

PONTIFICIA UNIVERSITÀ GREGORIANA
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Dissertazione per il Dottorato

AVERY MERRIEL SMITH

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**HUMAN ACTION AS TEXT AND
THE QUEST FOR JUSTICE:**

Contributions from Emmanuel Levinas and Paul Ricoeur
Towards a Hermeneutic of Corporate Action

Direttore: Professore JOÃO VILA-CHÃ

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The journey that is philosophy has been a rewarding one for my family and me. It started at a small liberal arts university in the United States, Loyola University New Orleans, and it has brought me to the Pontifical Gregorian University. The men and women who have dedicated their lives to the philosophical journey and educating the students who pass through the great doors of the Gregorian have blessed us students with their wisdom. They challenged me to think more critically and articulate my arguments more precisely and effectively. I would like to think that I have become a worthy educator, a more efficient communicator and a better person.

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INTRODUCTION

Economic issues permeate many reports in the media today. The financial crisis that has rippled across the globe has caught everyone's attention. There have been speculations about the stability of the European market, which has famously included talk about Greece's future within that market and the eventual departure the UK will make from that economic (and political) union, while the United States of America begins to come to terms with a new administration on the heels of recovering from an economic crisis so severe that it is now called the Great Recession. Politicians, economists, sociologists and journalists have given their opinions about how best to recover from the global reality of more and more people succumbing to various levels of poverty despite working in earnest. Those people are being overcome by hunger, homelessness, lack of education, and overall loss of dignity. Greater numbers of people are living on the fringes – on the other side of the tracks; there is a much smaller segment that controls most of the world's wealth: they are a small population of people who flourish, thrive and grow wealthier.

The disparity between those who have a secure future (clean water, food, shelter, medicine, education, employment and a sustained feeling of personal worth) and those whose futures depend on the turn of the economic trends is great. There are movements around the world, however, that have the goal of closing the gap; people are working to create infrastructures that support opportunities for sustainable living: food security, which includes agricultural development; clean and potable water; immunizations as part of a wider medical program; affordable housing; and education. These are vital elements that contribute to the greater cause of promoting, supporting and protecting human dignity – the precious and unique gift that is intrinsic to being human, a self-aware being in a world of other such beings. In short, these are elements that contribute to man's experience of justice.

Providing the elements of clean water, food, medicine, education and shelter also inherently require action based on a value system, an ethic that guides voluntary human action. How (and if) we close the gap between the haves and have-nots will be based on the value system that we employ; how we see ourselves and our neighbors in the greater world picture; and how we define responsibility as well as justice. How we close the gap depends on how ethics permeates human action.

The effort of one man¹ can inspire many, but usually it is the many that affects lasting change and encourages progress. By the same token, the ethics of one man can shape the ethics of a group, community, government or corporation; but it is also the ethics implicit in the group that determines its behavior and the impact that it has on the greater community and on the global level.

In other words, the ethics of the individual person does indeed influence the behavior of any group to which that person belongs; but, reciprocally, it is also clear that the ethics and behavior of a group of people cannot but affect the individual person. Because two or more people working together can have a greater impact on the community around them than a single person, it is incumbent on that group (community, government or corporation) to act responsibly – that is, to act in such a way that attention is given not only to the group itself and the individuals that comprise the group, but also to outside groups and society in general.

This responsibility extends to environmental issues and sustainability. If communities, groups, governments, and both private and public corporations truly take responsibility for themselves, understanding that their actions have far-reaching implications, the gap between the haves and the have-nots would, consequently, be reduced and justice a greater aspect of reality. This thesis will most certainly not be an endorsement for communism, socialism or fascism, but rather a simple acknowledgement of the role and importance of social responsibility.

The purpose of this study is to develop a system of corporate ethics based on an understanding and interpretation of the ethical demand of human beings who are in relation with each other according to Emmanuel

¹ For the duration of this project, I will use man and men as grammatically appropriate to refer to the human being. I will not indulge in the tedious, repetitive and unnecessary reference to “woman” and “women” to indicate the whole of humanity or the human being. We understand that “man” and “men” when used in general terms refers to the whole of humanity, which necessarily includes the female person too.

Levinas' teachings and the responsibility man has to and for himself and others whom he encounters based on Paul Ricoeur's teachings on human action, text and hermeneutics. While the philosophies to which we will be referring may not overtly present a normative ethic, we shall convey them in such a way that is reasonably germane to the development of our system of corporate ethics that would, indeed, demonstrate why (and, perhaps, how in some instances) man must act in response to the demand of the other whom with whom he is in relation.

We continue to witness the consequences of the lack of a strong commitment to human dignity and responsibility to and for the other person; we see that the integrity of many decisions in the world of business wane and humanity is robbed of its inherent dignity while at the same time the economy enters into a state of uncertainty and eventual decline. The result of our study, therefore, is to establish a system of corporate ethics that is based on the call to responsibility and respect for the human person (dignity). Our assertion is that the corporate ethic must be based on the responsibility one man has to and for himself and other men; ultimately, the goal is to develop a system that is relevant and applicable to all persons who comprise a corporation because each person is responsible for the corporate action. (For the purposes of this project, we shall define the corporation as two or more people working together to produce a good or render a service for an agreed benefit.)

As we progress in this endeavor, our argument will be grounded in the conviction that we must study the relationship between man and his neighbor as well as man and the third person. Hence, there is a need to understand the human being both in self-reflection as well as in consideration of the world around him; most importantly, we will explore the notion of responsibility in particular and clarify, as much as possible, what it is to be in human relation, the *I-other* relation. We will also develop a working definition of justice based on the notion of responsibility.

We will approach the project in three distinct parts. In the first part, we will use Emmanuel Levinas' phenomenology of the human face and his exploration of the *I-other* relation to comprehensively establish responsibility as the basis for ethics (just human action) in general, and the ethics of the corporation in particular. Following Levinas' analysis, we will accept that "responsibility is what is incumbent on me exclusively, and what, *humanly*, I cannot refuse. This charge is a supreme dignity of the unique. I am I in the sole measure that I am responsible, a non-

interchangeable I. I can substitute myself for everyone, but no one can substitute himself for me.”² We will use this teaching of responsibility as one of the bases upon which we will construct our own vision of a system of corporate ethics for today because, as we will see, the ought of the ethic is in the very demand that the *other* makes to the *I*.

In the first part of the dissertation we argue that all ethical behavior (or just human action) is based on man’s call to be responsible for himself, the other, and, no less, the environment. We shall include an investigation into a contemporary understanding of justice and how the idea of justice is an answer to the call to be responsible for oneself, the other and the environment. Besides a good number of secondary texts on Levinas’ thoughts, the main references at this moment of our reflection will be the two major texts of Emmanuel Levinas: *Totality and Infinity* and *Otherwise than being or Beyond Essence*.

In the second part we will examine the hermeneutical implications of an understanding of human action within the framework of the dialectic, which is to say the transition from one state of being to another. The understanding of human action will be studied analogously to the understanding of the qualities and characteristics of the text as presented by Paul Ricoeur in his theory of interpretation. By endeavoring to interpret human action as an analogy to the interpretation of a text, and thus studying it under a hermeneutical lens, we will make the case that human action can indeed be interpreted as if it were a text. In the course of the discussion, we will submit that this is an approach that is destined to demonstrate or make evident an alternative context capable of fostering an open and creative conversation on ethics in the face of some of the major ethical challenges of our time. In any case, our rationale is to be found in the following of Paul Ricoeur’s words: “... action itself, action as meaningful, may become an object of science, without losing its character of meaningfulness, through a kind of objectification similar to the fixation which occurs in writing.”³ Although we shall use the relevant secondary literature on Paul Ricoeur, the main sources for the construction of the second part of the

² E. LEVINAS, *Ethics and Infinity*. Translated by Richard A. Cohen. Originally published as *Ethique et infini*. Duquesne University Press. Pittsburgh, PA. 1985. p. 101.

³ P. RICOEUR, “The model of the text: meaningful action considered as a text.” *Hermeneutics & the Human Sciences*. Edited & translated by John B. Thompson. Cambridge University Press. Cambridge, UK. 1981. p. 203

thesis will be the following works: *The Conflict of Interpretation: Essays in Hermeneutics*, *Oneself as Another* and *The Just*.

In the third part of the project, we will bring our understandings and interpretations of the philosophies of Levinas and Ricoeur together to form a proposal for a new system of corporate ethics based on responsibility and just human action. We will do this in order to define a standard of behavior for corporations and organizations to adopt with the aim of providing guidance in how persons comprising the corporation can promote, support and protect the human dignity of those with whom the corporation is engaged.

To conclude the study, we will look at the policies and practices of one organization in particular in an effort to apply the proposed definition and standards of corporate ethics. We will evaluate the corporate action using Paul Ricoeur's hermeneutical approach and offer suggestions of alternative actions that are ethical, responsible and just based on Levinas' theory of responsibility. In carrying out this last exercise, we will aim to demonstrate how corporations might be called upon to act in response to the call of the other person and third persons (community) with whom it is engaged, including taking a look at its responsibility for the environment.

There are many organizations, government action committees and community groups that work to provide what is necessary for people to live with dignity. Similarly, there are various university research groups, think-tanks and privately and publicly funded projects that study the availability of each element (food, water, medicine, education and affordable housing) in order to determine where the supplies are in abundance, where they are lacking and how to either transport supplies or create an infrastructure within communities to promote (or grow in the case of agricultural development) that which is lacking. Prime examples of these activities, in both outreach and research programs, can be found within the various organizations and agencies of the United Nations. We know, for example, that the UN and its specialized agencies conduct rigorous studies on food and clean water supply and agricultural development to determine how best to ensure global food security; it works with public and private organizations all over the world to combat disease by conducting research, providing immunizations and creating infrastructure to support medical programs in communities that would otherwise not have any; it promotes educational programs, provides learning opportunities and spreads the wealth of knowledge from developed countries to developing countries; its financial institutions research and provide funding for communities in developing countries to have affordable housing for its people.

There are indeed many organizations and agencies doing this kind of work and more. But fundamental to these acts, as to any means of promoting justice, is what we might call a system of ethics. Moreover, the people that comprise those entities are called to live and work in such a way that their actions promote, support and protect the dignity of others. And yet the question remains: Who is studying this problem in a systematic way that can yield useful conclusions to be then implemented in practical ways? What resources do groups have to which they can turn for guidance in self-governance? Where can a group go for guidance in determining their human responsibilities?

In developing a working definition of corporate ethics and identifying human dignity as a stakeholder, the goal of this project is to provide a starting point for a comprehensive study of ethics and values used to guide corporate action. Once that is done, we shall then move towards exploring the kind of ethical system that could help the corporation respond to the call to be responsible to itself, the larger community and the environment. As a central pillar of providing a pragmatic and useful conclusion to the question of systematic (and normative) corporate ethics, we shall turn to the human person as the ultimate and fundamental resource in measuring that ethical response. Responsibility for the human person and the promotion, support and protection of human dignity will be the driving force of our approach.

Many people are working together for a common goal – those people have an understanding of right and wrong, of what is good for themselves, their families, their community and the environment. But many times they do not know how to employ that same set of values as a system of ethics by which their group (corporation) may act in a more just and responsible manner. Many people do not even know that this is possible. Before approaching the “how”, our task will be to approach the hermeneutical demands implied in the very idea that any authentic corporation has to always be responsible for itself, the larger community (even in global terms) and the environment. Indeed, we shall defend that the corporation is called to act in a way that promotes, supports and protects the dignity of those for whom it is responsible so that corporate ethics will always have to be based on a set of values centered on the human person.

The idea that a corporation works in a way that promotes and supports human dignity is not new. There are plenty of companies that maintain a set of core values, which promotes fiscal responsibility, environmental awareness and human dignity. But the assertion of the present thesis, that all corporations are *called* to this paradigm of responsibility, is novel

because traditionally and historically, business ethics and the ethics of economics tend to focus on striving for the good with the beneficiary of the goods being largely society at large.

While the project serves to capitalize on an opportunity to develop open, constructive and fresh philosophical dialogue as it pertains to ethics, it will strive to tackle several points that are relevant to the human condition – the integrity of human dignity – in an age of advanced technology, medicine, globalization and communication.

Many governments around the world are trying to calm and reassure their citizens that even though times are hard, conditions will get (or are getting) better. But while the economy may be used as an indicator to gauge the overall wellbeing of people around the globe, it is only one of many indicators. It should also be noted that there have been times in the last five centuries where the Western World has experienced economic booms and continued success while many people, the various populations who drive the economic success of others, suffer having their personal dignity systematically stolen from them.

I do not suggest, however, that we should abandon the discussion as it relates to the economy but rather include it in a broader and more comprehensive dialogue about working to promote, support and protect the human dignity of all people using the advancements of technology to improve the human condition. I submit that the broader discussion, therefore, include but not be limited to developing a working definition of corporate ethics. If we are going to engage in discussions about the economy as an indicator for human success, we must speak openly and honestly about all stakeholders that participate and are affected by the economy. Without forsaking other stakeholders, we find the corporation – the entity whose actions have the farthest reaching and, in some cases, longer lasting impact on the human condition – to be an appropriate point of departure for this endeavor.

As we are reminded by Pope Francis in *Laudato Si*⁴,

Modern anthropocentrism has paradoxically ended up prizing technical thought over reality... The intrinsic dignity of the world is thus compromised. When human beings fail to find their true place in this world, they misunderstand themselves and end up acting against themselves... Modernity has been marked by an excessive anthropocentrism which today, under

⁴ POPE FRANCIS. *Laudato Si, Encyclical Letter on care for our common home*. Libreria Editrice Vaticana. Vatican City. August 2015.

another guise, continues to stand in the way of shared understanding of any effort to strengthen social bonds.⁵

The project is a humble attempt to do just that – draw our attention to the richness of human experiences as we relate to each other as persons and beings in this world. We shall do that within the context of the corporation, and yet the overarching goal remains the same: develop a system of ethics in which the dignity of the human person is supported, protected and promoted by responsive and responsible human relations.

⁵ *Ibid.*, §115-116.

PART ONE

The Ethical Demand: Emmanuel Levinas

In order to establish the impetus for the corporate ethic (and the quest for justice) that we intend to develop throughout the course of this endeavor, we must enrich our understanding of the human relationship: man in relation with other men as well as man in relation with himself. More specifically, we will refer to the writings of Emmanuel Levinas to gain insight into why, how and to what effect man relates to other men, other persons who are like him in nature while utterly different from him in being. While Levinas discusses the nature of the human relation – the face-to-face encounter – it may be argued that his study is not necessarily intended to be read strictly in ontological terms. Despite this, for the purposes of our endeavor, we will indeed study and refer to Levinas' teachings with a particularly ontological interpretation and application.

The question of man's being and the being of his relation with other men shall form the foundation for a system of ethics that begins and ends with the question of how *ought* man behave when relating to other men and how *ought* man behave as he takes responsibility for the other's wellbeing. To do this, we will consider the metaphysics of man as a being who is similar in nature to the other while at the same time remaining wholly strange. The metaphysics that Levinas presents is the cornerstone to the ethical demand upon which human relation is grounded. Our intention, therefore, is to study the elements that enable and facilitate human relation: interaction, first of all, the face and language; then we will explore the notion of proximity and the subsequent responsibility that is imposed by the

metaphysical trait of man in relation with the other. Subsequently, we shall also address the problematic of freedom and responsibility – a dynamic that superficially appears to be mutually exclusive but instead proves to be one facilitating the other. Finally, we will turn to the question of justice, to what it means and how it may be attained in terms of the paradigm of human relations as understood in the Levinasian approach to metaphysics.

This first part of our project is intended to provide grounding for our venture in developing a corporate ethic that provides guidance to how man *ought* to behave when relating to the otherness and strangeness of others while at the same time contributing to an authentic and fulfilling human experience. Equally important, we will be doing this with the goal of identifying the qualities of a just relation between men for further application in the corporate ethic.

We are attempting to establish a standard by which we may hold ourselves accountable as we confront the *other* in the face-to-face encounter. Because the standard is based on the personal ethical demand, the challenge of holding another accountable becomes incumbered by the inter-personal relationship. The system of corporate ethics that we are developing does not appeal to society at large but rather to the individual person (and to their quest for justice). So the moment of accountability happens between the *I* and the *other* and other *others*; the moment of accountability is when the *I* hears the call of the *other* and knows that he must respond and chooses his course of action accordingly. Likewise, the moment of accountability is when the *other* calls the *I* and demands an explanation of the *I*'s response (or even lack of response).

The plausibility of a system of ethics founded in Levinas' personal ethical demand lies in the *I-other* relation. According to Levinas, the *I* should treat the *other* according to the personal demand precisely because the *other* demands it – the *ought* of that ethic lies in the *other*'s very demand. This ethic may be applied to various areas of human interaction and institution, but we will stay within the realm of the corporation as we examine how man interacts with others while scrutinizing those actions against how he ought to act as he relates with others.

CHAPTER I

The Ethical Demand

In order to develop a system of corporate ethics that sets a standard of corporate action capable of promoting, supporting and protecting human dignity, we must first look at those who comprise the corporation or organization. We understand that a corporation is comprised of men working together to render a service or produce a good – in return for the service or product, those men receive something which they perceive as beneficial, i.e. payment, reimbursement, etc. As we develop this standard of how corporations should/ought to act, we must approach the discussion with an understanding that the corporation is comprised of men and women – persons. And at the base of every corporation are those persons who comprise it. This is to say that we must begin by examining the nature of man and that of his relation with other men whom he encounters in his experience of life and the world around him.

