ways as it has been done in the past. The institutionalization[85] of a practice thus contains the tendency to resist change. Likewise, institutionalized practice encourages the overcoming of a tendency to forget, though this characteristic is perhaps more problematic. The values that produce a certain practice and are reinforced by its repetition are preserved in the institutionalization of that practice.[86]

The ways in which institutions demonstrably overcome the limitations of time and space can be characterized as representing uniformity and stability. The democratic republic that has multiple jurisdictions voting on the same group of candidates, at the same time, in the same way, represents a uniformity of practice. Such uniformity can be said to supply an element of sharedness to a group over distance, leading to the possible sharing of identity, though certainly not in totality. The entrenching of legal opinion in legal precedent shares that view of law over time and ensures that practices related to that law will abide by that precedent. This furnishes a stability to the legislative and judicial processes across linked jurisdictions in that it provides clarity around the

[85] Institutionalization merely refers to the process in which a social practice transforms into the institutional form, which is characterized by the greatest time/space distanciation.

[86] This certainly becomes problematic when such values conflict with new social values. Such a possibility for conflict reveals the challenge that institutions can present to the forward movement of society.

expectation of legality. It is in ways like these that institutions provide stability and uniformity to a society.

The articulation of a concept of institutions producing the qualities of stability and uniformity, if taken in isolation, would seem to support a view of institutions as static structures within, and at times over, society. The importance, then, of the embeddedness of this discussion within the larger framework of structuration theory can hardly be overstated. There is, above all, a deep need for the individual actor. The reflective monitoring of action within the context of institutional life impacts and gives meaning to the actions of individuals, but such reflection neither takes place in isolation nor affects only the reflective individual. Our reflections on the actions of others, and their reflections on us, ensure a pattern of evaluation and critique at even the basest level of human interaction. Furthermore, the ongoing process of reflective monitoring of action makes possible dissent from institutional demands. It enables the critique of institutions and even makes possible one's withdrawal from an institution, though it should be remembered that one cannot withdraw from all institutions. Admittedly, as the above discussion of the language hinted at, the withdrawal from an institution only makes sense in the light of that institution. Intentionally to spoil one's ballot in protest of the present practice of voting and governance in this country is to admit the value of and the values embedded within the practice of voting and the institution of democracy, regardless of the fact that a spoiled ballot removes one from that institution. This is the hermeneutic upshot of Giddens' analysis of the duality of structure. But saying that something only makes sense within a given framework does not mean that certain

meaningful action cannot transform that framework. This is exactly what the elevation of the individual actor in Giddens' theory, largely through the process of reflective monitoring of action, offers to those seeking social transformation.

Conclusion

The theory of structuration, developed by Anthony Giddens, provides some useful tools for thinking about, evaluating and hopefully developing the place of institutions in society with respect to justice. By highlighting the role of the individual in the formation and perpetuation of social systems, Giddens ensures that individual members of society remain relevant in the formation and transformation of society. That individuals are implicated in social formation ensures the possibility that people help form the social framework in which they aim at the good life. Structuration theory also offers a primary mechanism for the engagement of individuals with the social systems/institutions that constitute the social sphere; this mechanism is the reflective monitoring of action. While this concept was shown to be an ongoing process only occasionally brought to discourse, it demonstrates the continuous individual engagement with the social structures surrounding an individual.

Giddens does not reflect on the possibility or effect of bringing more elements in reflective monitoring of action into discourse. However, doing so would provide the opportunity to measure one's understanding of the social sphere against the understanding that others have, to evaluate the effectiveness of one's actions to bring about their desired ends, and to adjudicate the impacts and possibilities presented by

the very social systems that one is constantly reflecting on. These are necessary elements for the development of just institutions that are largely absent in Ricoeur's work, making structuration theory a valuable asset in the enhancement of Ricoeur's "little ethic."

The theory of structuration is, in the end, a theory of practice. It views the institution in terms of practice, as a set of practices. In this way too, the theory of structuration ensures that institutions breach the very basic of interpersonal interaction. A central tenet of structuration theory was shown to be that actions produce structures and structures produce action. The circularity is problematic for anyone concerned with origins. But it also means that institutions as systems operating over space-time are not merely bearers of tradition or values, as was seen to be largely the case in Ricoeur's work, but the framework for social action. This means, further, that the institution reaches back, analytically, into personal relationships. By showing the ubiquity of the institution, structuration further implicates the individual in the potential for social action vis-á-vis the institution. The institution as the vehicle for social action positions it as the means for persistence in society, as well as a vehicle for social change.

Along with Ricoeur's work, this current project aims at greater justice. Aside from the demand that our lives be lived with others, the central role that institutions play in that life requires that to aim at a good life requires our aiming at more just institutions. This was a central theme in Bellah's project, noted at the outset of this chapter, and it is the only way that Ricoeur's ethical aim makes sense. Using the understanding of the ways in which institutions are constituted and transformed, as well as the part that individuals

play within the network of systems that is society, I now turn my attention to how this more robust conception of institutions can enhance the little ethic proposed by Paul Ricoeur.

Chapter 4 - Towards the “just institution”

Introduction

The confusion created by Ricoeur’s use of various conceptions of institutions signaled a need to explore an alternative approach to the theorization of this concept that is at the heart of his ethical aim. In the previous chapter, I argued that Anthony Giddens provides a very robust a meaningful alternative to Ricoeur’s theorization that aligns well with Ricoeur’s approach, in particular with respect to individual selves and the hermeneutic method. Giddens’ theory of structuration, predicated as it is on paying equal attention to both actors/agents and structures/systems in social formation and transformation, provided for us a social theory whereby a deeper understanding of the possibilities for just institutions, aimed at in Ricoeur’s ethic, might come into view. What remains is to read Giddens back into the ethical aim, to consider the ways in which this more robust theory of action within a social framework impacts, transforms, or enhances the ethical vision set out in Ricoeur’s writings.

Before engaging in this synthetic reading and reconstructions of Ricoeur’s ethic for the aim of advancing social justice, it will be helpful to put a finer point on the contributions of Giddens to this project. It is my contention that the theory of structuration offers us a detailed way of looking at institutions that is absent in Ricoeur’s writings. And even if it is not completely absent, this way of thinking about institutions can only be glimpsed in the background; it is only intimated and never articulated, a fact that puts negative pressure on the possibility for aiming at just institutions. I believe this

conception to be of institution as practice. By connecting practice to the capacity inherent in human being, I will provide a link between the social theory of Giddens and the *homo capacitans* of Ricoeur that will combat a view of institutions as merely exercises of power and serve to highlight the human element of institutions. I will further argue that this view of institutions enables a conception of justice concerned with the maximization of the capabilities of fragile members of society.

This chapter proceeds by first considering practice theory broadly, and Anthony Giddens as a practice theorist specifically. The philosophy of Alisdair MacIntyre will again prove usefully in reflecting on practices, but this time for insights his thought provides with regard to the relationship between practices and institutions. Thus, while a conception of institution as practice does not exhaust the possibilities for thinking about and analyzing institutions, this approach will be shown to be both valid and also valuable for assessing the possibilities for justice attached to particular institutions.

With the framework of institution as practice in place, the analysis in this chapter will shift to addressing the question of justice. To do this I will begin by considering three particular institutions that appear in Ricoeur's writings. These three institutions will provide the material for analysis of the implications for Ricoeur's ethical aim of considering institutions as practice. In the first of these sections I will demonstrate the centrality of access to resources in promoting human capability. Because participation in practices that form institutions is dependent not only on theoretical capability, but on a host of factors determined in large extent by one's social position, the mere possession of a capability is insufficient to realize that capability. And since justice is defined

throughout this work as limiting constraints on human flourishing, enabling participation in key social practices is part of producing such flourishing. Secondly, by treating institutions as practices, the problem of the shift from the interpersonal sphere to the institutional sphere in both Ricoeur's work and the broader experience of social systems is largely addressed. Institutions as practices implicates the individual in the formation and transformation of institutions. Effectively addressing asymmetries of power, through the assignment of responsibility based on access to power, will be shown to be important not only between the individual and the institution, but between individual participants within the institution as all engage in similar or related practices that together constitute the institution. Finally, conceiving of institutions in terms of practices carried out by individuals with different levels of access to resources producing asymmetries of power provides important insight into meaningful and effective modes of transforming existing institutions. Since a central part of ethical aim is the just institution, aiming at just institutions becomes producing just institutions when we transform unjust institutions by transforming unjust practices.

Centrality of Practice

What has been deemed by some as a "turn" to practice in the twentieth century includes an incredible diversity of thinkers. Theodore Schatzki includes such figures as Wittgenstein and Charles Taylor in philosophy, Bourdieu and Giddens in social theory, Foucault and Lyotard in cultural theory, and, more recently, Rouse and Pickering in the

study of science and technology.[1] The diversity of thinkers is matched by a diversity in the definitions of practice and approaches to the study of practice in society, or, put differently, the interpretation of social activity as practice. Thus, when Schatzki and others refer to a turn to practice in contemporary theory, this should not be taken as meaning the articulation of a definitive definition or conception of practice, or even fundamental agreement on its definition or way of studying practice. Davide Nicoloini, in his *Practice Theory, Work & Organization*, notes this ambiguity in practice theory, and quotes different definitions of practice by different theorists to demonstrate this point.[2] He goes on to write, "Practice theories are fundamentally ontological projects in the sense that they attempt to provide a new vocabulary to describe the world and to populate the world with specific 'units of analysis'; that is, practices."[3] It is, of course, more than a new vocabulary that is being offered, but rather a significant shift to methodological complexity.

The ambiguity and complexity that characterizes the turn to practice does not mean that we are left stumbling around in the dark. Nicolini is largely in agreement with Schatzki, for whom practices are "arrays of activity."[4] This itself does not tell us much, but points to the interconnectedness of individual acts within a social framework. Indeed, in a nod to Bourdieu, Schatzki writes, "Despite this diversity, practice accounts

[1] Theodore R. Schatzki, K. Knorr-Cetina, and Eike von. Savigny, eds., *The Practice Turn in Contemporary Theory* (London: Routledge, 2001), 10. Oddly, Schatzki does not list Alastair MacIntyre in this list. MacIntyre is a central moral theorist concerned with the place of practice in the development of moral virtues. His place in this turn will be considered at some length below.

[2] Davide Nicolini, *Practice Theory, Work, and Organization: An Introduction* (Oxford: Oxford University Press, 2012), 9.

[3] Ibid.

[4] Schatzki, Knorr-Cetina, and Savigny, *The Practice Turn in Contemporary Theory*, 11.

are joined in the belief that such phenomena as knowledge, meaning, human activity, science, power, language, social institutions, and historical transformation occur within and are aspects or components of the field of practices. The field of practices is the total nexus of interconnected human practices."[5] Here the social sphere is understood as constituted by activities, deemed practices, that are at the center of human being in its togetherness. Thus, the turn to practices marks a resistance to numerous other approaches to social theory, including intellectualism, individualism, and structuralism.

This tendency is evidenced in Giddens' development of structuration theory, discussed in the previous chapter. His continuing disagreement with the capacity for functionalism to adequately address the full field of the social is punctuated by a concerted effort to portray the social sphere as both the medium and the product of human action. Here, the both/and is significant. Society, including the human element, is dependent on both human activity and the framework for making that activity possible. It is dependent on both individual practices, and the systems that give meaning to those practices. By focusing on practices, that is, networks of activity within a social context, a richness and complexity is given to social theory that it is argued is impossible to portray with other approaches.

While Giddens rarely uses the term "practice," his work clearly fits into this turn to practice in social theory. He prefers the term "action" to practice, highlighting, similarly to Ricoeur, the fact that human persons as actors are basic to society, in contrast to, say, Marx or Foucault. In spite of this rhetorical decision prioritizing action over practice,

[5] Ibid.

structuration theory is addressed to a particular family of actions, namely those that are repeated within a social framework of meaning and sanction, namely, practices. This type of action is exactly what he at one point in *Central Problems in Social Theory* calls practices. “Social systems involve regularized relations of independence between individuals or groups, that typically can be best analyzed as *recurrent social practices*.”[6] From this, as well as the ensuing discussion, one can identify three key aspects of the analysis of practices: action must be recursive in order to fit into an analyzable framework; what one is concerned with, with respect to practices, are the ways in which a given action is framed within relations and encounters; and those relationships can be understood as “regularized,” meaning not that they signal or apply only to continuing relationship or already existing relationships, but are rather addressed to particular kinds of relationships in so far as those relationships are marked by the expectations of regularity and recursivity.