So to develop a working understand of the *ought*¹ between persons who are in relation with each other, we will depend on the writings and philosophy of Emmanuel Levinas. In particular, we will be referring to his major works *Totality and Infinity*² and *Otherwise than Being or Beyond*

¹ As we will see in greater development and detail, the *ought* is the behavior man should engage in with respect to his *self* and his neighbor. The *ought* reflects how he *should* act, what he *should* do out of respect for himself and his neighbor as he responds to the call of the *other*.

² E. LEVINAS, *Totality and Infinity*. Originally published as *Totalite et Infini* in 1961. Translated by Alphonso Lingis. Duquesne University Press, Pittsburgh, Pennsylvania. 1969.

*Essence*³ and his minor works and interviews including *Humanism of the Other*⁴, *Ethics and Infinity*⁵ and *Conversations with Emmanuel Levinas, 1983-1994*⁶ to explore what he calls the *ethical demand*. In establishing the ethical demand between persons, human beings in relation with each other, we will consider the problematic of totality, the face of the other and the ethical command. In other words we will be studying the ontologies of the human person, the relation with other persons and the origins of that relation. It will then be from the “ethical demand” that we will begin to formulate the system of ethics that promotes, supports and protects human dignity.

1. The Problem of Totality

Levinas approaches the ontology of the human person, which he refers to as *totality*, by way of the question of metaphysics. Right away in *Totality and Infinity*, he introduces the problematic of the ontology of the human person in terms of the desire for the invisible:

“The true life is absent.” But we are in the world. Metaphysics arises and is maintained in this alibi. It is turned toward the “elsewhere” and the “otherwise” and the “other.” For in the most general form it has assumed in the history of thought it appears as a movement going forth from a world that is familiar to us, whatever be the yet unknown lands that bound it or that it hides from view, from an “at home” [“*chez soi*”] which we inhabit, toward an alien outside-of-oneself [*hors-de-soi*], toward a yonder.⁷

What Levinas proposes in this paragraph is that the human being seeks to make that which is other a part of himself. Man desires the other, that which is seen and unseen, and desires it in such a way that the other becomes object to man’s desires. Levinas is quick to distinguish between

³ E. LEVINAS, *Otherwise Than Being or Beyond Essence*. Originally published as *Autrement qu’être*. Translated by Alphonso Lingis. Duquesne University Press, Pittsburgh, Pennsylvania. 1981.

⁴ E. LEVINAS, *Humanism of the Other*. Originally published as *Humanisme de l’autre homme* in 1972. Translated by Nidra Poller. University of Illinois Press. 2003.

⁵ E. LEVINAS, *Ethics and Infinity*. Originally published as *Ethique et infini* in 1982. Translated by Richard A. Cohen. Duquesne University Press, Pittsburgh, Pennsylvania. 1985.

⁶ DE SAINT CHERON, Michaël. *Conversations with Emmanuel Levinas, 1983-1994*. Originally published as *Entretiens avec Emmanuel Lévinas*. Duquesne University Press, Pittsburgh, Pennsylvania. 2010.

⁷ E. LEVINAS, *Totality and Infinity*. p. 33.

the desire of objects that may be appropriated by man and the desire for the other man or an-other. I submit that he takes an unconventional approach as he discusses the study and understanding of metaphysics:

The other metaphysically desired is not “other” like the bread I eat, the land in which I dwell, the landscape I contemplate, like, sometimes, myself for myself, this “I,” that “other.” I can “feed” on these realities and to a very great extent satisfy myself, as though I had simply been lacking them. Their *alterity* is thereby reabsorbed into my own identity as a thinker or a possessor.⁸

Here Levinas acknowledges that there is a difference between the objects of man’s desire, which fall into two categories. The first category may be regarded as that of the objects, that which can be assumed, consumed, enjoyed, contemplated, incorporated, *etc.* This category refers to the likes of food or things that would sustain man’s being in the world.

The other category of man’s desires is not an object at all, but what Levinas calls *absolutely other*. He speaks of the *alterity* of the absolutely other in terms of the metaphysical desire: “The metaphysical desire tends towards *something else entirely*, toward the *absolutely other*.”⁹ It is here that we begin to understand that the movement towards a yonder is not the desire to sustain himself with the objects found in his world, but rather the movement is toward a being that is absolutely other-wise than the being that he himself is.

What does this mean? Is this a tautological statement? In order to answer these questions, we must follow Levinas on his metaphysical journey, which includes an understanding of desire as the base upon which one and the *other*¹⁰ come into relation. Levinas acknowledges the desire that may be quenched but contends that that desire differs from the metaphysical desire that brings man into relation with the *other*. He says that metaphysical desire cannot be satisfied¹¹, rather “it desires beyond everything that can simply complete it. It is like goodness – the Desired does not fulfill it, but deepens it.”¹² According to Levinas, the desire that can be quenched or

⁸ *Ibid.*, p. 33.

⁹ *Ibid.*, p. 33.

¹⁰ From now on I will use *other* (the italicized word “other”) to mean man’s neighbor, the being who refers to himself as *I* just as man does in the first person; that is to say that I will use *other* to reference other human beings in relation with man as the first person, the point of departure for an ontological study into the nature of man’s being and his relationship with other human beings.

¹¹ *Ibid.*, p. 34.

¹² *Ibid.*, p. 34.

satiated is desire for an object that is inconsequential to the intrinsic being of he who desires; on the other hand, the desire for that which cannot be used for satisfaction or satiation, represents a desire for that which cannot be truly anticipated or replicated.

Levinas discusses it in terms of remoteness, as something toward which man moves not truly understanding the implications of the movement and where it may take him.¹³ Man moves towards the Desired anyway. Levinas then explains that which man desires and the implications it has on his being in terms of visibility [and invisibility]. In short, that which is visible may satisfy man's desires in the now, but it is a desire that has no lasting effect or impact on man's being. But the desire for that which man cannot readily see or perceive is the metaphysical desire that may not be quenched but rather deepened and consequently enriching man's being; in this case he says the desire is absolute.¹⁴ For Levinas "[i]nvisibility does not denote an absence of relation; it simply implies relations with what is not given, of which there is no idea. Vision is an adequation of the idea with the thing, a comprehension that encompasses."¹⁵ In not being able to see or perceive that which man desires, the implication is that man desires that which cannot satisfy him in any way that may be articulated in terms of his senses. That which satisfies man's thirst, hunger or urges cannot inspire him to transcendence, that is to say, move beyond a state of being where he is focused on satisfying those senses.¹⁶

According to Levinas, "[B]esides the hunger one satisfies, the thirst one quenches, and the senses one allays, metaphysics desires the other beyond satisfactions, where no gesture by the body to diminish the aspiration is possible, where it is not possible to sketch out any known caress nor invent any new caress."¹⁷ Levinas then explains that man's desire for that which cannot simply satisfy him is an understanding of the remoteness of the

¹³ "This remoteness is radical only if desire is not the possibility of anticipating the desirable, if it does not think it beforehand, if it goes toward it aimlessly, that is, as toward an absolute, unanticipatable alterity, as one goes forth unto death" (*Ibid.*, p. 34).

¹⁴ "Desire is absolute if the desiring being is mortal and the Desired is invisible" (*Ibid.*, p. 34).

¹⁵ *Ibid.*, p. 34.

¹⁶ While transcendence is not the aim of our system of corporate ethics, we must admit that the *I* who acts in accordance with his responsibility to and for the *other* participates in the experiential world in such a way that his transcendence is actualize.

¹⁷ *Ibid.*, p. 34.

other, the absolute alterity of the *other*¹⁸; in other words, in man's desire for the *other*, he understands on an existential level that the *other* is wholly other and may only enrich his experience of the world and enrich the being that he is. Levinas relates the depth and enrichment that man may experience in his desire for the *other* in terms of height: "The very dimension of height is opened up by metaphysical Desire. That this height is no longer the heavens by the Invisible is the very elevation of height and its nobility."¹⁹ The very desire for the *other*, while enriching his experience of the world, enables a moment of transcendence for him, a movement from the being that did not have a metaphysical desire, a desire that cannot simply be quenched, to a being that desires that which is absolutely other than his being.

In fact, the metaphysical desire is the very foundation of ethics. It is in his metaphysical desire that man is freed from the objects that satisfy, quench and satiate him. And it is from this vantage point that Levinas points out the folly and dangers of contemporary man:

Demented pretension to the invisible, when the acute experience of the human in the twentieth century teaches that the thoughts of men are borne by needs which explain society and history, that hunger and fear can prevail over every human resistance and every freedom! There is no question of doubting this human misery, this dominion the things and the wicked exercise over man, this animality. But to be a man is to know that this is so. Freedom consists in knowing that freedom is in peril.²⁰

Without delving into the problematic or ontology of freedom *per se*, let us look at this statement in terms of a desire for things that may satisfy, quench and satiate versus the metaphysical desire for that which is absolutely other and, therefore, unattainable *in se*. Why does the metaphysical desire release or free us from the desires that may be satisfied? The response is in Levinas' use of the term "animality." Man is a thinking, self-aware being that is always on a quest to improve (transcend) himself. Even if the individual person does not or cannot articulate this truth, it remains that he is constantly moving towards being *qua* being, unlike animals that, as far as we know, are occupied with the work of satisfying, quenching and satiating their basic needs.

¹⁸ "A desire without satisfaction which, precisely, *understands* [*entend*] the remoteness, the alterity, and the exteriority of the other" (*Ibid.*, 34).

¹⁹ *Ibid.*, p. 34.

²⁰ *Ibid.*, p. 35.

The movement towards being as such frees man from his animal-like physical nature and appeals to his metaphysical nature; that movement frees him, and that freedom is in peril because he can choose desires that satisfy over the metaphysical desire. In this way, freedom is not free and it is not guaranteed, but it is a possibility and within reach by way of the desire for that which is absolutely other.

To better understand the *other*, his alterity and the metaphysical desire, we must understand the *other* in terms of transcendence, as radically non-totalizing. We must understand the *other* in terms of transcendence because it is in transcendence that we have an idea or notion of him as a being that is beyond an object or an instrument to be used. In doing so, we must take into account the vocabulary that Levinas uses in his explanation: the *metaphysician* is man in the first person, the *I* whose relation with the *other* is under investigation. Levinas leads into this use of vocabulary by first discussing transcendence saying, “This absolute exteriority of the metaphysical term, the irreducibility of movement to an inward play, to a simple presence of self to self, is, if not demonstrated, claimed by the word transcendent. The metaphysical movement is transcendent, and transcendence, like desire and inadequation, is necessarily a transcendence.”²¹ Transcendence can then be characterized as the *I* seeking a better, more adequate self.

1.1 *The Metaphysician*

Levinas introduces the importance of the “metaphysician” saying,

The transcendence with which the metaphysician designates it is distinctive in that the distance it expresses, unlike all distances, enters into the *way of existing* of the exterior being. Its formal characteristic, to be other, makes up its content. Thus the metaphysician and the other can not be *totalized*. The metaphysician is absolutely separate.²²

Levinas relates the metaphysician, the *I* in the proper sense of the term, to the *other* perceived as exteriority, to that distance that the exteriority of the *other* demands.

Levinas takes care to clarify that the metaphysician and the other cannot be totalized, which is to say that they cannot and do not complete each other or bring each other to a state of total [or absolute] being. They cannot

²¹ *Ibid.*, p. 35.

²² *Ibid.*, p. 35.

do this for one another because they are absolutely other and strange entities as they regard each other. Transcendence is a movement toward an acceptance of the alterity of the *other* who is absolutely other; it is in the desire for the alterity of the *other* that the metaphysician realizes and appreciates his own alterity not just in his presentation to the *other*, but in relation to his own self-awareness. One and the *other* are not to be considered as correlative or reversible:

The metaphysician and the other do not constitute a simple correlation, which would be reversible. The reversibility of a relation where the terms are indifferently read from left to right and from right to left would couple them the *one* to the *other*; they would complete one another in a system visible from the outside.²³

The metaphysician and the *other* are not correlative or reversible; indeed, if that were the case, the transcendence they would experience would actually be “reabsorbed into the unity of the system, destroying the radical alterity of the other.”²⁴ In other words, if the metaphysician and the *other* were reversible and correlative, neither would be absolutely other to each other. As it is, both the metaphysician and the *other* are absolutely other to each other; they both perceive each other’s alterity, exteriority and the distance that alterity and exteriority demand. According to *Totality and Infinity*, the metaphysician and the *other* are both absolute in their existence – neither is dependent on the other for their existence.

But while the metaphysician and the *other* are the same in nature, they must always be considered separately because they exist regardless²⁵ of each other. They are the same in this regard but contemporaneously wholly separate:

Irreversibility does not only mean that the same goes unto the other differently than the other unto the same. That eventuality does not enter into account: the radical separation between the same and the other means precisely that it is impossible to place oneself outside of the correlation between the same and the other so as to record the correspondence or the non-correspondence of this

²³ *Ibid.*, p. 35.

²⁴ *Ibid.*, p. 35.

²⁵ When I say regardless of the other, I mean that one is not contingent on the other; this does not take into account parental relationships. We are talking about the ontological nature of man, not his biological generation.

going with this return. Otherwise the same and the other would be reunited under one gaze, and the absolute distance that separates them filled in.²⁶

The sameness resides in that they both have characteristics of alterity, exteriority, metaphysical desire and shared transcendence. As Levinas points out, if the metaphysician and the *other* were indeed the same and reversible, there would be no alterity or exteriority, and, in turn, there would not be any distance between one and the other. They would not only be correlative and reversible, but they would be complementary beings. Instead, according to Levinas, the metaphysician and the *other* maintain their separate alterity.

1.2 *The I*

We come to a more elaborate understanding of the alterity of both the metaphysician and the *other* as Levinas explores the significance of the *I* in their regard. The *I* is the universal point of departure for every being who recognizes *themselves* with respect to the *others* whom they encounter. Levinas writes,

The alterity, the radical heterogeneity of the other, is possible only if the other is other with respect to a term whose essence is to remain at the point of departure, so serve as *entry* into the relation, to be the same not relatively but absolutely. *A term can remain absolutely at the point of departure of relationship only as I.*²⁷

In identifying the *I* that is relative [and necessary] for all beings who can designate themselves as *I* when in relation with *another*, Levinas hones in on the key to man's alterity and sameness. Man has the unique capability of identifying himself as the *I* of his world – that will never change. For as long as he exists as the manifestation of the being that he is, he will always refer to himself as *I* because he is always going to be his own point of departure, his own first and most authentic point of reference. Therefore, he can never shed this quality of self-designation, identification and reference, especially in relation with the *other*. Levinas explains the nature of the *I* as follows:

To be *I* is, over and beyond any individuation that can be derived from a system of references, to have identity as one's content. The *I* is not a being that always remains the same, but is the being whose existing consists in

²⁶ *Ibid.*, p. 36.

²⁷ *Ibid.*, p. 36.

identifying itself, in recovering its identity throughout all that happens to it. It is the primal identity, the primordial work of identification.²⁸

The sameness comes in the fact that the *other* too is a metaphysician referring to himself as *I*. And because both the metaphysician and the *other* both refer to themselves as the *I* of their world and experience, they oppose each other. This is where we can perceive the natural distance and the exteriority of the metaphysician and the other, in their mutual insistence on the self-designation of the *I*. Never will one concede the confrontation and refer to himself as anything other than *I*.

Additionally, it is in the *I* that the metaphysician begins to distinguish his *place* in the world versus his *home* within himself:

Dwelling is the very mode of *maintaining oneself* [*se tenir*], not as the famous serpent grasping itself by biting onto its tail, but as the body that, on the earth exterior to it, holds *itself* up [*se tient*] and *can*. The “at home” [Le “chez soi”] is not a container but a site where *I can*, where, dependent on a reality that is other, I am, despite this dependence or thanks to it, free.²⁹

The home of the *I* is in the very act of self-identification, but it is while in relation with the other that the locus of the metaphysician is designated. The site or the metaphysician’s place in the world is relative to the *other*, not to himself. He has already established in the self-designation of the *I* that he is his own point of departure and reference. His home is dependent on the *other* insofar as the *other* inspires him to self-designation; if there were no *other*, would the metaphysician need to designate himself as the *I* of his world? Probably not. Therefore, only in this way does the home depend on the *other*.

Furthermore, home continues to highlight the alterity of the *other* insofar as home has a connotation and an expectation of possession. We have already demonstrated that the *other*, being absolutely other and designating himself as an *I* from his point of departure in relating to the world, cannot be assumed or made to satisfy the desires of the metaphysician. As such the *other* cannot be possessed. For Levinas,

The possibility of possessing, that is, of suspending the very alterity of what is only at first other, and other relative to me, is the *way* of the same. I am at home with myself in the world because it offers itself to or resists possession.

²⁸ *Ibid.*, p. 36.

²⁹ *Ibid.*, p. 36.

(What is absolutely other does not only resist possession, but contests it, and accordingly can consecrate it.)³⁰

As we will come to appreciate later in the chapter, while the metaphysician can invite the *other* into his home (as he grapples with his metaphysical desires for the other), the metaphysician will never possess the *other* in his home because the *other* has every right and possibility to reject the invitation or, after having accepted, decide to leave. The alterity of the *other* makes possessing him an impossibility. Again, in man referring to himself as *I*, he is stating that he is already at home; you cannot possess someone who is already at home within their very self.