This idea of practice as regularized action within relationships is fleshed out by Davide Nicolini in his book *Practice Theory, Work, & Organization*. In it he details both how Giddens fits into the broader field of practice theory and how practice functions in structuration theory. Nicolini does this by identifying three main characteristics of practices in Giddens’ work. First, he notes that practices arise out of the activity of knowledgeable actors. The emphasis on knowledgeability, which was discussed in the previous chapter, demonstrates a conscious and aware participation in the social world.

[6] Giddens, *Central Problems in Social Theory*, 65–66. Elsewhere, Giddens defines practices as regularized or recursive acts. See Giddens, *New Rules of Sociological Method*, 75.; and Giddens, *The Constitution of Society*, 2.

It is out of this type of participation that practice is derived. Secondly, he highlights the situatedness of practices, both temporally and spatially. There is no such thing as an ahistorical action, for it is the history and the location that makes a type of action or activity a practice and provides meaning to that practice. But most importantly for present considerations, the situatedness of the practice lifts up the constraining and enabling nature of the rules by which Giddens defines social structures. Where and when one engages in a practice circumscribes the space in which the given action can be understood and is thus determinative of the possibility of a certain action being accorded place as a practice. Thirdly, and finally for Nicolini, "all practices are interdependent and persist in some kind of reciprocity".[7] Interdependence establishes practices in their relatedness to the social whole. For Nicolini, this characteristic of interconnectedness, in so far as it is related to the temporal and spatial situatedness of action, "thus becomes the source of both stability *and* change, so that practices are at the same time the locus of ordering and reproduction *and* the locus of disordering and mis-production."[8] The systems that represent networks or constellations of connected practices - connected agents and actions - are thus not to be considered in their reproductive mode as entrenching a mode of being or acting to the exclusion of all other, but signals the possibility for enhancement of social frameworks in which we live and interact.

Knowledgeability of the actor within a particular social context thus provides the possibility for achieving the justice towards which this dissertation aims at the same time

[7] Nicolini, *Practice Theory, Work, and Organization*, 48.
[8] Ibid. Emphasis added.

that it provides for the possibility of human destructiveness. In the practice approach that Giddens takes, one finds human fallibility at play. An important part of the discussion of fallibility in Chapter 1 was the analysis of human capability. Beyond merely signaling fallibility, the practices approach specifically addresses capacity. In his analysis of the practical turn in contemporary social theory, Barry Barnes writes,

> When one member successfully engages in a practice, what this invariably betokens to others is the possession of a competence or a power. The inference from performance to capacity is made. Thus, the membership as a whole comes to know itself not as a performing membership but as a membership with the power to perform—as, that is, a set of competent members. And the use of these two last words indicates that many social theorists themselves see social life in much the same way, not merely as members doing things but as members able to do a range of things. In the last analysis, talk of practices is talk of powers—and all the difficulties associated by theories of social power have to be faced by accounts of practices.[9]

A practice approach brings into view knowledgeability, capability, and social participation, giving primacy to the dynamic and complex nature of social life as a life that is active. And yet the practice focus does not necessarily diminish the force of social frameworks or structures to determine and direct action, exactly because the idea of membership gestures towards something other than the individual.

This connection of practice to capacity provides a link between the practice oriented social theory of Giddens and the *homo capacitans* of Ricoeur. Furthermore, the relationship of capacity to practice inserts a moral character into practice that is promoted by Ricoeur but only implicit in Giddens' analysis. Part of what is being communicated to others by one's participation in a practice is the capacity for that

[9] Barry Barnes, "Practice as Collective Action," in *The Practice Turn in Contemporary Theory*, ed. Theodore R. Schatzki, K. Knorr-Cetina, and Eike von. Savigny, (London: Routledge, 2001), 17–28: 28.

practice. Now, one's capacity may not be sufficient for the perfection of that practice, and this is also communicated to onlookers. Participation in practices becomes about not only the outcome of the action, vis-á-vis the intended practice, but the way in which that practice is carried out. It is in the way that a practice is carried out that capacities and incapacities become evident.[10] What follows from this is the adjudication of the fitness or unfitness of the actor/agent. Attention to practices, according to the model provided by Giddens, therefore ushers in a moral component to action, when read reflexively alongside Ricoeur, which he does not consider in his primary reflections on structuration.

Giddens' non-normative conception of practices is not surprising as it is shared widely among social scientists. Normativity, however, is never far from a conception of practice. Joseph Rouse suggests a conception of practice "in which actors share a practice if their actions are appropriately regarded as answerable to norms of correct or incorrect practice."[11] It is in the sharing that the normativity of practice is revealed. The answerability to adjudications of correctness within the social sphere brings the practices of social theory closer in line with, for instance, the standards of excellence proposed by MacIntyre and deployed by Ricoeur. One can see in Rouse's analysis how the normativity of the application of sanction, including ignoring sanction or proscription within practices, gestures towards a complexity that is not present in, say, the standards

[10] One might also say that the willingness or unwillingness to engage in a particular practice might be, in certain circumstances, an indicator of capacity or incapacity. An unwillingness to fail may very well lead an individual to abstain from action. Of course, other things factor into a decision beyond capacity, including such characteristics as courage, desire to learn, impact of failure, etc.

[11] Joseph Rouse, "Two Concepts of Practices," in *The Practice Turn in Contemporary Theory*, ed. Theodore R. Schatzki, K. Knorr-Cetina, and Eike von. Savigny, (London: Routledge, 2001), 189–98: 198.

of excellence model proposed by MacIntyre and employed by Ricoeur. In fact, the dynamic and complex nature of justice, in so far as we require recourse to "practical wisdom" in hard cases under Ricoeur's analysis, would seem to require attention less to the standard and more to the ways in which behavior approximates that standard within a network of other practices and standards. With respect to the individual, discursive consciousness is implicated in the answerability, the possibility that one is held to account for the degree to which their actions in a practice accord with the decided standard. The enforcement of sanctions with respect to action therefore act as a means for producing and reproducing conscious meaning that can be shared with others engaged in a practice.

We are thus brought back to the capacities for performing practices and the interconnectedness of practices within the wider social sphere. Outcomes, one might even say internal and external goods, even the development of particular virtues, in this way gives way to a reflection on the relationship of practices to capacities of persons and the potential for practices to engage or hinder capacities. Here we come up directly against practices as articulated by MacIntyre in *After Virtue*.

From Practice to Institution

In his book *After Virtue*, Alisdair MacIntyre introduces us to practices as instruments for the identification and development of virtues. MacIntyre defines practice thus: "any coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realized in the course of trying to

achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended."[12] The focus of MacIntyre's conception of practice is the production of what he calls internal goods, goods that are specific to the practice itself, and necessary for excelling at a practice. These internal goods are not produced to the necessary exclusion of external goods, which include such things as wealth or fame. Nevertheless, internal goods have primacy of place within the practice conceived by MacIntyre. Indeed, the practice is engaged in precisely because it produces a certain set of internal goods. The production of these internal goods comes about through attempts at a standard of excellence that defines the greatest form of the practice and serves as its target or aim. This teleological conception of practices finds its way into Ricoeur's ethical reflections, as was shown in Chapter 2 above, with particular emphasis placed on the standards of excellence to the detriment of a consideration of the relationship between internal and external goods, and their relationship to the development of the person.

Before moving past MacIntyre's contribution to a theorization of practices, it is worth considering the way in which practices relate to institutions in his work. He writes of institutions: "Practices must not be confused with institutions. Chess, physics and medicine are practices; chess clubs, laboratories, universities and hospitals are institutions. Institutions are characteristically and necessarily concerned with what I have called external goods." External goods consist of material goods and are, as

[12] MacIntyre, *After Virtue*, 187.

MacIntyre puts it, “structured in terms of power and status”. This means, furthermore, that institutions are both acquisitive and distributive, seeking to acquire wealth, power, and status, as well as determining the nature of the distribution of the acquired wealth, power, and status. The central characteristic of the institution must then be labeled “competition” in so far as the acquisitiveness of the institution is unrelenting. Competition thus marks a break between practice and institution: practice is idealistic and creative; the institution is “corrupting.”[13] It is because of this break that MacIntyre sees the need for virtues. For instance, “without justice, courage and truthfulness, practices could not resist the corrupting power of institutions.”[14] Practices, by McIntyre’s account, offer a means for developing the character necessary for thwarting the corruption of institutions.

It should be noted that MacIntyre is concerned primarily with practices, not with institutions. Thus, his assertions that institutions tend towards corruption are not thoroughly developed as one might like. This lack of thoroughness lends to slippage in this strong position on institutions. Indeed, when he enters into a discussion of tradition, MacIntyre introduces the more positive or salutary possibilities for institutions. Institutions are referred to here as “bearers of a tradition of practice or practices”.[15] They are, so to speak, the cultural containers for holding practices through time. Tradition, Macintyre proposes, is an “argument” carried on over time. Institutions, then, are the bearers of these arguments about practices, which would necessarily include

[13] Ibid., 194.
[14] Ibid.
[15] Ibid., 222.

considerations of the "standards of excellence" and thus the particular goods, both internal and external to the practices.[16] In this way, tradition is very much about beliefs regarding what makes a practice good. Institutions are the protectors of this argument. This means they exercise power over the status of good. But the extension through time means the institution is a bearer of values and judgments on values such that it is a protector not only of the practice, ensuring its continuance according to established standards, but also of the values and virtues connected to those practices. Barring the possibility of corrupt or corrupting values, a potentiality likely to be rejected by MacIntyre, institutions must be viewed as so much more than corrupting forces in society. Much like the possibility of good and bad practices, one must view institutions according to a similar moral frame. Thus, a fuller picture of institutions than that provided by MacIntyre is desirable, as his distinction between practices and institutions is ultimately found wanting, even within his own work.

MacIntyre does note that practices play a formative role in institutions. He writes, "Yet if institutions do have corrupting power, the making and sustaining of forms of human community—and therefore of institutions—itself has all the characteristics of a practice, and moreover of a practice which stands in a peculiarly close relationship to the exercise of the virtues in two important ways."[17] These two ways include the determination towards social and political issues, and the particularity of a historical community for developing the virtues. On the one hand is the desire or motivation to be

[16] While it is certainly the case the both internal and external goods are in play, the emphasis must be on internal goods due to the centrality of values and virtues to McIntyre's argument.

[17] MacIntyre, *After Virtue*, 194.

a particular kind of person within the social sphere, and on the other hand is the nature of the social sphere itself, which enables and constrains the potential for realizing the virtues that MacIntyre identifies. By this MacIntyre indicates that institutions should not be taken as inherently dominating, as merely exercises of coercive power. The corruption of institutions and perhaps the corruption that certain institutions enable must be taken as a certain response to institutions, and certain way of acting out of institutions. MacIntyre points towards virtue as the solution to corrupting institutions, virtue both in the formation and the operation of institutions. But by focusing on his articulation of an environment for learning and developing virtues, the breadth and dynamics of that sphere plays a fuller role in the development and operation of just institutions.

One of the reasons that one finds confusion, perhaps even contradiction in MacIntyre with respect to the corrupting nature of institutions is exactly because of the distinction that he draws between institutions and practices. I would like to suggest that institutions, conceived as MacIntyre and others do, are in fact the bureaucratic frameworks that dot our social, political, and juridical landscapes, providing ordering to certain sets of practices of human interaction. Thus, for his part, MacIntyre notes the chess club, universities, laboratories, and hospitals, which are administrative entities developed for the organization of the activities and practices involved in playing chess, educating, scientific investigation, and care for health, respectively. As I noted above with respect to the chess club, each of these “institutions” is in fact a collection of activities, if not exactly practices, that only together form the administrative entity. What

is more, the administrative entity - the bureaucracy - is unimaginable apart from the practices and activities that it governs. Thus, what would the hospital be without the "practice" of medicine? What would the university be without the practices of study and pedagogy associated with higher learning and scholarly investigation? What would the laboratory be without the scientific method? MacIntyre's "institutions" seem only to add to identifiable and agreed upon practices, further practices related to billing, scheduling, record-keeping, etc. It would seem, then, that rather than distinguishing institutions from practices on the basis of kind, it is more helpful to think of institutions as degrees of practices - in so far as they represent the practices extended most through time and space - and when beneficial to think of institutions as collections or constellations of practices that may, without necessity, include the administrative practices of a bureaucracy.