It is in man's totality as a being *in se* that he has the means by which he may be in relation with the other and have the other present his *face*. The totality of man's being is made manifest in the face.

2. The Face of the *Other*

As we **delve** into Levinas' philosophy of the face, we will keep the concept of the *absolute other* and the relation between the same and other at the fore of the conversation. We will make the connection between the absolute other and "the face" by way of linguistic expression – conversation, which we will see is the manifestation of the relation between the metaphysician and the *other*. This is key to the philosophy of the face because, for Levinas, "The absolutely other is the Other. He and I do not form a number. The collectivity in which I say 'you' or 'we' is not a plural of the 'I.' I, you – these are not individuals of a common concept."³¹ This gives us more evidence of each person's autonomy, both of the metaphysician³² and of the *other*, with respect to each other. By means of his philosophy of the face, Levinas highlights the separateness of the metaphysician and the *other* despite the sameness they share. He makes a distinction between the two when he refers to the *other* as a stranger saying, "I, you – these are not individuals of a common concept. Neither possession nor the unity of number nor the concepts link me to the Stranger [l'Etranger], the Stranger who disturbs the being at home with oneself [le

³⁰ *Ibid.*, p. 38.

³¹ *Ibid.*, p. 39.

³² The metaphysician is the *I* who realizes who and what he is in the face of self-awareness and reflection as well as in the face of the *other*.

chez soi].”³³ We understand the *I* to be the metaphysician and the *you* to be the *other*. He takes the opportunity to use common pronouns to demonstrate the very concept of sameness and separateness.

2.1 *The Stranger*

Beyond reiterating the point of the metaphysician never being able to refer to himself as anything other than *I*, Levinas extends the separateness to the extreme of calling the *other* a stranger. What does he mean by *stranger*? The stranger is not just the *other* who disturbs the *I*'s being at home within himself, but the stranger is also he whom the *I* cannot dominate. Levinas writes,

But Stranger also means the free one. Over him I have no *power*. He escapes my grasp by an essential dimension, even if I have him at my disposal. He is not wholly in my site. But I, who have no concept in common with the Stranger, am, like him, without genus. We are the same and the other.³⁴

The *other* is not only absolutely other, the *other* is a stranger because the metaphysician, the *I*, has no power over the *other*. The inability to wield power over the other, or rather the impotency of the *I* with respect to the *other* creates a *strange* situation in which the *I* must confront the *other* as a being of the same genus but of absolutely separate existents. Moreover, it is not necessarily the case that the metaphysician has no power over the *other* but rather that they are both confronting each other from their own *I* as point of view, which points to the fact for each of them, they are their own *I* and the encounter with the other, an encounter with an *other* of absolute alterity.

In other words, the power that they each have to approach objects in their world based on desire, satisfaction, quenching and satiation stops when they confront each other because neither of them may be *used* for these ends. Rather, in their confrontation, they are seeking within each other a transcendental experience. Transcendence is not about power; rather it is about enriching the experience of being. The transcendence that each person seeks is the enrichment of the way in which they exist in the exteriority of their being, or better yet, the way in which they exist in relation to other beings.

³³ *Ibid.*, p. 39.

³⁴ *Ibid.*, p. 39.

2.2 *Language*

At this point we must consider how the metaphysician and the *other* relate to each other, what the means are by which their transcendence is realized. The answer to the question “how” is *language*, but Levinas also explains why when he says,

... the relation between the same and the other – upon which we seem to impose such extraordinary conditions – is language. For language accomplishes a relation such that the terms are not limitrophe within this relation, such that the other, despite the relationship with the same, remains transcendent to the same.³⁵

Levinas says that language is the relation, but I would argue that language is not the relation but rather the means for relating; I would even go so far as to say that language is the manifestation of the relation. Beyond referring to the relation as language, Levinas also refers to it as metaphysics when he says that the relation between the same and the other “is primordially enacted as conversation...”³⁶ The metaphysics is realized when either the metaphysician or the *other* go beyond themselves, beyond their *home*, to engage in conversation with the other.³⁷

As we have already witnessed in Levinas’ philosophy, the *I* and the *other* never form a whole together because, while of the same genus, their absolute alterity makes them absolutely other in relation to each other. Even in conversation, they cannot form a totality, but instead of a totality, they establish an understanding of each other, an understanding of their sameness and separateness, thus forming a basis for mutual respect [and co-existence]. Levinas writes,

A relation whose terms do not form a totality can hence be produced within the general economy of being only as proceeding from the I to the other, as a *face to face*, as delineating a distance in depth – that of conversation, of goodness, of Desire – irreducible to the distance the synthetic activity of the understanding establishes between the diverse terms, other with respect to one another, that lend themselves to its synoptic operation.³⁸

³⁵ *Ibid.*, p. 39.

³⁶ *Ibid.*, p. 39.

³⁷ “The relation between the same and the other, metaphysics, is primordially enacted as conversation, where the same, gathered up in its ipseity as an ‘I,’ as a particular existent unique and autochthonous, leaves itself” (*Ibid.*, p. 39).

³⁸ *Ibid.*, p. 39.

The mutual respect that they have for one another originates in their common metaphysical desire, so they move towards each other and come face-to-face, neither having power over the other. They approach each other as if attracted by transcendence:

The I is not a contingent formation by which the same and the other, as logical determinations of being, can in addition be reflected *within a thought*. It is in order that alterity be produced *in being* that a “thought” is needed and that an I is needed. The irreversibility of the relation can be produced only if the relation is effected by one of the terms as the very moment of transcendence, as the *traversing* of this distance, and not as a recording of, or the psychological invention of this movement.³⁹

As such, the *I* is the expression of the reality of their totality as beings. The *I* is not contingent on anything, let alone the *other* because the *I* is already fully realized in the realization and identification of the metaphysician on his side as well as the *other* on his side. Both beings are *I* in their own right, which means that they also understand that for another *I*, they are a *you*. The psychological movement is towards this understanding and eventual respect for the *other*.

2.3 *Moving Towards the Other*

Moving towards the *other* based on a metaphysical desire implies in the very least that the metaphysician perceives something towards which he can move – he ascertains that there is something other than himself. At this point Levinas guides us through the quagmire of man’s sensibility, the language man uses to express it and the reasons why that language is inappropriate and feeble with respect to the *other*. He starts with objectification – man objectifies other beings that he encounters in his experience of the world insofar as he uses them to satisfy, quench and satiate base desires⁴⁰, those desires that, unlike metaphysical desire, cannot inspire him to transcendence. For Levinas “[t]his mode of life is not to be interpreted in function of objectification. Sensibility is not a fumbling objectification. Enjoyment, by essence satisfied, characterizes all sensations whose representational content dissolves into their affective

³⁹ *Ibid.*, p. 39.

⁴⁰ Base desires include but are not limited to wanting things like chocolate, sex, alcohol, etc.

content.”⁴¹ As such that which man objectifies may be enjoyed [and later discarded] because that which satisfies appeals to man’s senses. He writes:

The very distinction between representational and affective content is tantamount to a recognition that enjoyment is endowed with a dynamism other than that of perception. But we can speak of enjoyment or of sensation even in the domain of vision and audition, when one has seen or heard much, and the object revealed by the experiences is steeped in the enjoyment – or suffering – of pure sensation, in which one has bathed and lived as in qualities without support. The notion of sensation is thus somewhat rehabilitated.⁴²

The distinction between representational and affective content is the distinction between the desires that may be satisfied and the metaphysical desire. The object of the former may be enjoyed insofar as it satisfies, quenches and satiates, but on the other hand, the latter may be enjoyed insofar as it enables man to have an enriched experience of being as such.

Man desires food because it satiates hunger, and in this way it may be enjoyed, but food does not inspire transcendence; conversely, the relation with the *other* may still be enjoyed because it is through the relation with the *other* that the *I* may enjoy and appreciate his own existence in a way that inspires him to move beyond his desires towards being *qua* being.

2.4 *The I and his senses*

Levinas further clarifies the assertion when he refers to the sensation of enjoyment as a becoming, a movement towards being as such:

[...] sensation recovers a “reality” when we see in it not the subjective counterpart of objective qualities, but an enjoyment “anterior” to the crystallization of consciousness, I and non-I, into subject and object. This crystallization occurs not as the ultimate finality of enjoyment but as a moment of its becoming, to be interpreted in terms of enjoyment.⁴³

The question of *I* and non-*I* and subject/object relationship comes into play in this exact moment because if man *sees* things in terms of his enjoyment, he will tend to objectify in order to be satisfied, quenched and satiated.

As man *sees* what he desires, he tends to grasp for it, apprehend it and comprehend it. But the *other* may not be seen, grasped at, apprehended or comprehended:

⁴¹ *Ibid.*, p. 187.

⁴² *Ibid.*, pp. 187-188.

⁴³ *Ibid.*, p. 188.

As Heidegger, after St. Augustine, pointed out, we use the term vision indifferently for every experience, even when it involves other senses than sight. And we also use the grasp in this privileged sense. Idea and concept cover with the whole of experience. This interpretation of experience on the basis of vision and touch is not due to chance and can accordingly expand into a civilization.⁴⁴

As Levinas (and his predecessors) have noted, we use sensory vocabulary to describe our experiences of the other beings we encounter in our world as well as the *other* himself. Before becoming too critical of man and his use of vocabulary, we must admit that man speaks of the world in terms that are relative to how he experiences it.

So he says, he touches, he hears, etc; as such man does not set out to objectify that which he encounters in his experience of the world, but rather he is speaking from the only perspective that he has, which is that of the first person and perceives through his senses. Levinas too justifies this tendency when he says, "It is incontestable that objectification operates in the gaze in a privileged way; it is not certain that its tendency to inform every experience is inscribed, and unequivocally so, in being."⁴⁵ But Levinas also says that just because the objectification originates from the privileged *I* does not necessitate that the *I* has objectified every being whom he encounters.

2.5 *Seeking the Other*

There is a certain wisdom that originates from the *I*'s tendency to seek the *other*: "The comprehension of an existent consists in precisely going beyond the existent, into the open. To comprehend the particular being is to apprehend it out of an illuminated site it does not fill."⁴⁶ As the *I* reaches for the *other*, he also recognizes the autonomy and absolute otherness of the *other* as he goes outside of himself to do so; there is an intrinsic understanding that in having to go beyond his own being to reach and relate to the *other*, the *other* is completely separate from the *I* and cannot be made to be incorporated, assumed, apprehended or otherwise fully comprehended by the *I*. Not only that, the existence of the *other* illuminates the space in

⁴⁴ *Ibid.*, p. 188.

⁴⁵ *Ibid.*, p. 188.

⁴⁶ *Ibid.*, p. 190.

which he exists.⁴⁷ The existence of the *other* gives the space, the opening in which the *I* is reaching out, form or light because, as Levinas explains it, it is through the *I*'s vision (his point of view and sense of sight) that he attempts to see and understand.

Levinas further elaborates saying that vision is not the only tool seeking a relation with the *other*; the sense of touch is particularly relevant in the process by means of which the *I* takes hold of things:

Illuminated space is not the absolute interval. The connection between vision and touch, between representation and labor, remains essential. Vision moves to grasp. Vision opens upon a perspective, upon a horizon, and describes a traversable distance, invites the hand to movement and to contact, and ensures them.⁴⁸

However, contrary to the information that the *I*'s senses provide him, the *other* still eludes his grasp and his vision insofar as the *other* does not assume a form that may be *seen* or *grasped*. Levinas explains, "The forms of objects call for the hand and the grasp. By the hand the object is in the end comprehended, touched, taken, borne and *referred* to other objects, clothed with a signification, *by reference to* other objects."⁴⁹ So not only does the *other* not have a form that may be grasped, seen, comprehended or apprehended by the *I*, but the *other* may not be understood or perceived in reference to other objects that the *I* sees or grasps.

It is in traversing space that the *I* and *other* relate to each other⁵⁰, and it is through the relation that the *I* experiences transcendence. This is to say, the *I* is not inspired to transcendence by way of perception (vision and awareness) or the grasping of an object that he encounters in his world:

Vision is not a transcendence. It ascribes a signification by the *relation* it makes possible. It opens nothing that, beyond the same, would be absolutely other, that is, in itself. Light conditions the relations between data; it makes possible the signification of objects that border one another. It does not enable one to approach them face to face.⁵¹

⁴⁷ Levinas uses the word "illuminate," but perhaps "inform" may be equally useful in explaining this concept.

⁴⁸ *Ibid.*, p. 191.

⁴⁹ *Ibid.*, p. 191.

⁵⁰ "Empty space is the condition for this relationship; it is not a breach of the horizon" (*Ibid.*, p. 191).

⁵¹ *Ibid.*, p. 191.

In other words, the *other* may not be ascribed any category or denomination by the *I* or the sense he uses to bring objects to himself. The *I* cannot bring the *other* to himself because the other is wholly separate and absolutely other. The only way in which the *I* may approach the *other* and enjoy an encounter, a relationship, is through a face-to-face encounter. The face-to-face encounter is the meeting in which the *I* approaches the other with the awareness and recognition of the *other's* intrinsic and natural autonomy.

2.6 *The I, the Other and Intuition*

Finally, as it relates to space and the perception of the *other's* existence and presence, we must consider how Levinas introduces *intuition* as a means of acknowledging a connection between the *I's* vision and his awareness of having to traverse space to reach the *other* with whom he seeks relation:

Intuition, taken in this very general sense, is not opposed to the thought of relations. It is already relationship, since it is vision; it catches sight of the space across which things are transported toward one another. Space, instead of transporting beyond, simply ensures the condition for the *lateral* signification of things within the same.⁵²

Intuition, as Levinas describes it, is the point at which vision, recognition of space and the sense of the *other's* alterity come together. This connection allows the *I* to perceive the difference between an object that may be *seen* and *grasped* and ultimately used to satisfy his desires in contrast to the *other* whom he cannot objectify but with whom he may be in relation in an attempt to satisfy the metaphysical desire for transcendence.

2.7 *The Face*

At this point we move away from the perception of the *other* and discuss the *other* in terms of the face he presents in and of itself. As we have already acknowledged based on Levinas' writings, neither the *I* nor the *other* take a form that may be seen, grasped, comprehended or apprehended; it is in their total alterity that they remain foreign to these types of objectification. But the question persists: how does the *I* perceive

⁵² *Ibid.*, p. 191.

the other and vice versa? The answer begins to emerge in the following explanation given by Levinas:

Total alterity, in which a being does not refer to enjoyment and presents itself out of itself, does not shine forth in the *form* by which things are given to us, for beneath form things conceal themselves. The surface can be transformed into an interior: one can melt the metal of things to make new objects of them, utilize wood of a box to make a table out of it by chopping, sawing, planing: the hidden becomes open and the open becomes hidden. ... But in fact the depth of the thing can have no other meaning than that of its matter, and the revelation of matter is essentially superficial.⁵³

The form that the *I* and the *other* take cannot be relegated to the form given objects that can satisfy, quench or satiate man's desires; instead the *form* that the *I* and the *other* take is one that is intrinsically transcendent. The form is intrinsically transcendent because it cannot be made into anything other than what it is. The form is cast by the very being of the *I* and *other*, but it is cast in such a way that renders the being of the *I* and *other* present to each other and available for relationship.

Levinas explains the form of man's being by drawing on the metaphor of architecture and the façade of a building:

It is art that endows things with something like a *façade* – that by which objects are not only seen, but are as objects on exhibition. The darkness of matter would denote the state of a being that precisely has no façade. The notion of façade borrowed from building suggests to us that architecture is perhaps the first of the fine arts. But in it is constituted the beautiful, whose essence is indifference, cold splendor, and silence.⁵⁴

Here we begin to see how the forms of the *I* and *other* relate to the being itself – the façade does not make the architecture what it is; instead, it allows the architecture to be realized and perceived as such. As with the form of the *I* and *other* the façade is indeed indifferent, cold and silent to the observer. In other words, while recognizing the limitations of this metaphor, we can say that like the form of man, the façade is what it is regardless of who or what encounters it, it does not change or bend and it may not be grasped or apprehended.

Going beyond the confines of the metaphor of the façade and architecture, the *I* is affected by the encounter with the *other* insofar as he is inspired to transcendence: “The relation with the Other alone introduces

⁵³ *Ibid.* p. 192.

⁵⁴ *Ibid.* pp. 192-193.

a dimension of transcendence, and leads us to a relation totally different from experience in the sensible sense of the term, relative and egoist.”⁵⁵ And what is transcendence but being open to that which is unknown and perhaps other to the *I*? In explaining transcendence, Levinas says that it “cuts across sensibility” and is open “preeminently.”⁵⁶ This encounter can only happen when the two *façades* meet. It is through the presentation of the façade or the manifestation of the face of the *I* and *other* that the two similar and separate beings can relate to each other, and this is so because the *I* and *other* offer these façades to the other as a means of relation: “Inasmuch as the access to beings concerns vision, it dominates those beings, exercises a power over them. A thing is *given*, offers itself to me. In gaining access to it I maintain myself within the same.”⁵⁷ In this sense, the face of man (the *I* and the *other*) is a representation of the metaphysical desire for transcendence as well as the separateness and absolute alterity of the *other*.