When viewing the institution in terms of practice or practices, one can begin to see the often-interwoven network of activities constituting an institution. Take, for instance, the institution the chess club that MacIntyre notes. The club is so much more than the practice of chess. It includes the practice of regular meeting for the purpose of playing chess. It might include the practice of bringing a board and pieces, or of collecting boards and pieces at a single location for the benefit of all members, even those without boards and pieces. It might include the practices of calling role, scheduling meetings, and maintaining membership records. It might also include the practice of collecting dues for the preservation and advancement of the club. Now it should be immediately clear that while chess is a practice as defined by MacIntyre, none of the other activities

listed here as practices meet the standard that he has set. They do, however, meet the recursive standard[18] set by Giddens, allowing us to see the way in which even the practices that MacIntyre holds up as indicative of virtue, when present in institutional form, include a host of other activities, their repetition without which it would be impossible to imagine an institution.

With respect to administrative or bureaucratic organizations, their constitution by practices, which one can find in MacIntyre, reveals in fact the operation of structuration. Returning to the example the chess club, the purpose of the club is to facilitate the playing of chess. It is likely that such a club will schedule play, invite experts in chess to speak to the club, learn and develop specific moves and strategies, play with clocks to develop speed of analysis and execution, engage in various other forms of training with the aim at competitions, and, of course, practice playing chess. What is more, the administrative tasks noted above, including the registering of members, may or may not be a part of a chess club, depending on the level of formality. However, when administrative elements are added, they do not substantially alter the other activities that form the chess club. Of course, as Jeff Moore points out in addressing MacIntyre's example of the chess club,[19] the formality of the club indicated in the bureaucratic activities that organize it may, but not necessarily, shift the goals to which the club aims. Thus, it might lead to the disqualification of players whose play does not promise to aid

[18] The practices described here are not only recursive but also purposeful. This is important because otherwise they might be mere habits, not practices. Consider the person who might carry a chessboard with him everywhere in a backpack. There might only be the occasional opportunity to play yet the board is habitually available. This, I would think, is insufficient to a practice.

[19] Moore, "On the Implications of the Practice-Institution Distinction," 23.

in the winning of competitions. In this instance the administrative activities do change the practice of playing chess in that particular club, suggesting the possibility of a "corrupting" implication of the institution of the chess club. Yet, the fact that this shift is not a necessary outcome of the bureaucratization of chess playing, indicates that the institutionalization of chess in this example does not mark a distinction from practices broadly speaking. Indeed, even without the addition of administrative activities, a chess club can select for players on the basis of personality alignments or conflicts, proximity of players to each other, desire for a certain caliber of consistent play, and so on. Thus, selection and institutional orientation should not be deemed a characteristic of the institution, but rather a basic characteristic of social activity.

How does the chess club then demonstrate structuration? If one considers the purpose of the chess club to organize the playing of chess, schedule playing time, and develop the skills of players, then it provides the conditions for playing, and playing better, that are unlikely apart from the club. As players play more, the existence of the club is increasingly justified, in so far as players do get a chance to play more and develop their skill level. Thus, by playing within the club, the likelihood of the continuation of the club is increased, leading to continued opportunities to play and get better. This example of the chess club demonstrates the extension of the practice of playing chess through time, though not necessarily geography. The extension through geography occurs when the chess club partners with other chess clubs, joins associations, and enters regional, national and international tournaments. And while this extension through time and space does not ensure that the chess club will endure,

since any number of conditions might come into play that could lead to the disbanding of the club, a lack of playing time, a stagnation or even diminishment of the level of play, it nevertheless demonstrates an expansion of the practice of playing chess beyond the individual game and a particular set of players.

It may be that the distinction between practices and institutions that MacIntyre draws is predicated on the presence of what one might call supporting practices or activities in the case of the institution, though he does not make this clear. In the case of the chess club then, it is clear that the central or focal practice is the playing of chess. All other activities, which I have called administrative or bureaucratic activities or practices, focus on the advancement of the central activity, the playing of chess. Thus, scheduling, recruitment, record keeping, ranking of players, training and development, hosting or traveling to tournaments, etc., would be activities oriented around the advancement of chess playing, arguably with the goal of producing better players and a higher level of play, though this may be suspect if a club is deemed to exist solely for creating opportunities for playing. In either of these cases, the playing of chess is central to the practice, by MacIntyre's definition, while the addition of peripheral activities leads to an institution. But, if one considers the aim key to practices, as MacIntyre discusses them, the idea of a standard of excellence must be considered with respect to these distinct conceptualizations. The question then becomes, is it justifiable to expect the achievement of excellence in a practice absent peripheral practices or activities? Or, put differently, is it reasonable to assume that the addition of peripheral practices corrupts the central practice or otherwise negatively impacts the achievement of excellence in

the engagement of a practice? It should be clear that it is not universally the case that peripheral practices negatively impact the pursuit of excellence. Indeed, the addition of peripheral activities, administrative practices and the like, aids in the achievement of excellence within at least some practices. Thus, while such activities may be only marginally described as practices, they become central to the exercise of practices. In the case of peripheral activities that are vital for the achievement of excellence within a practice, it becomes problematic to think of practice outside of institutions.

In reflecting on human action as practice MacIntyre provides one with some clear underlying motivations for actions. These he labels internal and external goods. This distinction is useful for thinking about the relationship that the self has to broader society because it provides a clear path between action and the production of value in society. Value in society is a direct reference to the social nature of the actions under consideration, namely practices. Thus, attending to MacIntyre's description of practices enhances the conception of intersubjectivity explored above vis-á-vis Ricoeur. A close consideration of practices through MacIntyre provides content of the "reflective monitoring of action," in the language of Giddens, and the "with and for others" of Ricoeur's ethical aim. But because MacInyre maintains his distinction between practices and institutions based on the exercise of power, as detailed above, my attempt to closely link the individual to the institution, eschewing the corrupting interpretation of insttituions, requires a different approach to the institution than that offered by MacIntyre.

Humanizing Institutions

The shift to considering institutions as practices, proposed here, is an attempt to combat a view of institutions characterized solely, or even primarily, by the machinations of power and status; it is an attempt to bring the human into the picture of institutions. Or, put differently, it is an attempt to humanize institutions. This, I suggest, is at the heart of Giddens' concern with the many dualisms of the social sciences. Careful attention paid to the engagement of actors within social forms serves to bring some of the agency, some of the responsibility, some of the creativity, and some of the limitations of those social actors to the social forms. This is not to say that one can assign to institutions all the capacities and faults of individuals; to do so would be to fall to the opposite extreme of the rejected dualisms. The participation of individuals in social forms in a dynamic and complex way through the concept of practice provides a particularly cogent place for the seeking of justice in human activity.

By considering the role of practices in the formation of the social sphere and the participation of individuals within that sphere, space is opened up not only for the consideration of a vast number of activities at the level of their institutionalization, but also for the treatment of social activity under the aegis of human capability. This is where Anthony Giddens, in his theory of structuration, and Ricoeur, with his capacities approach to ethics, come together. If one takes institutions as practices, then institutions are no longer merely rules and regulations, nor are they simply the collections of shared values or mores of a given community. Institutions as practice are constituted by rules, resources, shared values and commitments, that are actively worked out, modified,

enhanced, etc., in social interaction over considerable spans of time and space. In this way, the dynamic and complex nature of institutions is brought into view, increasing the likelihood of ascribing meaningful judgments to the impacts of institutions on justice, and also guarding against the reductive separation of institutions from human influence and activity.

With this broad view in mind, there are at least three specific ways in which structuration theory can address and enhance Ricoeur's ethic. Firstly, Giddens' articulation of structures as rules and resources adds the idea that humans have different and differing degrees of resources at their disposal, both in material and authorizational terms. The means that when Ricoeur slips into a description of institutions as rules against his own arguments, structurational supplementation can aid in maintaining the tension at work in Ricoeur's conception of institutions without reducing institutions to a too simple category; basic rules and constraints. Secondly, by implicating individuals in the constitution of social systems (i.e. institutions), structuration theory provides the link between the interpersonal sphere and the institutional sphere that Ricoeur both glosses and dismisses. This linked is entailed in the constant monitoring of action against and vis-à-vis the actions, positions, ideals, and judgments of others. It even suggests an ongoing discourse with and between social actors as a means for discerning and applying the resources available, resources which are social resources. In the end, the judgments that are in play bring into focus the ethical center of the social sphere that is described by structuration theory. Finally, conceiving of institutions in terms of practices or sets of practices opens up the possibility for

changing institutions by changing human actions and behaviors. If the living in just institutions is an *aim*, then the creation of, and even the preceding goal of creating just institutions becomes prerequisite. In particular, if one understands reflexive monitoring of action to a be a practice that can be brought to consciousness, then its incorporation into the practices constituting institutions becomes increasingly subject to adjudication on the basis of their fit with individual and broader human flourishing. I thus now turn to the question of justice, conceived in terms of human flourishing, by beginning with the nature and importance of resources.

Getting at Resources

That institutions are about more than just rules is asserted by Ricoeur but given much greater content by Giddens. For Giddens, the structures that constitute institutions include both rules and resources. The expansion of structures of social systems behind basic rules, even when on thinks of rules as both constraining and enabling, makes room for considerations about distribution that are central to the justice pursued by Ricoeur. Thus, while Ricoeur would concur with Giddens on the breadth of rules, it is in the concept of resources that one finds the greatest value for achieving just institutions.

Giddens divides resources into two types: allocative and authoritative. “Allocative resources refer to capabilities - or more accurately, to forms of transformative capacity - generating command over objects, goods, or material phenomenon. Authoritative resources refers to types of transformative capacity generating command over persons

or actors."[20] In this description of resources one finds the closest link to Ricoeur's hermeneutics of capability. The actor is conceived in terms of both capacity to impact or to exercise control over, on the one hand, material phenomenon, and, on the other hand the capacity to exercise control or command over other people. How exactly this happens, in Giddens' estimation, requires a closer look at each capacity.

Consider first the capacity represented by allocative resources. Giddens refers to these as "natural features of the environment," "means of material production/reproduction," and finally, "produced goods".[21] The clarification that Giddens provided early, preferring "forms of transformative capacity" to "capabilities" is instructive for understanding these resources. It is difficult to see, for instance, how a natural feature of the environment could be conceived as a capability, at least not a capability available to a human actor. A river, for instance, is ambivalent with respect to human activity, providing either hinderance or opportunity to human action. However, if conceived of in terms of transformative capacity, the latent power of the river comes into view. It enables transportation, food production, etc., and the particular activities that lead to these outcomes. The river is, in this way, a convenient bridge example to the resources described as the means of production and reproduction.

Giddens, it would seem, wants us to think of his list of allocative resources as making possible activity that is oriented towards the material. Resources in this sense would include such things as money or capital, tools or equipment, and land. This latter could include ownership or real estate, but also leases for the purposes of agriculture,

[20] Giddens, *The Constitution of Society*, 33.
[21] Ibid., 258.

mining, forestry, fisheries, etc. As such, allocative resources are not power per se, but, as Giddens puts it, they are the "'bases' or 'vehicles of power."[22] Resources then, are shown to be the bases for all social action, and the realm of power is broadened beyond mere domination.

This does not mean that domination disappears from a discussion of power conceived along these lines. It is important to note that the distribution of allocative resources impacts the capacity of individuals to achieve their goals and to successfully act within the established social systems. Not only are individual social systems constituted by the deployment of these resources in particular ways, but the establishment of social systems - and the long form system that is called an institution - instantiates the rules that determine what it means to successfully deploy resources within that system. This interaction of rules and material resources, developed in structuration theory, thus seems to cry out for consideration of the nature of the distribution of resources as well as the types of institutions that lead to and sustain a particular distribution.

The idea of resources as vehicles of power is extended to and even more clearly evident in authorizational resources. These include the "organization of social time-space," the "production/reproduction of the body," and the "organization of life chances".[23] Here the link to capacities is a little clearer. For it stands to reason that those with the capacity to organize will be in a particularly strong position to affect or

[22] Giddens, *Central Problems in Social Theory*, 69. Giddens' stated intent with this description of power vis-á-vis resources is to combine Weber's conception of power as the ability to exert one's will over another with Parson's understanding that power belongs to the collective.