2.8 *The ontology of the face*

So far we have discussed the face as it relates to it being presented to and perceived by the *I* or the *other* according to the point of view of the relation. To clarify Levinas’ philosophy of the face, we must dig deeper into the ontology of the face as it relates to the being who it represents. Levinas contends that the face as manifestation in the world is not an accident to the soul or essence of the being, but rather is part and parcel to the being as such. Referring to the body, the outward expression and manifestation of the being that is man, he says: “The body does not happen as an accident to the soul. ... Appearing to representation as a thing among things, the body is in fact the *mode* in which a being, neither spatial nor foreign to geometrical or physical extension, exists separately.”⁵⁸ But if the face (or body) is not an accident of the soul, then what is it?

In an attempt to provide an answer, let us return to the idea of transcendence as Levinas explains it. He says, “...if its vision is the vision of the very openness of being, it cuts across the vision of forms and can be stated neither in terms of contemplation nor in terms of practice. It is the

⁵⁵ *Ibid.*, p. 193.

⁵⁶ *Ibid.*, p. 193.

⁵⁷ *Ibid.*, p. 194.

⁵⁸ *Ibid.*, p. 168.

face; its revelation is speech.”⁵⁹ The face is transcendence, and it is revealed in speech.

Levinas’ explanation becomes more intelligible as we take into account the section entitled “The Same and the Other”:

The face brings a notion of truth which, in contradistinction to contemporary ontology, is not the disclosure of an impersonal Neuter, but *expression*: the existent breaks through all the envelopings and generalities of Being to spread out in its “form” the totality of its “content,” finally abolishing the distinction between form and content.⁶⁰

The face is neither the form nor the content of the being that is man; instead, the face is the realization and manifestation of man’s being in the world. And the truth to which Levinas refers is simply man’s existence; the truth that the face asserts is the alterity and autonomy of man’s being from the *other* whom he encounters.

2.9 *The Invitation*

The face welcomes the *other* as he approaches him in conversation, in an invitation to be in relationship. It is in his very expression that this invitation is extended: “To approach the Other in conversation is to welcome his expression, in which at each instant he overflows the idea a thought would carry away from it. It is therefore to *receive* from the Other beyond the capacity of the I, which means exactly: to have the idea of infinity.”⁶¹ And it is based on this reciprocal invitation (that may always be refused or rejected) that Levinas presents us the idea of infinity. What is infinity but the very openness to the *other* and the metaphysical desire for transcendence?

In this way, the face is nude because it is the utter disclosure of man’s being to the world. The presentation of the face in an encounter with the *other* is a revelation and epiphany – the face of the *other* simply *is* regardless of any reference that the *I* may be inclined to assign to it: “The nakedness of the face is not what is presented to me because I disclose it, what would therefore be presented to me, to my powers, to my eyes, to my perceptions, in a light exterior to it. The face has turned to me – and this is its very nudity. It *is* by itself and not by reference to a system.”⁶² Levinas

⁵⁹ *Ibid.*, p. 193.

⁶⁰ *Ibid.*, p. 51.

⁶¹ *Ibid.*, p. 51.

⁶² *Ibid.*, p. 75.

contends that the nakedness of the face extends to the nakedness of the body of which it is ashamed.⁶³ But perhaps it is not so much ashamed as it is protective and demanding?

It is in this nakedness, protectiveness, shame and utter vulnerability that the face makes the ethical demand as he relates to the *other*.

3. The Ethical Demand

3.1 *The Face and Transcendence*

Given that the face, in its nakedness, is *destitute, hungry* and absolutely other⁶⁴, it demands to be recognized for its alterity and separateness. As Levinas put it, the “gaze” that passes between the *I* and the *other* in a face-to-face encounter is the origin of the supplication and demand to be recognized: “This gaze that supplicates and demands, that can supplicate only because it demands, deprived of everything because entitled to everything, and which one recognizes in giving (as one ‘puts the things in question in giving;’) – this gaze is precisely the epiphany of the face as a face.”⁶⁵ Yet the gaze is more than a supplication or a demand to be recognized, it is a demand to be respected, honored and treated as the absolutely other being that it is (always as it relates to the *other*).

In representing its absolute alterity, the face does several things, the first being a refusal to be objectified: “The face is present in its refusal to be contained. In this sense it cannot be comprehended, that is, encompassed. It is neither seen nor touched – for in visual or tactile sensation the identity of the *I* envelops the alterity of the object, which becomes precisely a content.”⁶⁶ The face of the *other* may be perceived by the *I* in terms of stimulating visual and tactile sensation (seen and touched) but it cannot be otherwise objectified on account of its absolute alterity, because of the absolute alterity of the being it represents.

The face also resists objectification insofar as it cannot be owned or possessed in any way: “The face resists possession, resists my powers. In its epiphany, in expression, the sensible, still graspable, turns into total

⁶³ “The nakedness of his face extends into the nakedness of the body that is cold and that is ashamed of its nakedness” (*Ibid.*, p. 75).

⁶⁴ “The nakedness of the face is destituteness. To recognize the Other is to recognize a hunger” (*Ibid.*, p. 75).

⁶⁵ *Ibid.*, p. 75.

⁶⁶ *Ibid.*, p. 194.

resistance to the grasp.”⁶⁷ While the face may be seen and touched, it resists and eludes capture because it is not the being that it represents; rather it is a manifestation of that being. And even as it is the form that represents the being, the face is “still a thing among things, breaks through the form that nevertheless delimits it. This means concretely: the face speaks to me and thereby invites me to a relation incommensurate with a power exercised, be it enjoyment or knowledge.”⁶⁸ So even as it refuses and resists, the face speaks and invites the face it encounters to relation and to the possibility of transcendence.

The opportunity for transcendence is in the face-to-face encounter since it is in that encounter that the *I* and *other* recognize their similarity and the absolute alterity. And it is in their alterity that the encounter appears to be imbalanced – the *I* perceives the alterity of the *other* and is unsure of how to proceed in the relation because in the alterity of the *other* the *other* is his very identity. The *I* perceives that the *other* identifies himself based on that which sets him apart:

... the relation between me and the other commences in the *inequality* of terms, transcendent to one another, where alterity does not determine the other in a formal sense, as where the alterity of B with respect to A results simply from the identity of B, distinct from the identity of A. Here the alterity of the other does not result from its identity, but constitutes it: the other is the Other. The Other qua Other is situated in a dimension of height and of abasement – glorious abasement; he has the face of the poor, the stranger, the widow, and the orphan, and, at the same time, of the master called to invest and justify my freedom.⁶⁹

Since the *I* cannot objectify the *other* and, therefore, does not fully comprehend the existence and manifestation of the *other*, he cannot help but elevate the *other* to a height greater than that of the objects he possesses and uses to satisfy, quench and satiate his desires. The quality of the alterity of the *other* that inspires that elevation is the mystery.⁷⁰ The *I* can never say that he *knows* or *understands* the *other*. The *I* may perceive (see and touch)

⁶⁷ *Ibid.*, p. 197.

⁶⁸ *Ibid.*, p. 198.

⁶⁹ *Ibid.*, p. 251.

⁷⁰ “And it is only man who could be absolutely foreign to me – refractory to every typology, to every genus, to every characterology, to every classification – and consequently the term of a ‘knowledge’ finally penetrating beyond the object” (*Ibid.*, p. 73).

the face of the *other*, but he may never grasp, comprehend or apprehend the *other's* face or his being.

It is in the face of the *other* that he is made known to the *I*, but like the very being of the *other*, his face is not an object and, therefore, may not be objectified or used to satisfy, quench or satiate the *I's* desires. In contrast, the face may facilitate the transcendence of both the *I* and the *other*, the movement towards a deeper and more acute sense of being as it relates to the experience of the world and realization of being *qua* being.

3.2 *The Face, Absolute Alterity and Infinity*

According to Levinas, the imbalance between the *I* and the *other*, the mystery that exists between them as they relate to each other is in their very ability to oppose each other, to make the demand and the obligation to abide by that opposition and demand. Equally disturbing or perplexing to the *I* is the *other's* infinity as it relates to his transcendence. Because the face cannot be contained and indeed resists objectification, this presents an infinity of alterity as well as an infinity to openness: "The Other remains infinitely transcendent, infinitely foreign; his face which his epiphany is produced and which appeals to me breaks with the world that can be common to us, whose virtualities are inscribed in our *nature* and developed by our existence."⁷¹ The face is the expression of the infinity that Levinas has described because it expresses the overflow of openness and transcendence, it expresses an unending welcome to the *other* and it also expresses an indefinite demand to be recognized, respected and honored as the being that it is:

The idea of infinity, the overflowing of finite thought by its content, effectuates the relation of thought with what exceeds its capacity, with what at each moment it learns without suffering shock. This is the situation we call welcome of the face... The relation with the face, with the other absolutely other which I can not contain, the other in this sense infinite, is nonetheless my Idea, a commerce.⁷²

The idea of infinity is the source and summit of the ethical demand because it encompasses the things on which the *I* and the *other* cannot deny or oppose each other – the truth of being, the absolute separateness despite being similar, the absolute alterity, the fulfillment of the metaphysical

⁷¹ *Ibid.*, p. 194.

⁷² *Ibid.*, p. 197.

desire for transcendence and the inability to relegate any of this to an object that may serve or be used to satisfy, quench and satiate.

To illustrate this point, Levinas refers to the ultimate opposition, namely, murder: “Neither the destruction of things, nor the hunt, nor the extermination of living beings aims at the face, which is not of the world... Murder alone lays claim to total negation.”⁷³ In this sense, the destruction of a being does not dominate that being, rather it only negates the being as such.

That negation does not mean the being never existed; instead it means the being’s demand for respect and honor for its alterity and absolute otherness was too much and the assassin could satisfy the desire for domination only by annihilation. As Levinas writes, “To kill is not to dominate but to annihilate; it is to renounce comprehension absolutely. Murder exercises a power over what escapes power... The Other is the sole being I can wish to kill.”⁷⁴ The *other* is the only being who the *I* encounters that may defy or oppose him. It is only by murder that the *other*’s defiance or opposition may be silenced – it is the only way in which the demand may be quieted: “The Other who can sovereignly say *no* to me is exposed to the point of the sword or the revolver’s bullet, and the whole unshakeable firmness of his ‘for itself’ with that intransigent *no* he opposes is obliterated because the sword or the bullet has touched the ventricles or auricles of his heart.”⁷⁵ However, before resorting to murder, there may be a struggle between the *I* and the *other*, a struggle against each other’s alterity and demand as well as the mystery of his response or reaction.⁷⁶

The opposition, as Levinas explains, is not in terms of having more or less strength or force, but in the very infinity of the face: “He thus opposes to me not a greater force, an energy assessable and consequently presenting itself as though it were part of a whole, but the very transcendence of his being by relation to that whole; not some superlative of power, but precisely the infinity of his transcendence.”⁷⁷ The opposition may be

⁷³ *Ibid.*, p. 198.

⁷⁴ *Ibid.*, p. 198.

⁷⁵ *Ibid.*, p. 199.

⁷⁶ “The Other who can sovereignly say *no* to me is exposed to the point of the sword or the revolver’s bullet, and the whole unshakeable firmness of his ‘for itself’ with that intransigent *no* he opposes is obliterated because the sword or the bullet has touched the ventricles or auricles of his heart” (*Ibid.*, p. 199).

⁷⁷ *Ibid.*, p. 199.

considered a challenge to be in relation with the *other* and the proposition of transcending a state that was comfortable and *at home*.

3.3 *The Face Welcomes and Resists the Other Infinitely*

In terms of infinity and the face-to-face encounter, the question is not about power but rather acknowledgement of the *other* as absolutely other and recognizing what may be taken for vulnerability as an opportunity for transcendence:

This infinity, stronger than murder, already resists us in his face, is his face, is the primordial expression, is the first word: “you shall not commit murder.” The infinite paralyzes power by its infinite resistance to murder, which, firm and insurmountable, pleads in the face of the Other, in the total nudity of his defenceless eyes, in the nudity of the absolute openness of the Transcendent. There is here a relation not with a very great resistance, but with something absolutely other; the resistance of what has no resistance – the ethical resistance.⁷⁸

As Levinas suggests, the resistance that we may perceive is not necessarily a violent opposition but rather a discomfort with the unknown and absolutely other *other*. The resistance may be a question of opening one’s home to the *other* and not knowing how one may be affected – if the invitation will be accepted and abused or refused or accepted with a reciprocal invitation to openness and transcendence. The ethical resistance is not always violent or a threat to the existence of the *other*, it is *resistance* because an inner change may be in the works.

Nevertheless, that resistance may be perceived by the *other* as a threat to his existence, to his being – a challenge to the “no” that he expresses in his face. At the same time, the “no” is always accompanied with “welcome.” These two messages are infinitely expressed in the face, and it is to positive effect. Again, Levinas relates this signification or meaning to the prospect of murder:

The impossibility of killing does not have a simply negative and formal signification; the relation with infinity, the idea of infinity in us, conditions is positively. Infinity presents itself as a face in the ethical resistance that paralyzes my powers from the depths of defenseless eyes rises firm and absolute in its nudity and destitution.⁷⁹

⁷⁸ *Ibid.*, p. 199.

⁷⁹ *Ibid.*, p. 199.

The positive effect is in what Levinas calls the “paralysis” of powers. The *I* lays down his sword against the *other* when he perceives the infinite welcome that is accompanied by the infinite demand for respect because he recognizes in the *other* a similarity. He recognizes in the eyes of the *other* the welcome that he is giving the *other* as well as the demand for respect. In this recognition, the perceived need to kill or annihilate is relieved and replaced by the metaphysical desire that can be fulfilled in the face-to-face encounter.

3.4 *Beyond the Demand*

Beyond the demand of “you shall not commit murder against me,” is the command to take responsibility for the *other*. I have referred to the face as a manifestation of the being that is man, and it is in the explanation of the command to take responsibility that this reference will also be defined. The face is the phenomenological realization of a metaphysical reality; it is an imposition of the self in a phenomenological representation in a world that is spoken of and experienced in terms of signs and reference: “The phenomenon is the being that appears, but remains absent. It is not an appearance, but a reality that lacks reality, still infinitely removed from its being.”⁸⁰ The face as it *appears* in the phenomenological world may be destroyed but that does not destroy the reality of the being that is manifest in the face. The face is not *of* the world but is a manifestation of being *in* the world. The face is, therefore, a point of departure from which man’s being relates to the world.

In terms of an appeal to phenomenology, the face is the means by which man expresses his being; however, insofar as we are discussing a metaphysical realization, the face is the manifestation of being in an experiential world:

To speak to me is at each moment to surmount what is necessarily plastic in manifestation. To manifest oneself as a face is to *impose oneself* above and beyond the manifested and purely phenomenal form, to present oneself in a mode irreducible to manifestation, the very straightforwardness of the face to face, without the intermediary of any image, in one’s nudity, that is, in one’s destitution and hunger.⁸¹

⁸⁰ *Ibid.*, p. 181.

⁸¹ *Ibid.*, p. 200.

The manifestation of the face in the world of phenomenological representation is the realization of man's poverty and vulnerability in this world. However, man as being is not reducible to the face in which his being is made manifest.

As the *I* "speaks" to the *other* and they engage in dialogue, they as interlocutors reveal themselves to each other, and in doing so, they reveal their poverty and vulnerability. (To be clear, their poverty and vulnerability refer to their nakedness and to the metaphysical desire for transcendence and their search for being *qua* being; poverty and vulnerability refer to the expression of their *selves* in the manifestation of the face; their poverty and vulnerability refer to the exposure of these qualities in the face itself.⁸²) According to Levinas, "To manifest oneself in attending one's own manifestation is to invoke the interlocutor and expose oneself to his response and his questioning. Expression does not impose itself as a true representation or as an action. The being offered in true representation remains a possibility of appearance."⁸³ It may remain a possibility of appearance, but it is still a phenomenological realization of an intrinsic truth, that is the being that is man and his relation with being *qua* being.

3.5 *Freedom and the Exile of Being*

In the experience of the face, expression of and exposure to the *other*, a key component of the ethical demand emerges – freedom: "Thus in expression the being that imposes itself does not limit but promotes my freedom, by arousing my goodness..."⁸⁴ How does this happen? How can the expression of being promote freedom? The expression of being is the expression of the being's very alterity or, in Levinas' terms, the strangeness of the other. He says, "The strangeness of the Other, his very freedom! Free beings alone can be strangers to one another. Their freedom which is 'common' to them is precisely what separates them."⁸⁵ The freedom of the *I* and the *other* as this regards their interaction, engagement and face-to-face encounter is precisely their separateness and metaphysical desire

⁸² "The first word of the face is the 'Thou shalt not kill.' It is an order. There is a commandment in the appearance of the face, as if a master spoke to me. However, at the same time, the face of the Other is destitute; it is the poor for whom I can do all and to whom I owe all" (E. LEVINAS, *Ethics and Infinity*. p. 89).

⁸³ E. LEVINAS, *Totality and Infinity*. p. 200.

⁸⁴ *Ibid.*, p. 200.

⁸⁵ *Ibid.*, p. 73.

because it is in their alterity that they are able to welcome each other and fulfill each other's metaphysical desire for transcendence.

It is in that transcendence that beings can leave the confines of the phenomenological experience, the world of sensibility, and enter into what Levinas calls the exile of being: "The transcendence of the face is at the same time its absence from this world into which it enters, the exiling [*depaysement*] of a being, his condition of being stranger, destitute, or proletarian. The strangeness that is freedom is also strangeness-destitution [*étrangeté-misère*]."⁸⁶ Freedom is the realization of the transcendence by accepting and recognizing the alterity of the *other*; likewise, freedom is in the very alterity of the *other*, in his ability to assert himself to the *I* and present an opposition to the will of the *I*.

Levinas brings the idea of freedom back to the presence of being when he writes that "[f]reedom presents itself as the other to the same, who is always the autochthon of being, always privileged in his own residence. The other, the free one, is also the stranger."⁸⁷ Freedom as the *autochthon* of being means that it is intrinsic to being, that in and of itself, freedom is inextricably a part of being in such a way that no one can violate it without resorting to annihilation.

Without going into the details of Levinas' discussion about the spontaneity of freedom⁸⁸ and the moral obligation that freedom entails⁸⁹,

⁸⁶ *Ibid.*, p. 75.

⁸⁷ *Ibid.*, p. 75.

⁸⁸ "For an obstacle to become a fact that requires a theoretical justification or a reason the spontaneity of the action that surmounts it had to be inhibited, that is, itself put into question. It is then that we move from an activity without regard for anything to a *consideration* of the fact. The famous suspension of action that is said to make theory possible depends on a reserve of freedom, which does not abandon itself to its drives, to its impulsive movements, and keeps its distance" (*Ibid.*, p. 83).

⁸⁹ "The spontaneity of freedom is not called in question; its limitation alone is held to be tragic and to constitute a scandal. Freedom is called into question only inasmuch as it somehow finds itself imposed upon itself: if I could have freely chosen my own existence everything would be justified. ... The critique of spontaneity engendered by failure, which calls in question the central place the I occupies in the world, implies then a power to reflect on its failure and on the totality, an uprooting of the I torn up from itself and living in the universal. It founds neither theory nor truth; it presupposes them: it proceeds from knowledge of the world, is already born from a knowledge, the knowledge of failure... The critique of spontaneity engendered by the consciousness of more unworthiness, on the contrary, precedes truth, precedes the consideration of the whole, and does not imply the sublimation of the I in the universal. The consciousness of unworthiness is not in its turn a

suffice it to say for now that freedom, because of its spontaneity and moral implications places on the *I* and the *other* as they relate to each other a responsibility for each other's good and welfare. The good and welfare of the other is directly related to his transcendence insofar as we are discussing his metaphysical desire for transcendence. Levinas explains that it is not the freedom of the *other* that "accounts for the transcendence, but the transcendence of the Other that accounts for freedom – a transcendence of the Other with regard to me which, being infinite, does not have the same signification as my transcendence with regard to him."⁹⁰ Bringing this all together, we begin to see that the subject of the ethical demand of the *I* is not necessarily himself, but rather his freedom and transcendence in relation to the *other* and, equally, the freedom and transcendence of the *other* who is in relation to him. The ethical demand then becomes more than just "Thou shalt not kill [or harm] me"; as such, it is an imposition of signifies the call to freedom and the opening to transcendence. The demand is in the very face of both the *I* and the *other*. The demand, considering that both the *I* and the *other* make it in the face-to-face encounter, is transformed from a demand as such into a realization of responsibility.

3.6 *The Face and Language*

What does this mean, and how does it unfold? Responsibility begins with language – the discourse; it is in discourse that the *I* is obliged to recognize and heed the *other's* demand for respect:

In discourse the divergence that inevitably opens between the Other as my theme and the Other as my interlocutor, emancipated from the theme that seemed a moment to hold him, forthwith contests the meaning I ascribe to my interlocutor. The formal structure of language thereby announces the ethical inviolability of the Other and, without any odor of the "numinous," his "holiness."⁹¹

But in understanding discourse as it relates to responsibility, we have to understand language and speech as it concerns the relation between the *I* and the *other*.

Language, like the face, is the expression of the *I's* alterity, his strangeness to the *other*: "Absolute difference, inconceivable in terms of

truth, is not a consideration of facts. The first consciousness of my immorality is not my subordination to facts, but to the Other, to the Infinite" (*Ibid.*, p. 83).

⁹⁰ *Ibid.*, p. 225.

⁹¹ *Ibid.*, p. 195.

formal logic, is established only by language. Language accomplishes a relation between terms that breaks up the unity of a genus. ... Language is perhaps to be defined as the very power to break the continuity of being or of history.”⁹² Language is the system by which the *I* and the *other* may relate to each other, but it remains a system of separate terms and references:

Language is a relation between separate terms. To the one the other can indeed present himself as a theme, but his presence is not absorbed into his status as a theme. The word that bears on the Other as a theme seems to contain the Other. But already it is said to the Other who, as interlocutor, has quit the theme that encompassed him, and upsurges inevitably behind the said. Words are said, be it only by the silence kept, whose weight acknowledges this evasion of the Other. The knowledge that absorbs the other is forthwith situated within the discourse I address to him.⁹³

Both the *I* and the *other* use language to express themselves and address one another, but the question remains if they will understand each other and interpret the language and what is being said in a way that will enable transcendence. The use of language is not intended to give or garner knowledge; instead, it is directly or indirectly intended to elicit and grant wisdom as it relates to being *qua* being.

Moreover, although language tends to objectify⁹⁴ due to the system of references and signs, the exercise between the *I* and the *other* as they enter into dialogue is to appreciate and recognize each other as more than an object or a theme or means of achieving transcendence. Rather, both the *I* and the *other* experience language as dialogue equally, and it is in the reciprocity of the encounter that language is made useful and transcendence becomes possible.

So if language is an expression of absolute alterity, then speech or the act of expression necessarily proceeds from that alterity. Levinas says it in this way: “Speech proceeds from absolute difference. Or, more exactly, an absolute difference is not produced in a process of specification descending from genus to species, in which the order of logical relations runs up against the given,

⁹² *Ibid.*, p. 195.

⁹³ *Ibid.*, p. 195.

⁹⁴ “Objectification is produced in the very work of language, where the subject is detached from the things possessed as though it hovered over its own existence, as though it were detached from it, as though the existence it exists had not yet completely reached it” (*Ibid.*, p. 209).

which is not reducible to relations.”⁹⁵ All of this to say that both the *I* and the *other* are approaching each other and entering into the face-to-face encounter as completely separate beings who are absolutely strange to one another.

The relation between the two, the language that they employ and the speech act do not reduce the separation and strangeness but rather express it and maintain the distance. The way in which the *I* and the *other* can traverse the distance is not through language or speech but through their very openness to one another as strange and absolutely other beings. Paradoxically, it is in employing language and speech that the *I* and the *other* may express their openness and metaphysical desire for transcendence – “Speaking, rather than ‘letting be,’ solicites the Other.”⁹⁶ In this way, the ethical demand is complete.

3.7 *The Contemporaneous and Equal Command*

The ethical demand is complete as both the *I* and the *other* speak – in speaking to each other, they contemporaneously and equally demand to be recognized, respected and honored; they simultaneously demand of the other not to be killed but to be cared for. It is in the demand that the demand is demanded or as Levinas puts it, “the command that commands me to command.” As the *I* is in relation with the *other*, they approach each other as masters of their own being; as a result, when the *I* commands the other, Levinas says, “This command can concern me only inasmuch as I am master of myself; consequently this command commands me to command.”⁹⁷ Levinas writes “consequently,” but where does this consequence originate? He explains that as the *I* approaches the *other*, he approaches him in his own poverty, strangeness and vulnerability, but because the *other* approaches the *I* in the same manner, they are encountering each other as equals.⁹⁸ So it is as equals that they “join”

⁹⁵ *Ibid.*, p. 194.

⁹⁶ *Ibid.*, p. 195.

⁹⁷ *Ibid.*, p. 213.

⁹⁸ “The face in its nakedness as a face presents to me the destitution of the poor one and the stranger; but this poverty and exile which appeal to my powers, address me, do not deliver themselves over to these powers as givens, remain the expression of the face. The poor one, the stranger, presents himself as an equal. His equality within this essential poverty consists in referring to the *third party*, thus present at the encounter, whom in the midst of his destitution the Other already serves” (*Ibid.*, p. 213).

together⁹⁹ and equally command each other as Masters of their own being, commanding each other to respect and honor them and to not kill one another

At the same time, the presence of the face in its infinity, destitution and poverty represents the presence of the *other* who is not readily present to the discourse or face-to-face encounter between the *I* and the *other*; it is precisely in the understanding that there is another *other* whom the *I* must consider and with whom he is in indirect relation by virtue of his relation with the *other* who is present at hand, that the *I* is commanded to command. Levinas explains: “The presence of the face, the infinity of the other, is a destituteness, a presence of the third party (that is, of the whole of humanity which looks at us), and a command that commands commanding.”¹⁰⁰ This is precisely the point at which the ethical demand is made whole; that is when the *I* and the *other* respond to their respective demand or command with an equal command; when the *I* finds in the *other* an-*other*, the *third person* that is the whole of humanity, all of the *others* with whom the *I* is in relation by virtue of his very relation with the *other*, his interlocutor in dialogue.

In order to conclude the present discussion on the ethical demand, we need to acknowledge the responsibility of the *I* towards the *other*. In order to do so, I will now link my thoughts to a series of conversations that Levinas had with Philippe Nemo and published under the title *Ethics and Infinity*. After all, the connection between the ethical demand and responsibility is something we must not forget. We have looked at the face as a manifestation of man’s being in this world of sense and experience and taken a critical look at the means by which the *I* goes beyond himself into the open and overcomes separation in order to establish a dialogue. It is by the manifestation of the face that the *I* and the *other* are able to relate to each other; in using language and speech, which issue forth from the face, they command each other as masters of their own beings. But according to Levinas, it is not the face nor language or speech that bond the *I* and the *other*; rather, it is responsibility.

In *Ethics and Infinity*, Levinas says, “... as a ‘first person,’ I am he who finds the resources to respond to the call.”¹⁰¹ As soon as the *I* hears the

⁹⁹ “He comes to *join* me. But he joins me to himself for service; he commands me as a Master” (*Ibid.*, p. 213).

¹⁰⁰ *Ibid.*, p. 213.

¹⁰¹ E. LEVINAS, *Ethics and Infinity*. p. 89.

command of the *other*, it is incumbent upon him to respond to that command; it is this paradigm that bonds the *I* to the *other* in responsibility. The ethical demand is not merely an acquiescence to the demand for respect and honor, but it is also a responsibility to the *other*. Indeed, as Levinas writes, “The very node of the subjective is knotted in ethics understood as responsibility.”¹⁰² In our next chapter, we shall go forward and make it clear that ultimately the ethical demand can only be understood in terms of responsibility for the *other*.

¹⁰² *Ibid.*, p. 95.

CHAPTER II

Proximity and Responsibility

To better understand the relationship between the *I* and the *other* as well as how human relationships form the basis of the corporation (which is fundamentally a community of human beings), we will look at Levinas' philosophy of proximity and responsibility. The discussion of proximity and responsibility may appear to be a circular one insofar as we will refer to responsibility when discussing proximity and vice versa. But the reason for this is simply because, according to Levinas, there is not one without the other. As we will see later in the chapter, responsibility is based on an understanding of the human being as *one-for-the-other*, the proper basis for a philosophy of proximity. We will use Levinas' work *Otherwise than Being, or Beyond Essence*¹ as the main point of reference; when necessary, we will defer to the wisdom Levinas offers in minor works such as *Ethics and Infinity*, *Conversations with Emmanuel Levinas*² and, naturally, we will also make reference to *Totality and Infinity*.

As the title of the chapter states, we will be exploring both proximity and responsibility, but responsibility will be examined within the context of proximity. Before delving directly into the question of proximity, we must understand the context in which Levinas develops his philosophy. He

¹E. LEVINAS, *Otherwise Than Being or Beyond Essence*. Translated by Alphonso Lingis. Originally published as *Autrement qu'être*. Duquesne University Press. Pittsburgh, PA. 1998.

²E. LEVINAS, *Ethics and Infinity, Conversations with Emmanuel Levinas*. Translated by Richard A. Cohen. Originally published as *Ethique et infini*. Duquesne University Press. Pittsburgh, PA. 1985.

introduces the concept of *the-one-for-the-other* as a means of articulating the ethical human relation between the *I* and the *other* as well as the implications of that ethical relationship. In explaining *the-one-for-the-other*, Levinas demonstrates the *ought* that, according to his philosophy, necessarily exists between men. He explains it in terms of enjoyment and, more to the point, spoiling one's enjoyment for the benefit and wellbeing of the other. Taking a couple of steps back to understand the greater picture that Levinas is illustrating, let us consider these concepts: signification and sensibility, the *one-for-the-other*.

1. Signification and The-One-For-The-Other

Signification acquires its significationness from man's senses and the possibility for his immediate, bodily desires to be satisfied. The lack of satisfaction and the fulfillment always attached to satisfaction relate to sensibility in terms of consciousness of being; Levinas refers to it as "consciousness of..." as a subjective validation of being: "The exteriority that this way of speaking presupposes is already borrowed from thematization, consciousness of..., the self sufficient correlation of the saying and the said. The 'access to being' states a notion as tautological as the 'manifestation of being,' or ontology."³ So in order to avoid making a tautological statement, Levinas clarifies his "consciousness of..." by explaining it in terms of man's psyche and intentionality toward the *other*.

1.1 Recognizing the Other

Of the psyche, he says that it "is the form of a peculiar dephasing, a loosening up or unclamping of identity: the same prevented from coinciding with itself, at odds, torn up from its rest, between sleep and insomnia, panting, shivering."⁴ It is here that Levinas mentions responsibility without having mentioned proximity *per se*; the intentionality that the *I* has in relation to the *other* ensures that the face-to-face encounter "is not an abdication of the same, now alienated and slave to the other, but an abnegation of oneself fully responsible for the other." Within the encounter he recognizes himself, as subject, in the *other* whom he recognizes as subject of his own being. This recognition is a designation of identity. The intentionality that the *I* has for the *other* is a recognition of his

³ E. LEVINAS, *Otherwise Than Being, or Beyond Essence*. p. 68.

⁴ *Ibid.*, p. 68.

very self, his status as subject inasmuch as he recognizes the identity of the *other* as subject; he recognizes himself in the *other*. Levinas says, “This identity is brought out by responsibility and is at the service of the other. In the form of responsibility, the psyche in the soul is the other in me, a malady of identity, both accused and *self*, the same for the other, the same by the other.”⁵ How does this relate to the signification?

Signification resides in the very perception, awareness and consciousness of that which satisfies the senses and causes suffering; signification resides in the sensibility of the *I* for the *other*. Levinas distinguishes between the sensing, perception and awareness from the thematization of the *other* in an effort to gain access and *know* the other when he says that “The-one-for-the-other which constitutes their signifyingness is not a knowing of being, nor some other access to essence. These significations do not draw their signifyingness from knowing nor from their condition of being known.”⁶ In other words, neither the *I* nor the *other* give meaning to each other, but rather their meanings or significance are fixed in their being and ability to sense and perceive; however, their significance is made significant in their very encounter, in their perception of each other. Levinas refers to this as a system when he says, “In a system signification is due to the definition of terms by one another in the synchrony of a totality, where the whole is the finality of the elements.”⁷ The synchrony is the relation between the *I* and the *other*, and in taking this discussion to another level, I would suggest that the synchrony is the very *ought* between the *I* and the *other* on which the sense of responsibility that Levinas talks about rests. The totality, as we complete the idea, is the point at which the system is no longer closed within itself but rather creates a context and makes sense as a whole taking on a phenomenological quality; in this way, the totality is experiential, and it is significant.

So in the synchronized system that exists between the *I* and the *other* as they perceive and encounter each other, they recognize that each is the subject of his own experience of the world, and is, therefore, responsible for the subject as subject: “In the form of responsibility, the psyche in the soul is the other in me, a malady of identity, both accused and *self*, the same for the other, the same by the other.”⁸ Therefore, because the *I*

⁵ *Ibid.*, p. 69.

⁶ *Ibid.*, p. 69.

⁷ *Ibid.*, p. 69.

⁸ *Ibid.*, p. 69.

identifies himself in the *other*, he can also relate to the suffering and satisfaction of the *other*; but in this self-identification in the *other*, the wellbeing of the *other* does not *become* his responsibility but rather *is* his responsibility.

1.2 *Satisfaction and Enjoyment*

Now returning to the concept of the *for-the-other*, let us consider it in light of the brief discussion on sensibility and significance [and, of course, responsibility]. Speaking about sensibility in terms of satisfaction and life presents what initially appear to be tautological statements, Levinas writes, “Satisfaction satisfies itself with satisfaction. Life enjoys its very life, as though it nourishes itself with life as much as with what makes it live, or, more exactly, as though nourishing oneself had this twofold reference.”⁹ However, instead of falling into a tautology, Levinas calls his assertion a “twofold reference” because he is asserting that satisfaction can only be fulfilled with that which it enjoys fully – satisfaction; likewise, enjoying life can only be done by living life. In other words, one cannot be satisfied by that which is not the fulfillment of what it would take to satisfy. This is not tautological but a demonstration of fulfillment.

Why does this matter? What does the *for-the-other* have to do with proximity and the relation between the *I* and the *other*? Satisfaction and enjoyment are the lynchpins in the relation between the *I* and the *other*; according to Levinas, it is in satisfaction and enjoyment that man finds fulfillment in both his being as such and within the phenomenological manifestation of that being in the world. Man’s intrinsic quest for satisfaction and enjoyment betrays in him a vulnerability – it is an admission that he is unsettled within himself, within his understanding and knowledge of who and what he is in respect to being *qua* being. And it is the search for fulfillment, satisfaction and enjoyment that exposes the *I*’s vulnerability to the *other*. Levinas explains enjoyment as it relates to the ego in this way: “Enjoyment and the singularization of sensibility in an ego take from the supreme passivity of sensibility, from its vulnerability, its exposedness to the other, the anonymousness of the meaningless passivity of the inert.”¹⁰ In the *I*’s quest for satisfaction and enjoyment, he admits

⁹ *Ibid.*, p. 73.