[23] Giddens, *The Constitution of Society*, 258.

determine the operation and form of society. Time-space organization would include such things as a 40-hour work week, the historical closure of businesses on Sundays, building and alignment of roads and housing developments, even providing increasing speeds of internet access. The relationship between business and regulatory bodies, in particular, bring into view the ways in which authority, and thus authorizational resources, is present at the level of time-space organization.

It is not immediately clear how Giddens sees the production and reproduction of the body falling into the category of authorizational resources. But debates surrounding abortion indicate the ways in which groups, separate and distinguishable from the individual, exercise control or command over decisions that are possible for that individual. Similarly, the decision of the Catholic church to deny ordination to women and to demand celibacy of priests demonstrates the exercise of control over the body. Here also, questions about what makes a healthy body, even what makes an attractive body, come into play. These latter are less determined by groups than by the social whole, or at least a large segment of this whole, in conversation with and, often driven by media and celebrity. In the area of authorizational resources, it does not matter what things one has; it matters how they can be used to influence people, and hence is a question of justice.

Time has a particularly curious place in Giddens' theory. He places time under the banner of authorizational resources, at least time as it is organized under social time-space. But time seems to straddle the discursive space between allocative resources and authorizational resources. Giddens writes, "The organization of social time-space

refers to the forms of regionalization within (and across) societies in terms of which the time-space paths of daily life are constituted."[24] This, it seems clear, refers to the organization of daily routines, noted above, which include such things as a 40 our work-week, daily trips to the gym, family dinners, etc. Such routines fit squarely within considerations about the influence of people under the concept of authorizational resources.

Giddens also discusses time-space distantiation as operative with respect to allocative resources. In particular, he offers the example of technological advances in food storage that allow for the keeping of food stuffs for great lengths of time, ostensibly providing much greater stability in access to food.[25] In this latter example, it is food that is an allocative resource, a material that makes capable. It goes without saying that access to such a basic necessity of life greatly impacts the capacity of individuals and groups to pursue higher level needs or desires or even, as Giddens puts it, to organize life chances. The issue of access to food over time raises the important question of how allocative resources fit into discussions of justice, and in particular how time may figure into that discussion. If one were to consider a society that enjoyed greater freedoms, for instance, some aspects of time-space seem more closely linked to individual or small group status, even largely economic status. Does one have to work three jobs to support a family? Can one move to where the jobs are? Can one move to avoid high crime or gang activity? Does one have time to go to the gym or engage in recreational activity? Does one watch television, exercise, volunteer, or engage in any number of

[24] Ibid., 260.
[25] Ibid.

other social activities? The underlying question is how answers to these questions and the real choices that they represent impact one's capacity to perform or to be successful in the network of social systems within which one lives.

It should be noted that Giddens is interested in the production and reproduction of social systems and not, as the preceding discussion might indicate, the individual person in society. Ultimately, it is not important to Giddens how an individual relates to both allocative and authoritative resources. This is at once understandable while at the same time curious. On the one hand, as we have repeatedly seen, social theory in general and structuration in particular is concerned with repetition, with patterns; one actor is insufficient to describe anything at the level of the social. But on the other hand, the reference that Giddens makes in discussing authoritative resources in particular, such things as the body and life chances, implicate the individual and the small group in a very real way, requiring one to consider how these resources might relate to the social in its smallest formulation.

One of the key ways that people relate to the social is through the operation of power. As mentioned above, Giddens proposes a twofold conception of power, that of the exertion of an individual will on one hand, and on the other, the potential of a collective. Such exertion was clearly seen in the articulation of the capacity to influence or exercise control over people, on the one hand, and material goods on the other; in both instances power is directly connected to human capacity. This conception of power is rendered more adequately in Ricoeur's articulation of the capacities of the individual and his discussion of power in common. Recall that Ricoeur lists four human

capabilities: action, speech, narration, imputation. When he moves beyond the realm of the individual and writes of institutions, he engages with Arendt's conception of power in common. It is in this latter place that he addresses the idea of domination. However, Ricoeur's analysis produces a thorough conception of the operation of power in the social sphere without offering adequate practical considerations required to humanize power fully. Attention to structuration theory offers this practical avenue. By indicating the individual within the social, through reference to bodies and life chances, structuration theory provides a space for individual actors within the social frame. This provides the opportunity to think about resources as available, accessible, possessed by, etc., individuals or groups within society. Thus, when Giddens claims that resources are the bases or vehicle for power, one is driven to consider how resources impact the capabilities that Ricoeur finds central to human being. Here the force of human fragility, discussed by Ricoeur in both his early and later stages, is most prominent. And so too is the need for the aim at justice, even so just institutions.

Institutions in Practice

Against this background of the relationship of practices to resources and human capability, I want to consider three institutions that appear in the writings of Ricoeur. These will be the medical establishment, the judiciary, and finally scriptural interpretation in the formation of religious community. Each of these institutions represent a constellation of practices that, to different degrees, affect the outcome possible of the institution as a whole. The way in which the practices interact within the

institution is thus both constitutive of the institution and directly related to the possibility of justness in that institution.

Medical Establishment as Institution

In *Reflections on the Just,* Ricoeur engages in a comparison of the medical establishment and its processes of decision making to the operation of law in the judiciary. His concern is primarily with medical ethics, and the relationship between norms, goals, expectations, and values across different spheres of medicine. Thus, he identifies three distinct, often competing but also complementary aspects of medicine, which he conveniently refers to as systems. These are 1) laboratory rules; 2) rules for patient/doctor relationships, including rules surrounding confidentiality and the expectation of care; and 3) rules for and needs of public health.

The laboratory is the place of discovery. It is concerned with the production of medical and biological knowledge for use in "diagnosis, prescription, and treatment."[26] Seeking, as Ricoeur nearly always does, a balance between extremes, he identifies in the laboratory system the threat that the "center of gravity will shift from know-how to *knowing that,* from the care of a person to being able to control a laboratory object."[27] A strictly laboratory approach to medicine would treat the person as an object, as a machine, and itself as a technique for repair. Such a position would be driven primarily by values of efficiency, success in technical outcomes, deeper knowledge of the organism. But it does not inherently have space for considerations of the whole or even

[26] Ricœur, *Reflections on the Just*, 215.
[27] Ibid.

individual person, or indeed treating the patient as a whole person, as the relatively recent push to patient centered medical care seeks to address.[28] As Ricoeur holds, an approach to medicine that treats the biological aspect of the individual without consideration of the "person" is to be eschewed.

On the other end of the spectrum of the medical establishment is the system that is comprised of the rules and needs of public health. This system poses a similar threat to the "patient as person" that Ricoeur identifies in the system of the lab. Ricoeur holds up the epidemic as the most visible example of the public concern for health. The threat to the health of a population as a whole, the costs of administering treatment broadly, and the potential costs and impacts of not administering treatment are central at this level. Here the political nature of the medical is revealed in the fact that, as concerns the epidemic or potential epidemic, "Each accident of individual health constitutes a risk for the whole population."[29] In a similar way as in the laboratory, the individual under public health gives way to the data, becoming a number among others in a statistical calculation. Modern arguments about the nature of healthcare - as a right or privilege, how to pay for it, what to cover and what to exclude, etc. - embroil every practitioner and every patient into the public health discourse. "Here," Ricoeur writes, "the scale can tip toward the side of the concept and practice of public health at the expense of concern

[28] Ronald M. Epstein and Richard L. Street, "The Values and Value of Patient-Centered Care," *The Annals of Family Medicine* 9, no. 2 (March 1, 2011): 100–103, https://doi.org/10.1370/afm.1239.

[29] Ricœur, *Reflections on the Just*, 216. Consider the flu. Since a vaccine has become available for the flu there has been an increasing push to have more and more people vaccinated. Increasingly, doctor's visits and pharmacy visits include the question "Have you had the flu vaccine?" When such vaccine is expected to be ineffective, as was the case in 2017-18, it was not abandoned on the hope that it might still offer some relief.

for unique, irreplaceable individual who cannot be substituted for one another."[30] Even if a cause of action is clearly in the public's interest, with the cost of non-action being exceedingly high, data driven public health actions risk forcing that action without engaging the effected people as people. In this way, public health can be an inhuman institution.

These two systems, the laboratory and public health, flank and threaten the system of a "caregiving agreement"[31] from each side. This caregiving agreement is made up of rules of confidentiality and is based on trust connected to the expectations of both the patient and the physician. "The patient believes that the physician can help him and wants, if not to cure him, at least to provide care for him. The physician counts on the patient's being able to acts as the agent of his own treatment."[32] The bidirectionally of this relationship indicates elements of interpersonal relationship, signaling such qualities as reciprocity and friendship, while also pushing into the institutional sphere in which the way in which the relationship is enacted is subject to rules and resources.

This trust relationship is not established on a whim. On what does the patient base her trust? Certainly, the authority of the doctor is a significant part. Such authority is established through years of training, examinations, board certification, ongoing training,

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[30] Ricoeur, *Reflections on the Just*, 216. The uniqueness of individual health is gaining attention by research into things such as gene therapy, for instance. But issues of availability, focused largely on cost, ensure that this individualistic approach is attached to the lab end of the spectrum rather than public health.

[31] Ibid., 213.

[32] Ibid., 214. The expectation of the physician is of course problematic in cases where the patient is unable to act or decide for him- or herself. Here a surrogate actor stands in for the patient on the basis of established guidelines for medical decision making with the hospital or larger medical establishment, or the exercise of a medical power of attorney giving specific authorization to a particular individual to make decisions in the event of mental incapacitation. The practices, while problematizing the trust relationship of patient and physician, nevertheless are participate within the institutional framework of the medical establishment that Ricoeur is here interrogating.

even possibly employment within a medical clinic. The credibility of the physician can also be under scrutiny, with today's medical practitioners having an internet presence that offers reviews and rating by past and present patients. Information relating to the kind of care the physician takes in treating a patient indicates the selection of a physician within a larger social practice of community judgment. Certainly, many cases in which a patient encounters a physician do not afford the time and effort required to do such a thorough background check. And yet the existence of social networks aimed at informing the patient in all her healthcare decision-making increase the likelihood that a physician will be operating with significant knowledge about the impacts of her interaction with her patient, both in a single particular visit and further patient/physician relationships. Whether or not the doctor is aware of all of this knowledge, we learn from Giddens that the social conventions, rules and resources available to this interaction form the knowledge base from which the doctor treats her patient.

While there certainly exists ratings and reviews within the American medical system, too great weight should not be given to them in assessing the establishment of trust on the patient side of the relationship. The very fact that so few interactions with physicians other than one's primary care physician afford opportunity for research means social judgment is a significant factor in only a fraction of such relationships. The judgment of others thus largely gives way to one's own judgment. Things impacting one's independent judgment include one's past experience with doctors, both the present physician and others that went before. It will further include the generalized practice of going to doctors, something that is commonplace in today's society, but will again be

colored by the experiences of one's community, both immediate and broad, as one is engaged in the reflective monitoring of action. This means that members of a community with negative experiences of the medical professions will struggle to trust a physician, signaling the breakdown of the central relationship that Ricoeur identifies.

Take for instance the community of African Americans sterilized without their knowledge in the southern United States during the 1970s.[33] Such eugenics programs, widespread at the time and applying to groups other than African Americans, though in fewer numbers, have left a large population with incredibly negative interactions with the medical establishment. Many of these individuals have direct experience with medical mistreatment or have a family member, close friend or acquaintance that was negatively treated. And even those within the community without close connection to the mistreatment may be justified in their expectation that the medical establishment is not to be trusted, that in fact it exists to do them harm. These people will not seek medical treatment that may even be in their best interest. This phenomenon combined with the existence of socially available judgment of medical practitioners indicate the social nature of the relationship that Ricoeur is seeking to hold up. It is so much more than the naked encounter of a patient with a physician, requiring a host of circumstances, practices, etc., in order to ensure that the trust is not misplaced.

The poor judgment and actions of some physicians historically certainly does not reflect the attitudes or practices of the profession as a whole, a profession that has at its

[33] The practice, known as the "Mississippi Appendectomy," is detailed by Dorothy Roberts in her book *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty*, (New York: Vintage, 1998).

core the commitment to doing no harm. But even small-scale injustices, not to mention disagreements about what it means to harm,[34] indicate the difficulties inherent in determining and developing just medical institutions focused on the trust relationship. It should be remembered, however, that there are two sides to the trust relationship that Ricoeur is detailing, and the trust that the physician has for the patient is equally important in the just operation of the medical establishment.

The trust that the physician exercises is that the patient is forthright about his symptoms and history, agrees to the good faith practice of the physician, and is committed to following through with the agreed upon treatment. This possibility can be threatened, for instance, by the patient who acts as though ten minutes on the internet is sufficient for establishing expertise in the field and thus challenges constantly the advice and expertise of the physician. Or the patient whom, having seen an advertisement for a drug that promises to bring relief from her symptoms demands that the doctor prescribe it, with or against the physicians own diagnosis. Then there is the lack of commitment to a treatment regime, most obvious in failing to complete an antibiotic regimen, but also in dedication to lifestyle changes for things such as heart disease. So too is the experience of the patient and the patient's community part of the narrative that the physician must rightly or wrongly deal with, with respect to interpersonal treatment or encounters that do not fit with the way in which a particular physician has treated his patient. A physician who is constantly required to fight with a

[34] This is a key question in the debates surrounding doctor assisted dying.

patient on these issues will struggle to adequately treat her patient; the lack of trust breaks down the institution.

The just medical institution can be established, thus, through the development of practices and their reproduction such that trust can be more easily established, repaired, and built. One of the challenges an individual faces upon entering into relationship with the medical establishment is the sense that the institution is an entity apart from them, that its operations are arcane and unaffected by the individual's action. A structuration approach provided by Giddens, combined with Ricoeur's conception of the patient/physician relationship, challenges this. The two-sided nature of the trust relationship, the fact that both the patient and the physician are responsible both for trusting and creating the conditions under which trust is possible, or under which the likelihood of trust being accurately placed is high, places significant demand on both parties to the relationship. This, of course, does little to diminish the trepidation with which one might enter into such an institutional relationship. But the trust demands on the physician mean that, under ideal conditions, she will be acting, not strictly under the guidelines and regulations of the lab, public health, or bureaucratic demands of a particular clinic, but towards the aims for which the patient is placing trust in her. There are obviously numerous activities, perhaps even practices, that run counter to this trust relationship. The seeking of profit over health, non-medical or unscientific relationships to drug companies, perhaps even efficiency, are areas in which the actions of the physician or medical practitioner can inhibit and threaten the trust that the patient places in her.

So too, the presence and importance of the other two terms in Ricoeur's analysis of the lab and public health put consistent pressure on the trust relationship. These are vital elements in the functioning of a healthcare system that does not operate within a social vacuum. But Ricoeur is keen to remind us that too much emphasis on the laboratory on the one hand, or public health on the other hand, will serve to undermine the trust relationship at the heart of the medical establishment, and thus threaten injustice to the individual or group. The greatest difficulty lies in the realization that trust in the medical establishment includes trust in the discovery and development of medical knowledge and the effective application of public health policies to prevent epidemics. Justice, in this instance, is difficult to clearly articulate beforehand. But the required positioning of the patient and the physician indicate that it is the level of individual practices that one can see how the justice of the broader institution can be developed.

A certain possibility for justice in medicine is skewed by the foregoing argument for bidirectionally in the trust relationship between patient and physician. The need for each to act according to needs and expectations of the other covers over the fact that the physician is always superordinate in this relationship, and it cannot be otherwise. This superordinacy is strongly related to authority and is directly connected to the resources to which the physician has access; resources of knowledge, specialized equipment, the prescription pad. The patient's access to these resources, often necessary for healing or a cure, is mediated by the physician, making the relationship, which is to be one of trust, a dependent relationship. Such is not an equal relationship; the trust relationship is also importantly an asymmetrical power relationship. This is why the framework of

fragility is valuable for thinking about the ways in which such a relationship operates if it is to be just.

Ricoeur offers little in the way of prescription when it comes to the actions and practices that inform and constitute the physician/patient relationship. Focusing on the productive side of the exercise of power,[35] one can use Ricoeur's hermeneutics of the capable person to identify possibilities for guidance when it comes to such a position of power. Take the second of Ricoeur's identified capabilities, the capability to speak. Within the context of the patient/doctor relationship, this would indicate the requirement for a space to ask questions, to propose treatments, to discuss options available to the patient; this is very much a discursive space that, under ideal functioning makes room for each party to adequately, in their estimation, contribute to the process. But the most clearly ethical part of the relationship is given in the capability to take responsibility for one's actions. This would include the patient being honest about contributing factors to his illness or injury, as well as willingness to follow through with any prescribed treatment. On the doctor's side, researching appropriate treatments and timelines, using both the patient's description and apparent symptoms, and following up with the patient, if only through encouragement to set up a follow-up appointment. These are only some very basic ways in which the capabilities of both the doctor and patient can be meaningfully implicated in this central institutional relationship; any number of other actions or moments of responsibility might be brainstormed or enacted to effectively make this trust relationship one that contributes to the justness of the institution. But the

[35] The idea of productive power as developed by Giddens, and its relationship to Ricoeur's *homo capacitans* is discussed at length in Chapter 3 of this dissertation.

presence of power does not meaningfully undo the ways in which human capability is key to the fruitful building of this relationship.

Judicial System as Institution

Having discussed at length the medical establishment and the position of the doctor/patient relationship with respect to the poles of lab medicine and public health, Ricoeur sets about comparing this system to the judicial system. To begin this comparison, Ricoeur first notes the different types of relationship that is at the heart of each system. The medical establishment, focused as it is on healing, exhibits at its heart a relationship of unity - the physician and the patient ostensibly working towards the same end. In contrast, at the heart of the juridical system is a relationship of antagonism between the victim and the accused. Here it is the "sentence that separates the protagonists, designating one as guilty, the other as the victim."[36] Ricoeur does not desire his reader to make too much of this difference in relationship, as he focuses rather on the similarity in these institutions. And it is this similarity that, regardless of any divergences with respect to how the principal relate to one another offer insight into the just operation of practices in establishing the justice of the institution.

Justice in the judicial system is closely tied to the balanced relationship again of three aspects of the total system. At the first pole, corresponding to medical knowledge, Ricoeur identifies juridical theory and juridical theorist, notably the university professor. On the other side sits the penal policy of government, which corresponds to public health policy. Between these two, as between medical knowledge and policies about

[36] Riccœur, *Reflections on the Just*, 217.

public health, “will occur the process of decision making in a concrete situation.”[37] The central column is made up of “the written codes, the state of jurisprudence, and the procedural rules that govern the trial process.”[38] These procedural rules establish the way in which members in the trial will be treated, detailing as they do the selection of jurors, questioning of witnesses, as well as deference to the judge. In a similar way as in the medical establishment, both the prescription and the sentence are particular to an individual person and a specific set of circumstances.[39] This latter fills in, or at least attempts to fill a gap between Ricoeur’s analysis of the medical establishment and the current articulation of the parallels in the juridical system. It is in that gap that the human person is located. While the physician/patient relationship was at the center of the medical establishment, flanked by the medical scientific community and public health policy, such a relationship is, in Ricoeur’s analysis, absent from the juridical system. The rather impersonal way in which one engages with the juridical system is thus a significant force affecting the justness of the encounter. A brief look at how Ricoeur

[37] Ibid., 218.

[38] Ibid., 217.

[39] While Ricoeur’s analysis suggests this parallel between treatment and sentence, public policy regarding sentencing does in some instances places strictures on the judge such that the particularities of a case have little bearing on the sentence handed down. Mandatory minimums for drug crimes or crimes committed with a gun are the two most common instances in which the judge is allowed consideration of the individual before the court. A parallel case, it would seem to me, does not exist in the medical establishment. The closest likeness might be the prescription of medication, which in most instances is governed by the FDA, which mandates labelling of drugs for specific conditions to the exclusion of other conditions. Yet off-label prescription does occur, in fact is a widespread practice. This demonstrates at least one area in which medicine departs from the juridical in Ricoeur’s analysis. For an example of where a physician’s hands might be more securely tied would be in the case of abortion. Take for instance state laws requiring the communication of information to the expecting mother regarding fetal pain. Here the judgment of the doctor and her understanding of the science behind this law become subject to legal authority in its execution of public health policy.

conceives of this encounter is required to properly assess the requirements for a just judiciary.

In comparing medical ethics to the judiciary, Ricoeur's primary focus is the location of decision making - the encounter between physician and patient on the one hand, and on the other, the encounter between the accused and the judge. His goal is not to illuminate the institutional similarities between the two areas, but rather to demonstrate the importance of decision making, the exercise of wisdom, and the arrival at forms of meaning that operate similarly in the two spheres. Key among these meanings is the nature of the relationship expected, even required, between an individual and a figure of authority. There are three elements that Ricoeur notes in particular: 1) each relationship of authority requires judgment on the part of the authority figure, 2) a decision irreducible to the process it ends - i.e. the prescription and the sentence - and 3) the presence of what Ricoeur calls an "advisory body" following the authority figure through the decision making process.[40] The second of these is the irreducibility of the process to the outcome of judgment. This indicates, to Ricoeur, the fact that a judgment is a risk. With this the limited nature of human being comes again into view. Claims to universal knowledge and finality in understanding have no place in this process, and the applicability, proportion, and justness of the judgment remain always a risk. Here the risk represents both the possibility of failure, of destruction, of violence, but also the possibility of justice and flourishing. It is the riskiness of decision in two of the central institutions of modern society that, I contend, opens up a vista into the fragile and even

[40] Ricoeur, *The Just*, 220.

fraught nature of institutionally coordinated social existence. Furthermore, the possibility of strategic action within the institution, of risk-taking, makes possible individual action aimed at transforming an institution.[41]

Biblical Interpretation as Institution

Having discussed the institutions of medicine and law, I want to switch now to discussing a third institution that differs from these two in significant ways, including the nature of the outcome and the focus of the institution. This institution is that of interpretation, specifically biblical interpretation in the Christian community, and biblical interpretation as formative of the Christian community. Of what does the practice of biblical interpretation consist and how might we think of it as an institution? It begins, obviously, with the reading of the bible. Even at this stage, such action is not necessarily neutral. The choice of bible will impact the nature of the reading. Does one read in the Greek? In Latin? Is the Christian Old Testament read in the original Hebrew? Or is a vernacular translation desirable? Perhaps one can only read in the vernacular. Then, in the case of English, the choice becomes one between different translations. Is one a traditionalist? The King James Version might have appeal in such an instance. Or perhaps, in the case of a Catholic interpreter, the Revised Standard Version, or the Jerusalem Bible, would be preferable. Does one prefer the ease of access in a more modern rendition? Peterson's *Message* could offer the modernization that an interpreter seeks. Related to this issue of language, there is the issue of physical access. What

[41] See Chapter 3 above on Giddens for a discussion of strategic action as it applies to social transformation.

Bible is at hand? What Bible can one reasonably get, whether from the local bookstore or the community library? All told, these decisions may seem trivial, and they are to a large extent. But if a community holds in high esteem the inerrancy of scripture, as many Christian communities do,[42] then considerable weight can be and is placed on the selection of a particular translation.

The questions raised about how one will begin with biblical interpretation illuminate the way in which the practice of interpretation expresses certain rules and relies on certain resources, which are the structures of interpretation in the theory of structuration. The academic will have available to her all the resources to interact with the Bible in the original languages, including, possibly, early manuscripts or fragments. This same academic will, in all likelihood, be able to produce her own translation, and compare it to existing translations. Such resources are not available to the majority of biblical interpreters, though the high level of education among modern day pastors mitigates the potential limitation. Some would rely on a single bible, perhaps one gifted during their youth. Some are not aware of the existence of various translations, holding theirs to be the accurate representation of the "word of God". The fact that there are these different degrees of access to resources, inflect the interpretations that arise out of these different engagements with the text. This is where one can begin to see the resources of a practice intersecting and interacting with the rules of that practice.

[42] The 1978 "Chicago Statement on Biblical Inerrancy" is a clear example of the elevation of Christian scripture and strict adherence to the "original" text. Article X, in particular states, "We further affirm that copies and translations of Scripture are the Word of God to the extent that they faithfully represent the original." Access to the original texts, or, obviously, the closest possible historical representatives of those texts, is a requisite for determining the meaning and message of the text. The choice of a translation thus becomes vitally important, for inconsistency in translation of the original message, leading to divergence from the revelation of God.