¹⁰ *Ibid.*, p. 74.

that he is not complacent with himself or even within himself¹¹, and in that non-complacence he senses his own vulnerability and exposure to the *other*.

1.3 *Exposedness and Vulnerability*

What the *I* is vulnerable to the *other* or what he is exposing to the *other* is not only that he is not complacent within himself, within his being, but that he may find something in the *other* that may help him to arrive at a state of complacence, satisfaction and enjoyment. The vulnerability lies in the possibility that the *other* may deny him that which he is seeking. The vulnerability is in the very fact that he has to be in relation with the other, expose himself to the other in a face-to-face encounter, to begin to appreciate and even apprehend that which will contribute to his complacency.

This exposedness and vulnerability can only take place among sensible beings, beings who can perceive their own sense of being fulfilled, and likewise, their own sense of lacking. With this statement we will begin to complete the explanation of the significance of the *one-for-the-other*: according to Levinas, as the *I* perceives of his enjoyment and satisfaction, he is also acutely aware of what he feels he is lacking, both in the sense of metaphysical desire and in the sense of the phenomenological manifestation of his being. As such, to be in relation with the *other* precisely means to perceive his enjoyment, satisfaction and complacency within the context of the face-to-face encounter. Therefore, it is within the relation between the *I* and the *other* that man may give of himself, receive from the other, be violated or annihilated.

1.4 *The giving*

It is here that we begin to understand why the commandment “Do not kill” is such a significant demand. In the face-to-face encounter, both the *I* and *other* are approaching each other to quench the metaphysical desire, but they also tend to engage each other in terms of satisfying the

¹¹ “Enjoyment in its ability to be complacent in itself, exempt from dialectical tensions, is the condition of the for-the-other involved in sensibility, and in its vulnerability as an exposure to the other” (*Ibid.*, p. 74).

phenomenological experience in which their beings are manifest. This is to say, they may find satisfaction, enjoyment and fulfillment in each other on both levels, but it is only in the face-to-face encounter that man may be “taken care of.” Levinas writes, “This sensibility has meaning only as a ‘taking care of the other’s need,’ of his misfortunes and his faults, that is, as a giving.”¹² But the crux of this statement is in the *giving*: man cannot give what he does not have, and he only *has* himself, his being as such and the manifestation of that being.

So in order for him to “give” to the *other* he must “tear” from himself that which he offers as a gift because according to Levinas, “... giving has meaning only as a tearing from oneself despite oneself, and not only *without* me.”¹³ Does Levinas intend to say that in man’s tearing from himself to give to the *other*, he creates a void within himself from where or which he tore from himself? I would discourage that conclusion because Levinas continues by saying, “And to be torn from oneself despite oneself has meaning only as a being torn from the complacency in oneself characteristic of enjoyment, snatching the bread from one’s mouth.”¹⁴ Notice that Levinas does not say that the tearing has a negative effect on the complacency of the self; the tearing does come from the complacency of the *I*, but it does not damage or ruin the complacency *in se*.

At the same time, let us not conflate the complacency that is indicative of metaphysical desire fulfilled with satisfaction and enjoyment of the manifestation of being in a phenomenological expression. Levinas gives the example of taking care of the *other* by feeding him from the one’s own cache of bread. In this sense, it could be understood that the *I* is tearing from his own wellbeing to promote the wellbeing of the *other*. Levinas uses the imagery of tearing, however, to indicate to us that there is a sense of disruption and perhaps loss to man when he gives to the other. As Levinas says, giving is not truly giving unless it is given from a place where it will be missed. So even as we said that giving cannot create a void within complacency of self, there has to be a sense of disturbance to that complacency. Perhaps that disturbance is in the very act of going outside oneself, beyond the realm of *home* to engage with the *other*, to face the *other* in all of each other’s nakedness and vulnerability.

¹² *Ibid.*, p. 74.

¹³ *Ibid.*, p. 74.

¹⁴ *Ibid.*, p. 74.

The key to understanding the *one-for-the-other* is the very discomfort of the action of tearing from oneself and giving:

The immediacy of the sensible is the immediacy of enjoyment and its frustration. It is the gift painfully torn up, and in the tearing up, immediately spoiling this very enjoyment. It is not a gift of the heart, but of the bread from one's mouth, of one's own mouthful of bread. It is the openness, not only of one's pocketbook, but of the doors of one's home, a "sharing of your bread with the famished," a "welcoming of the wretched into your house" (Isaiah 58).¹⁵

As we see in this illustration, the discomfort is in giving the gift and allowing it to be used [torn] according to the will, enjoyment, satisfaction and metaphysical desire of the *other*. There is no guarantee that the *other* will appreciate the gift in the spirit that it was given by the *I* or according to how the *I* feels it should be appreciated. I submit that this contributes to the sense of being "torn from oneself."

1.5 *Incarnation and Sensitivity*

Before proceeding to the discussion on proximity, let us expand on the explanation of Levinas' philosophy of the face so as to complete the discourse on the relation between the *I* and the *other* and how that relation defines the ethical demand. It is at this point that Levinas begins to present his philosophy in a way that contributes to an understanding about how the *I* ought to act with respect to his relationship with the *other*. Taking for granted that the face is a manifestation of the being that is man, or, in other words, an incarnation of a reality that would otherwise not be realized in an experiential way, Levinas writes, "Incarnation is not a transcendental operation of a subject that is situated in the midst of the world it represents to itself: the sensible experience of the body is already and from the start incarnate."¹⁶ The face as the incarnation of the being that is man is, therefore, sensitive – it can perceive and sense and experience the phenomenon of the world in which it is manifest.

But as Levinas explains, the face is not materialization; it is more than a materialization because it is the fulfillment of the manifestation or the realization of the being that is man in a way that is significant to him as an *I* and to the *other(s)* whom he encounters. More specifically, Levinas says,

¹⁵ *Ibid.*, p. 74.

¹⁶ *Ibid.*, p. 76.

“The subject called incarnate does not result from a materialization, an entry into space and into relations of contact and money which would have been realized by a consciousness, that is, a self-consciousness, forewarned against every attack and first non-spatial.”¹⁷ The face is not bound by space and time because the being that it realizes is not bound by time and space. Time and space only serve as references in a context in which the *I* approaches the *other* in a face-to-face encounter.

It is by way of the face, the phenomenological realization of man’s being in an experiential world, that the *I* and the *other* encounter each other; it is as being made incarnate or beings of flesh and blood that they may relate to each other; and it is in the face that is experienced within the confines of the phenomenon of space and time that man appreciates reference and meaning. It is in the face, the face-to-face encounter, the sensual experience of the flesh and the continuity in time that the blood renders that significance significant. Levinas says:

It is because subjectivity is sensibility – an exposure to others, a vulnerability and a responsibility in the proximity of the others, the-one-for-the-other, that is signification – and because matter is the very locus of the for-the-other, the way that signification signifies before showing itself as a said in the system of synchronism, the linguistic system, that a subject is of flesh and blood, a man that is hungry and eats, entrails in a skin, and thus capable of giving the bread out of his mouth, or giving his skin.¹⁸

We must not misunderstand Levinas’ teaching to mean that the *I* must identify or empathize with the *other* in his experience of the world; rather, the *other* demands that his experience and his subjectivity is recognized and respected by the *I* (in the presentation of his face). At the same time, there are some things that the *I* may only experience through his interaction and relationship with the *other* and is then able to reflect on it in terms of himself. One example of this is death because it only has meaning to man because he experiences the death of other men; he senses their loss and grieves their passing. Death would not have meaning if he did not experience it in the face-to-face encounter. Furthermore, as it relates to death, the *I* will ever only experience it in terms of *dying*, but he will never experience his own death. Lastly, death can only be experienced in terms of the cessation of the face manifesting the being that is man.

¹⁷ *Ibid.*, p. 77.

¹⁸ *Ibid.*, p. 77.

Finally, we should also highlight the additional characteristic Levinas gives for subjectivity: along with *self*-awareness and presence within oneself is the *sensibility* of the self. The *I* is subject insofar as he is sensitive to not only his own existence but in his sensitivity, perceives and is aware of the existence of the *other*. His subjectivity resides in the manifestation of his being in the face, it resides in the incarnation of his being, the sensibility that incarnation, that the face affords him in perceiving and encountering the *other*; his subjectivity lies in his ability to sense the vulnerability, exposedness and nakedness of the *other* as well as his sensitivity to his own vulnerability, exposedness and nakedness with respect to the other. The subjectivity of the *I* is the wellspring from which Levinas' ethic develops, it is the source for the question of how the *I* ought to act when he is confronted by the *other*.

2. Proximity

I shall lay out the thesis for the present section on proximity in these few words: Proximity is the metaphysical reality that is realized in the manifestation of the face. Proximity is, therefore, the openness that is expressed in the face and can only be realized within the phenomenon of the face-to-face encounter, which is not to say that it is limited by the immediacy or reference of time and space.

2.1 *What Proximity Is Not*

I would like to initially discuss proximity in terms of what it is not. In his explanation of proximity, Levinas leads us to his thesis on proximity by asking about the relation between entities in terms of time and space. He poses this question and follows with a provocative suggestion:

Would proximity be a certain measure of the interval narrowing between two points or two sectors of space, toward a limit of contiguity and even coincidence? But then the term proximity would have a relative meaning and, in the space inhabited by Euclidean geometry, a derivative sense. Its absolute and proper meaning presupposes "humanity."¹⁹

In other words, proximity, when using it in reference to man the relation between the *I* and the *other*, is an indication of what Levinas refers to as "humanity." It is human to be in relation and thus within proximity of the other. So when Levinas talks about proximity, between the *I* and the *other*,

¹⁹ *Ibid.*, p. 81.

he is not referring to distance in terms of time and space; he is referring to their very relation, their face-to-face encounter.

More specifically, Levinas contends that space and time are inconsequential to the relation between the *I* and the *other* – perhaps we could even say that space and time are mere accidents of the phenomenon of the world in which they encounter each other. These accidents are based on the physical manifestation of the being that is man, but we must be careful not to give them too much importance beyond the phenomenological representation of the world in which man's face is manifest: "Space and nature cannot be posited in an initial geometrical and physical impassiveness and then receive from the presence of man, from his desires and passions, a cultural layer that would make them signifying and speaking."²⁰ According to Levinas, the accidents of the phenomenological realization of the world in which the *I* and the *other* encounter each other are significant insofar as they remain referential, but they do not contribute to the significance of the being of man *in se*.

2.2 *The Subjective Approach*

According to Levinas, the pitfall of this type of interpretation and understanding of proximity, furthermore, contribute to the *I* encountering the *other* in terms of and in reference to only himself – narcissism. "Narcissism would then find in the granite of things but a surface that would refer to men the echos and reflection of their humanity."²¹ Proximity based on space and time leads to a narrow view of the phenomenological realization of the human relationship; it is based on the point of view of the *I* (focusing on him as the sole point of reference) as he relates to the *other*, and it does not allow him to relate to the *other* in terms of being *qua* being. Levinas writes,

In fact, the impassiveness of space refers to the absolute coexistence, to the conjunction of all the points, being together at all points without any privilege, characteristic of the words of a language before the mouth opens. It refers to a universal homogeneity derived from this assembling, from being's nonsubjective essence. But the synchrony of the words of a language before a

²⁰ *Ibid.*, p. 81.

²¹ *Ibid.*, p. 81.

mount that opens refers to man that speaks, and to justice, which derives from the first signification.²²

Levinas points out that using space as a means of defining proximity is a faulty practice in understanding the ontology of man as man and the ontology of his relationship with other men: using space to define proximity means that if two men do not occupy points in space that are relative to each other (and this really refers to time too), then they do not have a point of relation – there is no proximity. It also infers that the determined distance between their points in space affect their ability to relate or be in relation – it affects the manner in which they relate to each other, the depth of that relation and even its significance. As we have noted in Levinas' discussion of the face or rather the face-to-face encounter, none of these factors can be true in the system of ontology that he presents.

The face-to-face encounter does not necessarily take place in a space and time that are common to the *I* and the *other*. A good example of this is the dialogical relation between the author as the *I* and the reader as the *other*. The face-to-face encounter, therefore, happens within the transmission of the message by way of the text. The questions remain: how are the author and reader to appear in a face-to-face encounter? The answer is in their openness to each other; the author is open to the reader and demonstrates that openness in the very act of writing a text (an intended message) for the unseen and, perhaps, unknown reader. Likewise the reader is open to the author in the very act of reading and attempting to interpret the author's intention. The face-to-face encounter between two men who do not share a common space and time is no less significant because it still relies on the openness, one to the other and *one-for-the-other*.

To this end, Levinas says that the subject, the *I*, is not reducible to the confines of space because of the spiritual nature of man. The spiritual nature to which Levinas refers is man's metaphysical desire for transcendence: "In proximity a subject is implicated in a way not reducible to the spatial sense which proximity takes on when the third party troubles it by demanding justice in the 'unity of transcendental consciousness,' when a conjuncture is sketched out in a theme which, when said, is garbed with the sense of a contiguity."²³ Even as Levinas asserts that man's spirituality refers to his metaphysical desire for transcendence, Levinas also admits that not all spirituality is a search or a seeking of truth and an

²² *Ibid.*, p. 81.

²³ *Ibid.*, p. 82.

understanding of being *per se*; instead, spirituality in its metaphysical desire for transcendence is more related to openness to that which is mysterious to the *I*.²⁴

Therefore, with the understanding of man's spirituality as an openness to that which is unknown to him, proximity refers to his openness to the *other* rather than a measurement based on space and time. Levinas relates proximity to a state of restlessness, a desire for that which is unknown: "Proximity is not a state, a repose, but, a restlessness, null site, outside of the place of rest. It overwhelms the calm of the non-ubiquity of a being which becomes a rest in a site. No site then, is ever sufficiently a proximity, like an embrace."²⁵ So in understanding the nature of proximity as it relates to man and his relation with other men, it does not refer to the physical encounter but rather to the openness that each has toward the other.

However, considering that the *I* will always ever be the *I* as the term relates to him from his point of view, and he will never be the *other* regardless of his openness to the *other*, Levinas says that the proximity between the two men in relationship is never close enough²⁶, which is to say that there will always remain an element of mystery between the two.

And as Levinas explains it, proximity, then, gains a quality of being subject insofar as it is a means by which the *I* and the *other* welcome each other and offer the possibility of being in relation; proximity is the term by which the two beings relate to each other. Proximity based on "closeness" demonstrates a recognition of the subject as subject in such a way that can be described as a fraternity²⁷: "Proximity, as the 'closer and closer,' becomes subject. ... Proximity is the subject that approaches and consequently constitutes a relationship in which I participate as a term, but where I am more, or less, than a term. This surplus or this lack throws me

²⁴ "But every spirituality is also not comprehension and truth of Being and openness of a world. As a subject that approaches, I am not in the approach called to play the role of a perceiver that reflects or welcomes, animated with intentionality, the light of the open and the grace and mystery of the world" (*Ibid.*, p. 82).

²⁵ *Ibid.*, p. 82.

²⁶ "Never close enough, proximity does not congeal into a structure, save when represented in the demand for justice as reversible, and reverts into a simple relation" (*Ibid.*, p. 82).

²⁷ "The subjectivity of the approaching subject is then preliminary, anarchic, prior to consciousness, an implication, a being caught up in fraternity. This being caught up in fraternity which proximity is we call signifyingness," (*Ibid.*, p. 82).

outside of the objectivity characteristic of relations.”²⁸ But again the closeness of which Levinas speaks is not just in the *I* recognizing the *other* as a subject in his own right, but already acting according to that recognition. Levinas says that proximity is not a matter of consciousness²⁹ or consciously making an effort to recognize the *other* as a subject in his own right; instead, proximity is acting on the recognition that the *other* is a subject, which is an intrinsic part of man’s humanity.

The assertion that proximity goes beyond the analytics of ontology and is rather part and parcel to the authentic nature of man as an individual being and humanity as a community is evidenced in Levinas’ own words: “Proximity is no longer in knowing in which these relations with the neighbor show themselves, but do so already in narration, in the said, as an epos and a teleology.”³⁰ According to Levinas, proximity refers to humanity insofar as it is the recognition of the *one-for-the-other* in the significance each man perceives within their encounter: “Humanity, to which proximity properly so called refers, must then not be first understood as consciousness, that is, as the identity of an ego endowed with knowledge or (what amounts to the same thing) with powers.”³¹ While Levinas promotes a more nuanced definition of proximity, he also begins a discussion on another relational problematic: obsession. In referencing “ego” and “power” he begins to articulate the skewed side of proximity, the subject that has taken their subjectivity too far as it relates to the self as the *I* encounters the *other*.

2.3 *Obsession and the Pitfalls of Subjectivity*

According to Levinas, “Obsession as non-reciprocity itself does not relieve any possibility of suffering in common. It is a one-way irreversible being affected, like the diachrony of time that flows between the fingers of Mnemosyne.”³² Levinas specifies that this attitude or way of interacting is “tied up into an ego that states itself in the first person, escaping the

²⁸ *Ibid.*, p. 82.