Prolonged interpretation from a single translation will form a community according to that translation, which may well lead to the belief that that translation holds the keys to understanding what God is saying to the community. More likely, the inclusion of a different set of books, as is the case in comparing protestant bibles to Catholic bibles, leads to some subset of different teachings, different understandings of history, and thus different formation of the community. The presence of certain texts within the tradition, thus becomes the ground for the appreciation or valuing of those texts so that they are repeatedly addressed as part of religious practice. The production and reproduction described by the theory of structuration is evident.

This production, and reproduction, is marked by a particular kind of relationship to scripture. In his essay, “The ‘Sacred’ Text and the Community,” Ricoeur writes of the historical development of Christianity’s relationship to scripture and the primacy of what he calls “proclamation” in the maintenance of the tradition of scriptural communication. He begins the essay by posing the question of the difference between sacred and authoritative, ostensibly admitting that the submission of scriptures to the critical gaze desacralizes them. The outcome of such desacralization separates the academic community from the Christian church but does not obliterate the church through the critical gaze. This separation informs a particular church community's approach to the text, with varying degrees of alignment or distancing from the academic community. Ricoeur’s argument vis-à-vis this desacralization is that different epochs and different forms of Christianity respond to the text in a different way, and this response is necessarily and demonstrably tied to contemporary concerns of the interpreter. Thus he

identifies the “freezing” of the text in response to early “heresies” in the early years of Christianity, the interpretation of scripture through the lens of a single philosophy during the Middle Ages, and the freezing of scripture against tradition in the Protestant Reformation.[43] In each of these instances, Ricoeur suggests that a central question facing interpreters is whether critical assessment that falls outside of the dominant or frozen framework will “kill the community or renew it”.[44] Put differently, how does the church community relate to broader or outside lines of interpretation, both direct and indirect via social ideological transformations? In these instances, the interpretation of scripture is very much constitutive of the community.

It is helpful at this juncture to recall what Giddens had to say about human functioning within the social sphere. In particular, a mixture of practical and discursive consciousnesses is at play in the operation of community engaged in interpretation. Take for instance the reference made to the freezing of biblical or scriptural interpretation as a hedge against heresies in the early formation of Christianity. Such an action requires the existence of a society that can be defined in terms of a particular identity which is deemed to be threatened by the existence of a challenging narrative either from within or without that community.[45] Subsequent interpretation is thus subject to judgments of acceptability, on the basis of how well they fit with the accepted, orthodox interpretation. There can be little doubt that judgments surrounding acceptability were being made from the top down, with church leadership accepting or

[43] Paul Ricoeur, *Figuring the Sacred: Religion, Narrative, and Imagination*, ed. Mark I. Wallace (Minneapolis: Fortress Press, 1995), 69–70.

[44] Ibid., 70.

[45] Ricoeur notes both Gnosticism and Manichaeanism. See Ibid., 69.

denying a teaching without changing the mind of the average Christian.[46] Nevertheless the process of establishment reflects, on the one hand, discursive consciousness, as leaders determine the acceptability or unacceptability of certain teaching. Reasons are required for particular positions and outcomes and actions that serve to align them with or explain them in terms of the norm. Actions or beliefs that fail this discursive test are rejected and deemed heretical. On the other hand, practical consciousness ensures that the practice of interpretation then moves forward on the basis of gestures of agreement, lack of sanction, organic growth in patronage, and the like. The existence of measures of "right" interpretation in the masses would also be best described in terms of a practical consciousness, where disapproval of an individual or group would have occurred absent any meaningful understanding of the theological or political motivations of exclusion. Thus, the establishment of a particular kind of community, with a particular identity linked to a central interpretive framework or hermeneutic is demonstrated to arise out of a set of practices moving between greater and lesser degrees of social awareness, that is, discursive consciousness.

How does the teaching that excludes certain other teachings as heretical move from the ranks of the elite to the consciousness of the masses? This would occur, in Ricoeur's analysis, through the central practice of preaching in the Christian church. "Preaching," Ricoeur writes, "is the permanent reinterpretation of the text that is

[46] A compelling example of this from the early modern period can be found in historian Carlo Ginzburg's *The Cheese and the Worms*. In this text, Ginzburg uncovers the limitations of the church hierarchy to affect or change the beliefs of common people. The extent to which Menocchio, the central figure of this microhistory, is committed to unorthodox beliefs, even in the face of torture, demonstrates the limitations of a sort of unsanctioned authority, which forces some to the margins of a community.

regarded as grounding the community; therefore, for the community to address itself to another text would be to make a decision concerning its social identity. A community that does that becomes another kind of community."[47] Here the community is related to a text, a single text, by way of a practice of interpretation. The interpretation need not remain the same, identical, but the text does, and the practice of interpretation establishes a mode of understanding, a base or framework that constitutes the community. This is a particularly Protestant understanding of the religious community that would see the substitution of foundational text as tantamount to a fundamental change in the kind of community formed. And yet, while Ricoeur is certainly addressing himself here to textual interpretation of the bible, he is more deeply concerned with the situating of community within a particular history, as continuous, so to speak, with a particular tradition. No value judgment is, as such, attached to the claim that transformation of the community arises through appeals to non-traditional texts or foundational moments. What is key, for Ricoeur, is the way in which the mediation of the interpretation is a repetitive, entrenched practice, assented to by the community either explicitly or implicitly, that serves to provide the central meaning that constitutes, to a large extent, the historical community. The situating of the historical community via biblical interpretation is the point at which this institution touches the question of justice.

[47] Ricoeur, *Figuring the Sacred*, 70.

Implicating the Individual in Institutions

All of the institutions cited and discussed above require particular actions by particular participants in order to establish and maintain the institution. Consider the doctor/patient relationship at the heart of the medical institution. The proper functioning of this relationship can reasonably be summed up as working towards the aim of healing. This requires a delicate balance of actions and relationships, by multiple actors. The physician/patient relationship is obviously at the heart of this institution, as described above. But there are also activities in the opposite poles of the institution that impact the nature and possibilities for this relationship. Take the laboratory, for example. Scientific exploration of medical question is focused on experimentation aimed at discovery. Large groups of people, often in studies designed around the principle of double blindness, distance both the principal investigator and the study participants from the results of the study. Little interest is given to the individual in the study, with the focus being rather on the aggregate of results, with the hope being statistical significance in the experiment's findings. Beyond the duration of the experiment, decision must be made regarding the disclosure of results and data. Also, how that data is disseminated is important, whether it be through national health agencies, pharmaceutical companies, or peer-reviewed journals. All of these decisions take little account of the individual participant, revealing the importance of the centering move that Ricoeur makes with regard to large institutions in modern society; the individual is part of the institution.

At the heart of the examples of the judiciary and medicine are interpersonal relationships. An ethical conception of this is given in the analysis that Ricoeur provides of Aristotelean friendship and the limits of reciprocity discussed in Chapter 2. The key ingredient in the ethical function of these relationships is therefore the recognition of the other. Here recognition must take the form of recognition of numerous things attendant to the individuals involved. In the case of the patient/physician relationship, from the perspective of the patient, recognition is expected on the basis of their individuality, their context or sphere of concerns, even their membership in a marginalized or vulnerable population. On the other side of the relationship, the doctor expects to be recognized for her training and education, her commitment to the hippocratic oath, and even her genuine care for the suffering.[48] Such expectations mold the interactions between the patient and physician and make possible the care and treatment that is provided.

This coming together of patient and physician is, of course, driven by the suffering of the patient.[49] It is, in this respect, a forced relationship, meaning that the patient has limited choice in entering into this relationship, regardless of the number of accessible physicians available to the patient. The fact remains, therefore, that the patient is only exercising limited freedom when entering into this relationship. And yet such a fact does

[48] This latter, a genuine care for the suffering may not be a motivating factor for the physician. Indeed, financial gain or the accumulation of wealth may be a primary driving factor to lead even a misanthrope to practice medicine. In this case, while the expectation for *care* may be insufficient to ensure an effective response deemed care, the possibility of sanctions and the requirement for effectiveness governed by the market nature of medicine, in many, though not all, contexts, places a check on the mercenary physician. Thus, while a physician may not *care* about his patients, he is likely forced to care *for* them.

[49] It is also likely that in many cases this relationship is driven by the desire to *prevent* illness or disease. Indeed, a significant aspect of the Affordable Care Act of 2010 makes preventative medicine a requirement for government backed or subsidized insurance policies. This element takes as its premise the cost savings involved in the prevention of certain diseases or ailments and thereby serves to define the physician/patient relationship as an ongoing relationship aimed at the long-term physical wellbeing of the patient. The patient is not sick, the patient is not ill. The relationship is thus uniquely future oriented.

not diminish the expectation that the patient has of the physician. It may, on the other hand, impact the expectations that the physician has of the patient - not expectations surrounding how a patient needs act in order to recover from an illness or an injury - but expectations regarding how the patient will initiate interaction with the physician. Consider the possibility that there is only one physician serving a community. This physician may be in good standing with the community, something that one could reasonably expect given the expectation that the physician works, at least to some degree, out of an interest in caring for those who are suffering. But the physician might be in poor standing in the community. He may have been subject to accusations of malpractice or worse. Or he may simply be lacking in the bedside manner that makes for a congenial relationship between physician and patient. In such a case, the patient who breaks her arm and requires the attention of the only physician in the community may rightly enter into that relationship with some trepidation or at least apprehension. This will undoubtedly color the initial interaction of the physician and patient, and possibly impact the potential for patient outcomes without adequate awareness or recognition. Here the question is of the recognition that the patient brings to the relationship based on an expectation, warranted or not, of how that relationship will be. To whom falls the responsibility of overcoming the potential negative?

Ricoeur's analysis of the interpersonal sphere in *Oneself as Another* does not account for such asymmetries of power inherent to relationships. The relationships that he details there are essentially relationships between equals, those who could be easily described as being likely friends. In this way Ricoeur is able to identify the limitations of

reciprocity for adequately defining the interpersonal relationship, while at the same time establishing equality as a foundation for and also derivative of the fact of interpersonal relationships. Yet relationships are often defined more in terms of asymmetries of power than of equality. Even striving for equality in relationships would seem to be ill-advised in most cases, beyond those of friendship. At what point is the learner on equal footing with the teacher? When does the apprentice exceed the master? And in the case of the example under present consideration, when does the patient stand eye-to-eye with the physician? This latter cannot be conceived outside of hierarchies of power without reducing the possibilities for treatment and healing within that relationship. Ricoeur, as noted, does push beyond claims of reciprocity to the recognition that 1) I have something to offer the other, and 2) the other has something to offer me. Here is highlighted a fundamental lack of something that establishes the need for the other in our lives.[50] Ricoeur characterizes interpersonal relationships, then, as grounded to some extent in the Hegelian need for the recognition of the other. But in the case of the patient/physician relationship, is it not the case that the relationship is not best characterized as one of absolute vulnerability, of Levinas's face crying out not to be injured?

It is this space of vulnerability that the just institution seeks to address, offering assurance and stability to the life under threat. Might it not be the case that the institution, in its just form, exists to mediate relationships of asymmetrical power? Put another way, is not the just institution a productive exercise of power (rather than an

[50] See Chapter 2 above.

exercise of domination or violence)? The institution understood in terms of practices or sets of practices could more easily be adjudicated than the institution understood as bureaucracy. This is because an institution conceived of in terms of practice implicates the individual within the operation of the institution. Again, working backwards from Giddens' conception of institution is instructive. An institution is, there, merely the most durable of systems that constitute society. And a system is a set of practices that instantiate and give form to socially governing rules and resources. The system is established through the activity of individuals operating according to the availability of resources and expectations of others that reference rules of behavior. At the level of the social, such rules are unwritten and largely unspoken, except when they have been violated. Thus, Giddens distinguishes between practical and discursive consciousness. In the bureaucratic, what is often referred to as the institutional, the existence of rules is more defined, as organizations establish and codify procedures, regulations, guidelines, etc., for their day-to-day operations. The following of such rules only makes sense when we take an individual to be the one acting out this rule. And while any set of rules in this context exist within the larger framework of the bureaucracy and serve a particular value or set of values at which the organization aims, the functioning of the organization at the base level is dependent on the actions of individuals. Notably, one individual's actions do not make or break a given set of rules, in the same way that one action of one individual does not constitute a practice. But a host of actors acting in concert impacts the sustainability of any system within or without the bureaucracy because of their capacity to entrench or transform that system through a particular kind of action. This

particular action may begin with the action of an individual, consciously or not, thus the model of structuration, and the implication of the individual in the institution is established.

Consider, more plainly, the institution of biblical interpretation, discussed above. It is not difficult to see the way that the individual is implicated in the structuration of this institution. The interpreter's reading of scripture is certainly inflected by her training, with different schools of theology offering different approaches or meta-readings, manifest by the interpreter when she proclaims an interpretation to a religious community. Such a proclamation is an exercise of freedom, informed and guided by the structures established in her training, and it remains at all times an exercise of freedom. The resulting formation of a community around a particular interpretation of text, including an orientation to the text based on a particular valuation of written or spoken work is connected to the institution of biblical interpretation communicated in the proclamation. The acceptance of the proclamation of the community directly impacts the interpreter, the preacher. In varying cases the preacher may gain psychological strength from the response. There may be direct or indirect repercussion, depending on the polity structure of the religious organization. These repercussions will not necessarily change the way that the preacher reads scripture or communicates her reading to her audience or congregation, but they may well limit or expand her opportunities to share her interpretation.

These contingencies demonstrate the imbeddedness of the institution of biblical interpretation within larger social systems of evaluation and judgment, closely related to

the self-understanding of the community. In this way, any response to the proclamation of an interpretation, as well as the possibilities for the preacher enabled by reactions to the proclamation indicate the structurational operation of the reflective monitoring of action, where that action is the expression of a particular reading of the Bible. The preacher is directly implicated in the formation and continuation of the religious community on the basis of the dual activity of interpretation and proclamation. And even absent a single religious leader within a community, say, in the Quaker tradition of individual prophecy, interpretive actions by community members that stand outside of the established expectations of scripture and its interpretation bring into question the place of that individual in the community. And besides, if a segment of the population in this community decided not to participate in a given meeting, the institutional practice of community prophecy would fall into question moving forward. In the end, the religious community is dependent on individuals within that community carrying on with activities that reinforce, to a greater or lesser degree, dependent on the overall stability of the community, the self-understanding of the community. That “this is the way we’ve always done it” does not obviate the fact that there remains a we that is doing it.

Towards the Transformed Institution

Attestation: “I can” in the Institution

While the example of the preacher/religious community relationship differs greatly from that of the physician to patient, each enables us to think about the ways in which both sides of the relationship are individual actors within their particular context. This

returns us to the capable human and the attestation of the "I can." The hermeneutics of the capable human has already been discussed at length, but there remain some nuances of the concept that require addressing, not the least of which is the context from and into which such an attestation is being made.

In her essay "Ricoeur and Women's Studies," philosopher Pamela Sue Anderson traces the use that Ricoeur makes of Spinoza's *conatus* in detailing a hermeneutics of capable human being. The arrival at Spinoza encourages Anderson to address the psycho-social aspects of the "I can" in context, namely affirmation and approbation. She writes, "Affirmation and approbation are required for an individual's *confidence* to exercise her or his power to act."[51] Affirmation and approbation are, here, linked to the concept of recognition; both indicate being recognized by another. In this respect, both affirmation and approbation reflect a social relation in which the individual is invited to attest to her capability. What Anderson does not offer is an answer to the question "Who is offering approval?" or even how that approval is gained.

Yet there remain numerous instructive points in Anderson's analysis, particularly her treatment of the importance of *conatus* for understanding the capable human being. In following Ricoeur, Anderson paraphrases *conatus*: "[T]he *conatus* stands for an individual thing's endeavor to persevere in its own being against un-wise passions and that this perseverance becomes a thing's very essence."[52] In his very brief discussion of

[51] Pamela Sue Anderson, "Ricoeur and Women's Studies: One the Affirmation of Life and a Confidence in the Power to Act," in *Ricoeur across the Disciplines*, ed. Scott Davidson (New York: Continuum, 2010), 142–64: 150. Emphasis in original.

[52] Ibid., 151. Spinoza lays out his definition of *conatus* in *Ethics*, Bk. 3, Props. 6-7, in which perseverance and *conatus* as essence are central. These propositions are followed closely by a discussion of the passions, which leads to the distinction between passions that aid in one's

Spinoza in *Oneself as Another*, the concept of *conatus* is addressed to the tension between potentiality and actuality, between *dunamis* and *energeia*. This tension is, Ricoeur claims, a result of the practical equating of *energeia* with *facticity*. What Ricoeur desires, and what *conatus* provides, is the possibility of interpreting human action and being together as both act and potentiality."[53] In a later interview with Richard Kearney, Ricoeur appeals to Spinoza to suggest a "*melange* of act and possibility."[54] It is exactly this between, as read by Anderson, that makes way for the possibility of thinking marginalized groups, notably, for Anderson, women, back into Ricoeur's hermeneutic phenomenology.

One of the benefits of appealing to Spinoza is that his *conatus* applies to the striving of the whole person - body and mind unified. Further, he takes seriously the role of emotions in one's striving to be, outstripping all formal rationalist theories of action that at best ignore aspects of life beyond the mind.[55] Anderson is quick to point out that Ricoeur does not address all of these aspects of Spinoza's work. Indeed, she rehearses a possible criticism of Ricoeur for holding out a particular "female way of suffering."[56] Anderson turns to the imagination, and to the utopian vision, to save Ricoeur's ethics from its failure to open up adequate space for women. This means, for Anderson, completing the turn to Spinoza with the fullness of conatus indicating both possibility

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perseverance and passion that detract from the same. This discussion is likely the origin of Anderson's assertion that the *conatus* has to do with protection of the self from what is un-wise."

[53] Ricoeur, *Oneself as Another*, 315.

[54] Kearney, *On Paul Ricoeur*, 168.

[55] On this latter point, Anderson directly references Spinoza's discussion of the passions, divided as they are between pleasure and pain. Since it is the function of pleasure or pain to promote or stunt perfection, respectively, emotions figure directly in Spinoza's ethics. See Spinoza, *Ethics*, 112ff.

[56] Ricoeur, in Anderson, "Ricoeur and Women's Studies: One the Affirmation of Life and a Confidence in the Power to Act," 152, 156.

and actuality. This allows Anderson to assert, “It is what we - through the affections of our bodies and the ideas or our intellect - can do that determines our living well.”[57] *Conatus* thus makes room for both acting and suffering in all of its manifold forms.

If *conatus* makes possible reflection on the ways in which bodies, minds, and affections operate within the acting and suffering person, it nevertheless says little about the context in which that acting and suffering occurs. This is where the idea, raised by Anderson, of “affirmation and approval” must be given proper attention. Ricoeur does just this, at least in some respect, in the section entitled “Capacities and Social Practices” in *The Course of Recognition*. There, Ricoeur uses the terms “approval” and “evaluation” to yield the recognition and attestation of the “I can” to “forms of ethical-juridical justification that bring into play the idea of social justice”.[58] The “affirmation” and “approbation” that Anderson highlighted is now given Ricoeur’s attention. In the argument that follows, Ricoeur demonstrates the importance of linking social practices and representations. “This connection between representations and social practices is expressed through the role of symbolic mediation these representations exercise when there is something specific at stake with regard to the social practices, namely, instituting the social bond and the modes of identity attached to it.”[59] One might say, “I am the kind of person who does this or that” where the activity of “this or that,” done in a particular way, establishes an element of the individual’s identity that is erstwhile linked to others exactly by way of the shared activity.

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[57] Anderson, 157.

[58] Paul Ricoeur, *The course of recognition* (Cambridge, Mass.; London: Harvard University Press, 2007), 134.

[59] Ibid., 137.

Ricoeur does not address what it takes for something to be “at stake” in one’s engagement in a social practice. This omission encourages reference back to the earlier discussion of structuration in which the reflective monitoring of action indicates the ever-present stakes of social activity, great or small. Ricoeur is, however, careful to note the caveat that his current interlocutor, Bernard Lepetit, is expressing, that “social identities or social ties have uses, not a nature.”[60] This idea of social ties is understood, by Ricoeur, to be referencing an agreement as foundational in the social bond.[61] In this instance, social ties are seen as ensuring social longevity, authorizing systems of community protection, enforcing a system of community sanctions, etc.. But the reference above to social practices where something is “at stake” combines with this demand for “agreement” in denying the often-unconscious participation in social practices and systems.

The claim “I am a kind of person who does this or that” is a response to the challenge “Why did you do that?” This demands, in the language of structuration, the movement of motives and reasons from the practical consciousness to the discursive consciousness, something that is generally only requested or required in the event that something has gone wrong. Is this something having gone wrong isomorphic with something being “at stake”? There are at least two possibilities: the action resulting in one being questioned was a mistake, deviating from social norms and expectations through a misunderstanding, lack of knowledge, or lack of resources, which would mean

[60] Lepetit, in Ricoeur, *The Course of Recognition*, 137.

[61] This is not at all a surprising position given Ricoeur’s ongoing affinity for the social contract in the mode detailed by Rousseau.

that such is an opportunity to bring one back in line with those social norms and expectations; or, the action intentionally deviates from established rules for action under the given practice. In this latter instance, the possibility for change is ripe, and the social practice in question is obviously at stake. But such a stake does not necessarily require agreement, and certainly not agreement on the basis of discursive consciousness, something that seems likely to be a requirement of the kind of agreement Ricoeur is seeking.

Thus, one must consider making possible the attestation "I can" within a given institutional frame as a requisite element for a just institution. If flourishing is measured by the actualization of potential within reasonable social systems, then getting to a place where "I can" is central to the achievement of justice within those systems is paramount.

"I can" and the Transformation of Institutions

If a structuration approach to ethical formation serves to humanize institutions, a hermeneutic approach to the same can serve to humanize power. The "I can" that enters into an institutional frame by way of practice also returns considerable power to the agent who participates in society. As Klemm and Schweiker write in *Religion and the Human Future*, "power is always the power of something".[62] Here, the condition for the exercise of power is life, which is at least partially constituted in its goodness by the capacity, the power, to "respond to, create, and shape reality".[63] This is helpful for

[62] David E Klemm and William Schweiker, *Religion and the Human Future: An Essay on Theological Humanism* (Chichester: Blackwell Publ., 2008), 90.

[63] My inclusion of the modifier "good" here is important for avoiding the circularity that arises in conceiving of life in terms of power. If life is the capacity for responding to, creating, and shaping reality,

seeing the humanity at play in the machinations of social systems often deemed to be the fluctuations of power. Furthermore, part of the "function" or possibility of the just institution is to enable or encourage - to empower - the subordinate in asymmetries of relational power.

The subordination of the right to the good in Ricoeur's work, along with his conceptualization of discourses of good along a continuum beginning with the individual, moving through interpersonal relations, and ending in the institution, establishes a central place for the human in the just operation of society. Yet, the lack of a meaningful concept of justice in his work abruptly halts the full humanization of social systems. Given the preceding discussion of the dynamic nature of systems and relationships, it is now possible to at least sketch out a conception of justice based on a structurational approach to Ricoeur's ethical reflection.

One way of thinking about justice with respect to the "I can" within institutional life is to modify Rawls' conception of justice. Recall that Rawls plays an important part for Ricoeur's treatment of the details of everyday life. A procedural approach to justice ensures equality of process, access to rights that ostensibly enable or at least do not directly impede the possibility for action. The claim that they do not "directly impede" follows from the way in which procedures are embedded within larger social systems and institutions that make available different degrees of resources to different groups of people. Thus, by ignoring the dynamic nature of human life, procedural justice fails to

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but life is also the condition for power, in so far as power is creating and shaping reality, then one comes up against a paradox in the relation of life and power.

meaningfully provide opportunities in an equal way. This was discussed at considerable length in the discussion of fragility in Chapter 1 above.

But the limitations of procedural justice do not necessitate an abandonment of an approach informed by Rawls, indicated in some respect by Ricoeur's consistent referencing of Rawls' theory of justice. And modification of the principles of justice proposed by Rawls offers potential for recognition of the self in its fragility and its capability in considerations of justice. Take Rawls principles of justice. Having established equal rights in the first principle, he addresses inequality in the second principle: "Social and economic inequalities are to satisfy two conditions: first, they are to be attached to positions and offices open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least advantaged members of society."[64] Rawls does not concern himself with capabilities, though it is not difficult to think of capabilities as being affected by the first of Rawls' principles, having to do with rights. Here, one might not have the right to a capability, but a society's "scheme" of rights would presumably have to allow for the equal exercise of capabilities that people have.[65]

In criticizing Rawls' procedural justice, Amartya Sen expands the conception of freedom to encompass not only access to outcomes but access to the means for attaining those outcomes relates to my earlier discussion of resources. He details two

[64] Rawls, *Political Liberalism*, 6.