²⁹ “Proximity does not resolve into the consciousness a being would have of another being that it would judge to be near inasmuch as the other would be under one’s eyes or within one’s reach, and inasmuch as it would be possible for one to take hold of that being, hold on to it or converse with it, in the reciprocity of handshakes, caresses, struggle, collaboration, commerce, conversation,” (*Ibid.*, p. 83).

³⁰ *Ibid.*, p. 83.

³¹ *Ibid.*, p. 83.

³² *Ibid.*, p. 84.

concept of an ego in an ipseity – not in an ipseity in general, but in *me*.³³ What we can take away from Levinas' statement is that subjectivity is the *I*'s expression and experience of its being the same and distinctly different than the *other*, which is to say, it simply is. When subjectivity becomes a problem is when it is not tempered by the acknowledgment, recognition, acceptance and welcome of the *other*. The balanced demonstration of subjectivity is the *I* engaging with the *other* in an encounter that allows the *other* to *be* himself as the subject of his own being manifest in his face without any pressure from the *I* to be anything other than what he is. Levinas talks about this balance in terms of movement: "The knot of subjectivity consists in going to the other without concerning oneself with his movement toward me."³⁴ But not only is the balance of subjectivity about not being overly concerned with the *other*'s movements towards me, but it is about the manner in which I move towards him.

Levinas says the *I* is to move towards the *other* taking responsibility for the *other* when he says, "...it consists in approaching in such a way that, over and beyond all the reciprocal relations that do not fail to get set up between me and the neighbor, I have always taken one step more toward him – which is possible only if this step is responsibility."³⁵ Not only does the *I* approach the *other* with an authentic sense of responsibility for the wellbeing of the *other*, but he takes the concept of responsibility a step further when he asserts that the *I* has "always one response more to give, I have to answer for his very responsibility."³⁶

Subjectivity becomes obsessive when either the *I* or the *other* rejects or ignores their responsibility for the one whom he approaches in favor of his own satisfaction and enjoyment. If we take Levinas' assertion that "Neither conjuncture in being, nor reflection of this conjuncture in the unity of transcendental apperception, the proximity of me with the other is in two times, and thus is a transcendence,"³⁷ as true, then obsession cannot even be considered a singular focus on the person's quest to quench the metaphysical desire because it is precisely counter to it. This is because, according to Levinas, subjectivity is the manifest reality of the *I* and the *other*'s irreplaceability within the face-to-face encounter: subjectivity as it

³³ *Ibid.*, p. 84.

³⁴ *Ibid.*, p. 84.

³⁵ *Ibid.*, p. 84.

³⁶ *Ibid.*, p. 84.

³⁷ *Ibid.*, p. 85.

relates to proximity is “*more determinate* than the relations that are ordered into a totality. Signifyingness, the-one-for-the-other, exposedness of self to another, it is immediacy in caresses and in the contact of saying. It is the immediacy of a skin and a face, a skin which is always a modification of a face, a face that is weighted down with a skin.”³⁸ Subjectivity, therefore, is uniquely related to the phenomenon that is man’s manifestation in the experiential world; it is a product of the phenomenological realization of man’s being.

Moreover, subjectivity, limited by obsession, is a referential expression that gains significance within the context of time and space³⁹, therefore, it is not particularly equipped within the context of being as such to enable man to experience transcendence in either the experiential world in which his being is manifest or the metaphysical reality of being *qua* being. But because subjectivity is man’s means of self-orientation (in time and space but always looking towards the other), there is no way for him to eliminate it in favor of a more authentic relation with the other. Yet eliminating subjectivity is not the answer because it is through subjectivity that proximity is realized:

For subjectivity is not called, in its primary vocation, to take the role and place of the indeclinable transcendental consciousness, which effects syntheses straightway before itself, but is itself excluded from these syntheses, is implicated in them only through the detour of incarnation, which is hardly intelligible in so much indeclinable straightforwardness. It is an irreplaceable oneself.⁴⁰

To understand subjectivity is to understand it within the context of the relation or the face-to-face encounter of the *I* and the *other*; and subjectivity is born from the face-to-face encounter insofar as it is [balanced] subjectivity that will eventually allow the *I* to transcend his current state of being through his relation with the *other*. Its meaning is the one-for-the-other. For Levinas, “The proper signification of subjectivity is proximity, but proximity is the very signifyingness of signification, the very establishing of the-one-for-the-other, the establishing of the sense which

³⁸ *Ibid.*, p. 85.

³⁹ “It temporalizes itself, but with a diachronic temporality, outside, beyond or above, the time recuperable by reminiscence, in which consciousness abides and converses, an in which being and entities show themselves in experience” (*Ibid.*, p. 85).

⁴⁰ *Ibid.*, p. 85.

every thematized signification reflects in being.”⁴¹ Still, why is this? Because it is through subjectivity that the *I* is able to recognize that the *other*, too, refers to himself as I.

2.4 *Subjectivity as a Means*

It is significant because it enables the *I* to relate to the *other* within the confines of totality, which is to say that the *I* relates to the *other* as a being who is the same in nature and while absolutely other and strange.⁴² This is true because “[i]t is not enough to speak of proximity as a relationship between two terms, and as a relationship assured of the simultaneity of these terms.”⁴³ And Levinas goes on to explain what subjectivity is when he says,

Subjectivity counts by virtue of hypostasis showing itself in the said, not, to be sure, under a name, but nonetheless like entities, as a pro-noun. It is both the relation and the term of the relation. But it is as subject to an irreversible relation that the term of the relation becomes subject. This relation is not a return to oneself: as an incessant exigency, an incessant contraction, a recurrence of remorse, it disengages the one as a term which nothing could rejoin and cover over.⁴⁴

So if subjectivity is the relation and the term of the relation that does not return on itself, then it is the means by which the *I* relates to the *other* as subject who recognizes the subject who is also the *other*. Therefore, when Levinas says that “subjectivity is not antecedent to proximity,”⁴⁵ he is distinguishing subjectivity as the incarnate realization of proximity in space and time; that is to say, subjectivity is the manifestation of the means that enables the realization of the proximity in the experiential world. I suggest this is true inasmuch as the *I* and the *other* encounter one another in the experiential world of phenomenon, so that the subjectivity can necessarily be realized only in that world; it is necessary for the *I* to identify himself as subject (and I) in order to encounter the *other*.

⁴¹ *Ibid.*, p. 85.

⁴² “It is necessary to emphasize the breakup of the synchrony, of this whole, by the difference between the same and the other in the non-indifference of the obsession exercised by the other over the same” (*Ibid.*, p. 85).

⁴³ *Ibid.*, p. 85.

⁴⁴ *Ibid.*, p. 86.

⁴⁵ *Ibid.*, p. 86.

With that said, Levinas explains that subjectivity is only extended within the notion of the subject⁴⁶, the *I* who encounters the *other* in a face-to-face relation – this is proximity. Therefore, it is only in the face-to-face encounter that the subject emerges and subjectivity is extended. This gives rise to the paradox of subjectivity and proximity: “one would like a subject to be obstinately free, and yet even an intentional subject gives itself a non-ego in representations, and paradoxically finds itself caught up in its own representation.”⁴⁷ The paradox, to be precise, resides in the very fact that the *I* as subject is only subject as he relates to the *other*; the *I*'s subjectivity is tied to his relation with the *other*. The crux of the paradox is tied to the notion of freedom as we reflect “on the state of soul of the ego which approaches a neighbor.” Is the ego (*I*) enslaved to the neighbor (*other*) in its subjectivity, or is the relation with the neighbor the means of demonstrating the subject's freedom?

2.5 *Immediacy and Contact*

As a means of clarifying his position, Levinas introduces two key words, *immediacy* and *contact*. Proximity [and subjectivity] are contingent on the immediacy of the relation between the *I* and the *other* and the contact they have with each other. He says that proximity does not take place or is not realized within the soul of either the *I* or the *other*, but is a result of the relation between the two: “As signification, the-one-for-the-other, proximity is not a configuration produced in the soul. It is an immediacy older than the abstractness of nature. Nor is it fusion; it is contact with the other. To be in contact is neither to invest the other and annul his alterity, nor to suppress myself in the other.”⁴⁸ Immediacy is the term of the relation between the *I* and the *other*, it does not happen within time or space but happens immediately within the context of the face-to-face encounter. As soon as they encounter each other, the relation of the *I* and the *other* is precisely about *the-one-for-the-other*; it is immediate because there is no term of waiting or until – the proximity of the *I* and the *other* is *the-one-for-the-other* which simply is upon their encounter.

In discussing *contact*, Levinas refers to it in terms that expand the understanding of the metaphysical when he explains that contact further

⁴⁶ “Proximity is to be described as extending the subject in its very subjectivity” (*Ibid.*, p. 86).

⁴⁷ *Ibid.*, p. 86.

⁴⁸ *Ibid.*, p. 86.

demonstrates the separateness of the *I* and the *other*, which is to say that there is no contact in the phenomenological world that will ever unite the beings of the *I* and the *other*. “In contact itself the touching and the touched separate, as though the touched moved off, was always already other, did not have anything common with me. As though its singularity, thus non-anticipatable and consequently not representable, responded only to designation.”⁴⁹ Contact is a means of designating that which Levinas has already identified as wholly other; at the same time, contact demonstrates the commonality, the sameness within the nature of the beings of the *I* and the *other* – they can contact or touch each other because they share the sense and realization of the self, granted that the two selves are wholly separate and absolutely other.

It should be noted, even if only briefly, that contact and touch are used while taking exception to the confines of space and time; this is a return to the concept of the face, which is realized in space and time in the experiential world but manifests a reality that is entirely beyond phenomenology. Therefore, contact and touch remain relative to the encounter between the *I* and the *other*, which we have already admitted is not bound to the confines of the phenomenological experience of space and time.

So we can take for granted that for Levinas subjectivity gives rise to proximity while at the same time it is proximity that gives subjectivity signification because since it is only by encountering the *other* that the *I* realizes himself as an *I* as such and therefore a subject *in se*. Furthermore, Levinas maintains that subjectivity is not “antecedent” to proximity but is committed to it⁵⁰ – there can be no subjectivity without proximity, but by the same token, it is as subject that the *I* approaches the *other* and experiences the proximity between the two.

2.6 *Obsession as an Abdication*

Now, speaking specifically of obsession as it relates to proximity, Levinas says it is the abdication of responsibility for the *other* and a relation with the *other* in such a way that denies his subjectivity. But it is more than a simple non-reciprocity of recognition of subjectivity in the

⁴⁹ *Ibid.*, p. 86.

⁵⁰ “Subjectivity is not antecedent to proximity, in which it would later commit term, that every commitment is made. And it is probably starting with proximity that the difficult problem of an incarnate subjectivity has to be broached” (*Ibid.*, p. 86).

other: it is an assumption by the *I* that the *other* can be known as an object and, therefore, regarded as a creation of the *I*'s own consciousness that may be annihilated according to his will.⁵¹ According to Levinas, obsession is the result of the *I*'s consciousness insofar as it perceives the *other*'s face as a phenomenon that is merely an object present in the his experience of the phenomenological world, rather than the manifestation of the being that transcends the phenomenon of the face-to-face encounter. Levinas explains it as a process of the consciousness designating what it knows as ideas that may be manipulated:

Consciousness which knows how to multiply its correlates in innumerable images, enriching the world, penetrating into apartments, leaves these correlates intact, unapproached. One makes concepts out of them. Consciousness is not interposed between me and the neighbor; or, at least, it arises only on the ground of this antecedent relationship of obsession, which no consciousness could annul, and of which consciousness itself is a modification.⁵²

Obsession is not recognizing the neighbor for the being *qua* being that he is but rather assigning or placing him in a mold that is static and unyielding according to the will and volition of the *I*. Levinas says,

The extreme urgency of the assignation precisely breaks up the equality or serenity of consciousness, which espouses its visible or conceivable object. The neighbor does not stand in a form, like an object abides in the plasticity of an aspect, a profile or an open series of aspects, which overflows each of them without destroying the adequation of the act of consciousness...⁵³

Obsession marks a distinct struggle between the *I* and the *other* because the *other* as neighbor refuses to be *placed* in the world of the *I* according to an approximation of what or who the *I* narrowly perceives the *other* to be.

It is in the "extreme urgency" that we begin to segue into the fuller discussion on responsibility because it is here that we begin to see the imbalance or disproportionate way in which the *I* and *other* approach each other. This is to say that it is from the inequity of the relation between the *I* and the *other* that the call to respond emerges. As Levinas says, "[E]xtreme

⁵¹ "The neighbor assigns me before I designate him. This is a modality not of a knowing, but of an obsession, a shuddering of the human quite different from cognition. Knowing is always convertible into creation and annihilation; its object lends itself to a concept, is a result" (*Ibid.*, p. 87).

⁵² *Ibid.*, p. 87.

⁵³ *Ibid.*, p. 87.

urgency is the modality of obsession – which is known but is not a knowing.”⁵⁴ We may interpret this to mean that in the *I*'s extreme urgency as he relates to the *other*, he does not take the time (the authentic personal investment in the face-to-face relation) to truly appreciate the face of whom he is encountering⁵⁵; therefore, he relates to the other as an approximation of who and what the *other* is in their encounter.

According to our conclusions from Chapter I, we understand that the *I* and the *other* are to approach each other with respect for their sameness in the nature of their beings while aware of the profound and complete alterity of their respective beings. As such, approaching each other in urgency or extreme urgency is not acceptable because one or the other or even both automatically reduces the other to that approximation that we just mentioned. The extreme urgency renders the perception of the *other* plastic and the resulting relation is, therefore, one-sided, inadequate for transcendence and potentially abusive.

More immediately, however, the extreme urgency in which the *I* approaches the *other* sets the stage for the *I* to refuse to take responsibility for the *other* – responsibility for the *other*'s person, well-being and opportunity for transcendence. This occurs from the disproportionate commitment between the *I* and the *other* to fulfill the obligation to honor the command and heed the demands of the *other*, which are “Do not kill me” and “Love me.” Not only does the *I* ignore the demand of the *other*, but he perceives the *other* as a burden. Levinas says, “Obligations are disproportionate to any commitment taken or to be taken or to be kept in a present. In a sense nothing is more burdensome than a neighbor.”⁵⁶ Interestingly, Levinas' reference to the obligation incumbent on the *I* in a relation with the *other* as a burden highlights that it is precisely by ignoring the responsibility and the proximity of the *other* that the *I* himself renders them burdensome. The inequitable relation between the two becomes obsessive precisely because of the burden the *I* perceives the *other* to be when he does not approach the *other* with respect to the fundamental demands “Do not kill me” and “Love me.”

3. Responsibility

⁵⁴ E. LEVINAS, *Otherwise Than Being or Beyond Essence*. p. 88.

⁵⁵ “I do not have time to face it. Outside of conventions (so many poses of theatrical exposition), no welcome is equal to the measure I have of a neighbor” (*Ibid.*, p. 88).

⁵⁶ *Ibid.*, p. 88.

Instead of perceiving the *other* as burdensome, the *I* as subject is called to respond to the demand of the *other*. But not only is he called to respond to the *other*, he is called to respond for the *other*.⁵⁷ The *I* is responsible for the *other*'s responsibility.⁵⁸ This is the full definition of responsibility, according to Levinas. Responsibility, in terms of this system of man's ontology, is the exact opposite of obsession; whereas obsession is a demonstration of the *I*'s passive attitude and interaction with the *other*, responsibility is an active response to and for the *other* (and even the response to the call to which the *other* must respond).⁵⁹

3.1 *Communication and the response*

Referring to *Ethics and Infinity*, where Levinas says, "The tie with the Other is knotted only as responsibility..."⁶⁰ we begin to *see* or visualize the definition of responsibility as conceptualized and understood by Levinas. Admittedly, what Levinas says here can be construed as off-the-cuff, but he is nevertheless leading us to an important point about responsibility. When we look at everything that we have been studying as it pertains to the face-to-face encounter, the relation between the *I* and the *other* and proximity, it comes down to communication. Relation is communication because in the face-to-face encounter, both the *I* and *other* are communicating to the other their fundamental demands, "Do not kill me" and "Love me." The relation may evolve beyond the issuance [and adherence] of these commands, but regardless of how or if the relation between the *I* and the *other* evolve, the very issuance of these commandments originates in the face-to-face encounter and constitutes communication. Furthermore, in the commands,

⁵⁷ "Responsibility for another is not an accident that happens to a subject, but precedes essence in it, has not awaited freedom, in which a commitment to another would have been made" (*Ibid.*, p. 114).

⁵⁸ "I have not done anything and I have always been under accusation – persecuted. The ipseity, in the passivity without arche characteristic of identity, is a hostage. The word *I* means *here I am*, answering for everything and for everyone" (*Ibid.*, p. 114).

⁵⁹ "Responsibility for the others has not been a return to oneself, but an exasperated contracting, which the limits of identity, breaking up the *principle* of being in me, the intolerable rest in itself characteristic definition. The self is on the hither side of rest; it is the impossibility to come back from all things and concern oneself only with oneself. It is to hold on to oneself while gnawing away at oneself. Responsibility in obsession is a responsibility of the ego for what the ego has not wished, that is, for the others" (*Ibid.*, p. 114).

⁶⁰ *Ibid.*, p. 97.

the intentionality and references immediately designate the *I* as subject of his command (and, likewise, the *other* as subject of his respective command).