[65] The first principle of justice, in Rawls construction is, "Each person has an equal claim to a fully adequate scheme of equal basic rights and liberties, which scheme is compatible with the same scheme for all; and in this scheme the equal political liberties, and only those liberties, are to be guaranteed their fair value." Ibid., 5.

conceptions of freedom: freedom of opportunity and freedom of process. Freedom of opportunity has to do with one's ability to achieve what one values no matter how that is achieved; freedom of process, has to do with the means by which one achieves what one values. Sen uses this latter, freedom of process, to expand the idea of freedom of opportunity beyond any particular achievement of a desired end, to the way in which one goes about or is able to go about achieving that end. Freedom in both cases should not be taken as indicating a particular value or end, or even a particular means to those values or ends but depends on the autonomy of the individual within each instance to impact either the outcome or process.[66] In the language of structuration, freedom of process for the individual is given in knowledge of rules and access to resources.

For his part, Sen is critical of a resource approach to justice. His definition of a resource-based approach to justice is focused on the advantages conferred to one on the basis of "income, wealth or resources."[67] Here the reference to "resources" is obviously fiduciary; yet we have encountered a much more expansive conception of "resources" in the course of an analysis of Giddens' theory of structuration. Resources in that respect should be taken to refer to the allocative and authoritative elements available, in degrees, to individual social actors. It was noted at that point that capabilities, in particular physical as well as intellectual and educational, figured strongly in the kinds of actions in which a social actor could engage, as well as the quality that such an action would have under the conditions of those capabilities. Resources,

[66] Amartya Sen, *The Idea of Justice* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2009). See in particular chapters 11 through 14.

[67] Ibid., 231.

therefore, are very much a part of the justice equation that has at its heart human capability.

If one allows for an expanded conception of resources, then what Sen has to say next about advantage links human capability, discussed by Ricoeur, to the exercise of that ability. Sen writes, “A person’s advantage in terms of opportunities is judged to be lower than that of another if she has less capability - less real opportunity - to achieve those things that she has reason to value.”[68] “Real opportunity,” cast in Ricoeur’s language, would refer to one’s capacity to act, to speak, to tell the story of one’s life, and to take responsibility for one’s actions, under the mediation of a social framework consisting of a system of institutions. And, since with Sen I injected the vital idea of the means or resources by which opportunity is achieved, the conditions under which one speaks, acts, etc., become central to the adjudication of justness. Thus, one can say that both capabilities, and the conditions for the exercise of those capabilities are together the necessary conditions for the achievement of justice.

We know, both certainly from experience and from the early discussion of fragility, that individual capacities differ greatly, both by the contingencies of birth and the social frame in which we live out our lives. I want to return now to these principles of justice, but with the central consideration of their appearance when struck according to capacities. Consider the following transformation of Rawls’ second principle: Social and economic inequalities are to satisfy two conditions: first, they are to be attached to positions and offices open to all under conditions of fair equality of the exercise of

[68] Ibid., 231.

capabilities; and second, they are to be to the greatest benefit of the members of society who are least capable. The replacement of “opportunity” with “exercise of capabilities” ensures that the process for achieving what one values - the good of one’s life - is included in determinations of justice. It means that the mere existence of an opportunity, in theory, is insufficient for determining the justness of a position exactly because the availability of resources required for the achievement of an aim is imbalanced. The difference principle, it seems to me, is an attempt to answer this problem of imbalance. But its invocation of advantage is sufficiently vague so to reintroduce the possibility of unequal access to opportunities. Hence, defining “least advantaged” as referencing those who are least capable ensures a continuity that places at the heart of the principle of justice the concept of human fragility.

It should be noted that the difference principle, at least in its reformulation, represents a “good” espoused by society. It places a value on minimizing human disadvantage. In the primary discourse of institutions at the highest order, the question of good governance and the interaction of such governance with the good decided by individuals is touched upon by this principle of minimized disadvantage. Thus, a principle of justice conceived in terms of capabilities that nevertheless takes into consideration the way in which capabilities are distributed across society bridges the moral and the ethical spheres that organize Ricoeur’s reflections.

The introduction of capabilities into a theory of justice aimed at institutions enables, to a degree, a dynamic approach to advantage and disadvantage. Since injustice is experienced in many fields beyond economics, capability for full participation in society -

at all political, social and economic levels - becomes the measure of justice. But reliance on the principle alone is insufficient for the production of just institutions. For this, what is required is the actual enabling of individuals' participation in the very institutions that are to be just. This means attention to the difference principle conceived in terms of capabilities.

But what has happened to practices? It is in fact attention to practices in their constitution of institutions that enables us to see the requirements placed on individual capacities and the potential for those capacities within the institution. Human capacity was directly implicated in the following, manipulation, and transformation of rules that constitute social structures such as institutions. And the differential access to resources key to those structures as well was seen to directly impact the way in which individuals or groups could achieve the standards attached to the practices constitutive of those same institutions. Thus, by looking at the institution in terms of practices, the assessment of those practices in terms of the rules and resources necessary for excelling within their framework gives direct insight into the justness of the institution. Capacities for excelling at a practice or, put differently, flourishing in an institution, will determine full participation in that institution. This does not mean full and equal access to every practice and institution by every person and social group. But it does set up the possibility of a fully informed conversation about the grounds for excluding certain people/groups from particular institutions or practices, and the broader impacts such exclusion might have on society and that group.

Finally, to be just, such decisions must be oriented towards the maximization of the capabilities of the least capable. There are three possible implications of this for the institutions: 1) There is the very real possibility that an institution needs to be dissolved. This would mean the abandoning the rules and resources for **all** people. 2) It could mean the transformation of the institutions. In this instance, rules and resources are not abandoned, but they are transformed for all. Changing the rules of the practice and the use of resources under that practice are ways in which such a transformation could be achieved. Finally, 3) the maintenance of the same institution, but the provision of resources required for that practice to those that are lacking. This possibility differs from the previous two in that it makes provision only to a select few; in this respect, it is redistributive. Such a redistribution of resources might take the form of education, giving or taking of material goods or finances, or the provision of relational resources, which might mean stand-ins for family, production of community groups or other inclusionary actions. Thus, what redistribution might look like would depend on the community in which it was a requirement, however large that community might be. The key would be to minimize the level of fragility experienced by the members of that society.

Conclusion

In Chapter 1 I identified two forms of fragility that emerge out of Ricoeur's reflections. Fragility 1, it will be recalled, refers to the disproportion in one's relation to the world, which in turn signals the limitedness of human capacity. Broadly speaking, this fragility applies to all humans in so far as humanity is finite in its being. More specifically,

however, it signals the precariousness of human life, experienced more by some than others, in so far as it is marked by weakness or limited capacity in physical, mental, and relational aspects of human life. The degree of one's fragility, one might reasonably say, is directly related to their potential for achieving in the most meaningful sense, the good at which they aim.[69]

Fragility 2 was not exclusive from fragility 1, though it refers to our social and political existence, our being with others in the broadest sense. Fragility 2, in this respect, has to do with the structures, institutions, and systems that constitute our society, mediate our interactions with others, and determine both the possibilities for our participation in society and the possibilities for achieving the goods toward which we aim. This is done largely by judging those "goods," as well as the means by which we attempt to achieve them, as acceptable or unacceptable.[70] Here, rather than the individual capabilities of persons taking central consideration, the identity of the person, including capacities, but also such characteristics as race, gender, sexuality, economic position, nationality, age, etc., become important factors in the ascription of ends potential. This is because the categorization of people figures strongly in the operation of bureaucratic institutions for the organization of society. It is further the case that the practical consciousness, in its search for the norm by which to judge its behavior, organizes actions according to categories, however implicit they may be, that are developed in the social sphere. Thus,

[69] It also may impact the good to which they aim insofar as certain goods are imagined by some. And imagination, while important, is not necessarily the key in the aim, but rather the decision to aim at and thus seek out that aim.

[70] Acceptable or unacceptable here makes no necessary reference to a moral framework. It only signals that which is deemed "beneficial" to a given society. Benefit and morality might intersect, but this only becomes a requirement when a principle of justice is invoked.

fragility 2 is impacted by both the bureaucratic sphere, in which government is the primary figure, and broader society with the outworking of institutions of fashion, entertainment, education, health, and all manner of social activity.

When Ricoeur invokes the principle of equality in his development of the ethical aim, what it suggests is an equality of distribution. The principle of equality is, on the one hand, firmly connected to the ethical aim in so far as division and sharing are deemed just on the basis of equality, for Ricoeur.[71] On the other hand, the principle of equality is invoked by him as a way of describing a procedure for the achievement of justice, that is, for the realization of equality. Together, these outworkings of equality signal the duality of ethics and morals for Riceour, but they also invoke the two forms of fragility.

Far from trying to establish the necessity of equality of all opportunity in the robust sense of achievement and means of achievement, the ethical aim limits equality to the mediating institutions. We aim at "living well," a central requirement of which are just institutions. Living well does not mean escape from all fragility, which was demonstrated above to be a condition of human existence. Living well must then be conceived against a background of fragility, one key component of which is divergence in capabilities across a population. The articulation of the difference principle according to capacities for achievement within a given social frame is thus beneficial in articulating the means for establishing justice at the level of the institution. Since one can be deemed as living well if one is able to meaningfully achieve the ends at which they aim, that is, if one can act, speak, construct their life narrative, and take responsibility for actions towards an

[71] Ricoeur, *Oneself as Another*, 227.

"acceptable" end, then one can be deemed as living well according to their exercise of those capabilities within social systems. Furthermore, the social nature of human existence provides for the structures by which one forms meaning. These structures, instantiated in time in social systems can also lead to decisions on ends as well as provide the framework, by way of institutions, for enabling the achievement of ends across a population, not to mention providing further means for the formation of meaning and interpretation of norms and values. It is against this background that one's capacities come up immediately against the structures, forms, and systems of our social existence.

Structuration theory allows and encourages us to look at institutions in terms of practices. This makes space for the individual person or agent to be a considerable factor in institutional operation through such important ideas as reflexive monitoring of action. Not unlike the ideas of self-esteem and self-respect in Ricoeur's work, in which the individual recognizes that she is the kind of person capable of aiming at the good or doing right, respectively, reflexive monitoring of action provides much more breadth in determining one's relations to practices that make up institutions and social systems. While esteem and respect fall away from consideration in Ricoeur's analysis of the institutional sphere, reflexive monitoring of action remains, providing an important means for adjudicating both one's place in an institution and the justness of that institution.

While the recognition of the individual within the institution is important for measuring its justness and also its possibility for transformation, structuration is not

methodologically individualist. Social systems, of which institutions are an important example, are produced and reproduced through the interplay of actions with rules and resources. Control of and distribution of rules and resources is thus central to the possibility of just institutions, but something that lies outside of the individual agent's purview. This adds an important dynamic element to the consideration of the possibility of just institutions. Decisions at the macro level, with which Ricoeur is largely concerned, such as the level of policy-making, interact directly with decisions at the personal interpersonal level, where decisions are actually taken, and individuals encountered. The emphasis that both Ricoeur and Giddens place on the self ensures at least an interest in balancing this dynamic.

The relational aspect of the social and interpersonal sphere that is injected into social theory by structuration gives direct insight into the possibility of just institutions and what the just institution should look like. I have argued that a practice approach to institutions addresses these issues directly. By attending to the availability of resources needed for and the nature of the rules governing important practices necessary for flourishing in society, we are able to ascertain the ways in which certain institutions impinge upon or enable that flourishing. A single practice may be neither just nor unjust in isolation, but its relation to other practices within an institution might make it so; attention to practice enables a granular evaluation of the systemic injustice in society.

The just institution, conceived in terms of practices carried out by fragile people that rely on sets of rules and available resources for their potential flourishing, is the institution that places the fewest limits on human capacity, within the context of a social

necessity and interpersonal relations. But more, the just institution, against the background of difference of capability, is one that attends to those with the least capabilities, promoting practices that enable, rather than constrict the capacities necessary for flourishing.

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