The *I* relates to the *other* in terms of self; it is from the sense of the self that the subjectness of the *I* emerges. Levinas refers to the sense or assertion of the self in the psychological term of the *ego* when he says, “It is with subjectivity understood as self, with the exciding and dispossession, the contraction, in which the ego does not appear, but immolates itself, that the relationship with the other can be communication and transcendence, and not always another way of seeking certainty, or the coinciding with oneself.”⁶¹ The psychology of the ego becomes important when we consider the *arche* and *telos* of communication; Levinas admonishes other philosophers as he explains that communication begins with an inner dialogue within the self (between the self and the realized subject that is the ego), saying “Paradoxically enough, thinkers claim to derive communication out of self-coinciding. They do not take seriously the radical reversal, from cognition to solidarity, that communication represents with respect to inward dialogue, to cognition of oneself, taken as the trope of spirituality.”⁶² This is to say that the *arche* of communication is not a matter of two selves coming together but rather a recognition of the distinction between the self as being and the subjective ego.

Levinas goes further in his explanation saying “...communication would be impossible if it should have to begin in the ego, a free subject, to whom every other would be only a limitation that invites war, domination, precaution and information.”⁶³ Therefore, we come to understand that communication is not a concept that is born from the very existence of the ego; instead communication emerges as a realization of the relation between the self and its subjectivity, which becomes manifest in the form of dialogue. The dialogue is not limited to the relation taking place within the *I* but also occurs with the *other* in the face-to-face encounter, the *other* as subject of his own being. Levinas also asserts that communication is an openness of the self; this must be applied in the first place to the relation of the ego with the self and then subsequently to the relation between the *I* and the *other*. He says, “To communicate is indeed to open oneself...”⁶⁴ In this

⁶¹ E. LEVINAS, *Otherwise Than Being of Beyond Essence*. p. 118.

⁶² *Ibid.*, p. 119.

⁶³ *Ibid.*, p. 119.

⁶⁴ *Ibid.*, p. 119.

return to the openness of the face to face that it encounters, communication is the very openness of the *I* as ego to its very self and openness of the *I* subject to the *other* who is also subject of his own being.

It is from here that Levinas' explanation of responsibility as a response is made clear. He says that communication constitutes an openness but is incomplete in the need or desire for recognition⁶⁵; communication is complete or rather, the openness is completely (or shall we say absolutely) open when the *I* accepts responsibility for the *other*.⁶⁶ What does this mean? When the *I* stops looking at himself and considering the *other* as a means for quenching his own thirst, satiating his desires and achieving his own transcendence and instead relates to the *other* in a way that is open to the *other's* subjectivity, only then is he completely and absolutely open to the *other*. Based on this understanding of the ontology of communication, it is in this manner of relation that the *I* necessarily, and perhaps even naturally, responds to the *other's* call.

But the openness to responding to the call is not limited to an openness just to the *other*. On the contrary, having admitted that communication begins within the relation between the *I* as ego and its very self, then the openness to responding necessarily has to extend to or begin with the self. This is to say, the *I* is responsible to and for itself: it must be open to and respond to its own call.

Having identified the *arche* of communication as the relation between the ego and the self of the *I*⁶⁷, I submit that the *telos* of communication is the openness to respond to the call of the *other* (or the self) – the *telos* is responsibility. We will continue to draw more concrete conclusions about communication and responsibility when we look at substitution and the hostage, but for now let us say that communication as it relates to responsibility is the complete (and absolute) openness to subjectivity, in

⁶⁵ "...but the openness is not complete if it is on the watch for recognition" (*Ibid.*, p. 119).

⁶⁶ "It is complete not in opening to the spectacle of or the recognition of the other, but in becoming a responsibility for him" (*Ibid.*, p. 119).

⁶⁷ "Communication with the other is transcendence only in so far as the sovereignty of consciousness is displaced. ... The self-possession of self-consciousness rules as an *arche* and is not submitted to the other's challenge as described in *Totality and Infinity*. It was already clear from *Totality and Infinity* that the relation with the stranger was not conducted through a representation of the other, but in 'Substitution' Levinas radicalizes this account by insisting that one does not know from whom the summons comes" (R. BERNASCONI, "What is the question to which 'substitution' is the answer?" p. 236).

both the *I* himself and in the *other*; it is the openness to responding to and for the *other*.

3.2 *Substitution*

In our investigation into the ontology of communication, we talked around the concept of proximity; we used different words to describe the connection or the contact between the *I* and the *other*. In its purest form, communication signifies what Levinas refers to as fraternity; he says, “Responsibility for the other, this way of answering without prior commitment, is human fraternity itself, and it is prior to freedom.”⁶⁸ The prior commitment to which Levinas refers is the “watch for recognition”⁶⁹ that he mentions when he explains the ontology of communication. And being in relation with the *other* goes beyond the desires of the self and the desire to be recognized as a subject in his own right; being in relation is being in contact with the *other* or rather being in proximity with the *other*. Not looking or seeking recognition as *I* and encountering the *other* as a being that is the same in nature but absolutely other is the proximity and openness to responding to the call of the *other* that is the foundation for responsibility.

The concept of responding to the call goes back to the original concept of the *one-for-the-other*; it is in the *one-for-the-other* that the *I* is in proximity with and has concern for the *other*, which is active. According to Levinas, the *I* actively responds to the call because “... as a ‘first person,’ I am he who finds the resources to respond to the call.”⁷⁰ As we look at this statement, we can see several things: the immediacy of responsibility insofar as the statement is in active voice and that the resources are found from within the *I* meaning he cannot pass the responsibility to any other. The immediacy is another return to the idea of proximity: when the *I* is called to give of himself to the *other*, the gift represents an immediate spoiling of his enjoyment⁷¹ of himself and what he perceives to have in his possession for his own wellbeing and survival.

⁶⁸ E. LEVINAS, *Otherwise Than Being or Beyond Essence*. p. 116.

⁶⁹ *Ibid.*, p. 119.

⁷⁰ E. LEVINAS, *Ethics and Infinity*. p. 89.

⁷¹ “The immediacy of the sensible is the immediacy of enjoyment and its frustration. It is the gift painfully torn up, and in the tearing up, immediately spoiling this very enjoyment” (E. LEVINAS, *Otherwise Than Being or Beyond Essence*. p. 74).

The immediacy of responsibility is also a result of proximity as such insofar as there is no one else to whom the *I* may put in his own place as he relates to the *other*.⁷² This is to say, in the *one-for-the-other*, the *I* is the only one who may be for the *other* whom he encounters. Because the *I* cannot pass on to *another* the action of responding to the call, he must respond – it is only he who can respond to the call. But Levinas addresses the obvious question of “why me?” when he says,

Why does the other concern me? What is Hecuba to me? Am I my brother’s keeper? These questions have meaning only if one has already supposed that the ego is concerned only with itself, is only a concern for itself. In this hypothesis it indeed remains incomprehensible that the absolute outside-of-me, the other, would concern me. But in the “prehistory” of the ego posited for itself speaks of responsibility. The self is through and through a hostage, older than the ego, prior to principles. What is at stake for the self, in its being, is not to be. Beyond egoism and altruism it is the religiosity of the self.⁷³

Why me? Because I am the only one in whom I can ensure the demand is heeded and the call is answered. It is in this way that the *I* is a hostage to the responsibility: there is no one else to whom the *I* may assign the task of responding and ensuring that it will be done.⁷⁴

It is in the condition of hostage that the *I* can empathize with the *other*; the *I* as a hostage responds to the call of the other because he, as a subject, has put himself in the place of the *other*.⁷⁵ The *I*, in the psychology of the ego and in relation to the *other*, gives of *himself* that which no one else can give – it is the *I* who holds the door open for the other saying, “After you, sir.” This sense of having to respond because there is no one else to do it is constant. We could ask at what point the *I*, in this system of ontology, can finally say enough and give the task of responding to the call to someone

⁷² “In this non-reciprocity, in this ‘not thinking of it’ is announced, on the hither side of the ‘state of nature’ (from which nature itself arises), the-one-for-the-other, a one-way relationship, not coming back in any form to its point of departure, the immediacy of the other, more immediate still than immediate identity in its quietude as a nature – the immediacy of proximity” (*Ibid.*, p. 84).

⁷³ *Ibid.*, p. 117.

⁷⁴ “Against the traditional notion of responsibility Levinas can claim that I am for the other without having chosen or acted...” (R. BERNASCONI, “What is the question to which ‘substitution’ is the answer?” p. 239).

⁷⁵ “It is through the condition of being hostage that there can be in the world pity, compassion, pardon and proximity – even the little there is, even the simple ‘After you, sir’” (E. LEVINAS, *Otherwise Than Being or Beyond Essence*. p. 117)

else knowing that the other person will indeed respond. The answer is never. The *I* would never know with certainty that the call is being answered if he himself is not answering it. The responsibility to and for the other, therefore, is infinite, which is to say there is never a point at which the *I* can release his responsibility. The *I* always has one more degree of responsibility – he is responsible for the *other's* responsibility.⁷⁶ It is in this way that he is a hostage. He is not a hostage to the *other* or to the call itself but rather to responsibility, the incumbence of responding. According to Levinas, it is the constant state of being a hostage to responding to the call that creates the solidarity⁷⁷ between men; it is proximity; it is fraternity.

Within the common conception and colloquial use of the word *hostage*, it is a taking of one for another – a person held until a demand is met. But in Levinas' thought, the hostage appears as constantly being responsible to and for the *other*, a standard imposed on the *I* himself. The hostage does not mean taking one being for another but instead the hostage substitutes himself for the *other*.

Substitution does not mean that the *I* substitutes his subjectivity for that of the *other* or substitutes himself in the place of the *other* in terms of metaphysical being or phenomenological manifestation; instead, substitution means the *I*, in answering the call to and for the *other*, is indeed responsible for the *other's* responsibility. If the *other* does not fulfill his responsibility, it is still incumbent on the *I* to fulfill that responsibility.

For Levinas, "Responsibility is what is incumbent on me exclusively, and what, *humanly*, I cannot refuse. This charge is a supreme dignity of the unique. I am I in the sole measure that I am responsible, a non-interchangeable I. I can substitute myself for everyone, but no one can substitute himself for me."⁷⁸ The *I* is a substitute for the *other* insofar as the *I* is responsible for the responsibility of the *other*. Levinas goes further to say that substitution belongs to the *I*⁷⁹ insofar as it comes from within the *I*, from the ego as a realized subject⁸⁰; substitution is that which no one else

⁷⁶ "To be oneself, the state of being a hostage, is always to have one degree of responsibility more, the responsibility for the responsibility of the other" (*Ibid.*, p. 117).

⁷⁷ "The unconditionality of being hostage is not the limit case of solidarity, but the condition for all solidarity" (*Ibid.*, p. 117).

⁷⁸ E. LEVINAS, *Ethics and Infinity*. p. 101.

⁷⁹ "My substitution – it is as my own that substitution for the neighbor is produced" (E. LEVINAS, *Otherwise Than Being or Beyond Essence*. p. 126).

⁸⁰ "It is in me – in me and not in another, in me and not in an individuation of the concept of Ego – that communication opens" (*Ibid.*, p. 126).

can do because it comes from himself as ego⁸¹ as he gives of himself to respond to the call, and he does this for all⁸² with whom he has contact or with whom he is in proximity.

There is a particularity to Levinas' concept of substitution because he admits that it is neither noun or verb⁸³ because it represents the *I* divesting itself, turning itself inside out and emptying itself⁸⁴ in order to respond to the call. Substitution is what the *I* does or is when he has given of himself in such a way that he has disturbed his own comfort and enjoyment. Substitution represents the tear that the *I* feels when he gifts of himself as the hostage who is always responsible.

However, we must be clear that Levinas does not suggest that in substitution the *I* remands itself to the possession, will or desire of the *other*. Instead, he contends that the uniqueness of the *I* as substitute and hostage for the *other* is in the fact that he remains master of himself – his being remains his⁸⁵, which is to say he always has full possession of his being (self and ego). The *I* is a substitute because of his subjectivity as ego⁸⁶ – he renders himself hostage in his recognition that it is only he who can answer the call and know that it has been answered. But, Levinas says, not even in the instance of free will can the *I* refuse or denounce his responsibility because as hostage,⁸⁷ he cannot refuse or denounce that

⁸¹ “The ego involved in responsibility is me and no one else, me with whom one would have liked to pair up a sister soul, from whom one would require substitution and sacrifice” (*Ibid.*, p. 126).

⁸² “It is I who am integrally or absolutely ego, and the absolute is my business. No one can substitute himself for me, who substitutes myself for all” (*Ibid.*, p. 126).

⁸³ “Substitution is not an act; it is a passivity inconvertible into an act, the hither side of the act-passivity alternative, the exception that cannot be fitted into the grammatical categories of noun or verb, save in the said that thematizes them” (*Ibid.*, p. 117).

⁸⁴ “[The ego’s] exceptional uniqueness in the passivity or the passion of the self is the incessant event of subjection to everything, of substitution. It is a being divesting itself, emptying itself of its being, turning itself inside out, and if it can be put thus, the fact of ‘otherwise than being’” (*Ibid.*, p. 117).

⁸⁵ “The uniqueness of the ego, overwhelmed by the other in proximity, is the other in the same, the psyche. But is it I, I and no one else, who am a hostage for the other. In substitution my being that belongs to me and not to another is undone, and it is through this substitution that I am no ‘another,’ but me” (*Ibid.*, pp. 126-127).

⁸⁶ “Subjectivity is being hostage. This notion reverses the position where the presence of the ego to itself appears as the beginning or as the conclusion of philosophy” (*Ibid.*, p. 127).

⁸⁷ “Strictly speaking, the other is the end; I am a hostage, a responsibility and a substitution supporting the world in the passivity of assignation, even in an accusing persecution, which is undeclinable” (*Ibid.*, p. 128).

which he has already acknowledged namely his proximity to the *other*, the look of the *other*⁸⁸, and the call that commands a response. It is always his subjectivity that enables and demands of him to substitute himself and be a hostage to responsibility.

3.3 *Freedom*

If it is incumbent on the *I* to respond to the call of the *other*, then his experience of responsibility is not based on the freedom to choose to answer the call.⁸⁹ How do we rectify the incumbency of responsibility with freedom? Let us take for granted what we have already understood about freedom from the first chapter, “The strangeness of the Other, his very freedom! Free beings alone can be strangers to one another. Their freedom which is ‘common’ to them is precisely what separates them.”⁹⁰ However, this understanding of freedom, while related to our discussion at hand, has more to do with the freedom enjoyed between the *I* and the *other* insofar as their alterity or strangeness to each other grants them freedom from each other’s will. But in terms of the *I* being a hostage insofar as he cannot not be responsible to and for the *other* and also for the *other*’s responsibility: within this context, what does it mean to be free, or rather, what is freedom?

In this context, Levinas talks about freedom distinguishing *infinite* and *finite freedom*, which we must understand before delving into the discussion. He makes the distinction when he says,

In the accusative form, which is a modification of no nominative form, in which I approach the neighbor for whom, without having wished it, I have to answer, the irreplaceable one is brought out (*s’accuse*). This finite freedom is not primary, is not initial; but lies in an infinite responsibility where the other is not other because he strikes up against and limits my freedom, but where he can accuse me to the point of persecution, because the other, absolutely other, is another one (*autrui*). That is why finite freedom is not simply an infinite

⁸⁸ “Positively, we will say that since the Other looks at me, I am responsible for him, without even having *taken* on responsibilities in his regard; his responsibility is *incumbent on me*” (E. LEVINAS, *Ethics and Infinity*. p. 96).

⁸⁹ “The experience of responsibility is not the experience of a free choice, but rather ‘the impossibility of evading the neighbor’s call’ (*BPW*)” (R. BERNASCONI, “What is the question to which ‘substitution’ is the answer?” p. 236).

⁹⁰ E. LEVINAS, *Totality and Infinity*. p. 73.

freedom operating in a limited field. The will which animates wills in a passivity it does not assume.⁹¹

Infinite freedom, therefore, is the freedom related to being *qua* being; it is the freedom that is intrinsic to being absolutely; it is the freedom that is evident in the being's very demand for love and respect; it is the freedom that is demanded by the *I* to the *other* in his self assertion with respect to the *other* – the *I*'s being is not dependent on any other being who is like himself but utterly other and strange.

Finite freedom, on the other hand, is the freedom that the *I* enjoys with respect to his relationship with the *other*; therefore, the *I*'s finite freedom is subsequent to his responsibility to and for the *other*. Levinas writes,

What of the notion of finite freedom? No doubt the idea of a responsibility prior to freedom, and the compossibility of freedom and the other such as it shows itself in responsibility for another, enables us to confer an irreducible meaning to this notion, without attacking the dignity of freedom which is thus conceived in finitude.⁹²

So Levinas is setting up the context of the explanation of finite freedom, the context, which is an understanding that there is a coexistence of freedom and responsibility – neither of the two usurps the position of the other, but responsibility remains prior to finite freedom. While responsibility is prior to freedom, they always exist within the face-to-face encounter between the *I* and the *other*. The *I* is not called and may not respond without the *other* who calls, the *other* who demands; likewise the *I* is not free without the *other* in whom he recognizes his own alterity and asserts his subjectivity. Freedom and responsibility exist only in terms of the *other*, the relation the *I* has with the *other*, the face-to-face encounter.

However, Levinas also admits a problem with such an approach to freedom, namely when he says that “In finite freedom, there can then be disengaged an element of pure freedom, which limitation does not affect, in one's will. Thus the notion of finite freedom rather poses than resolves the problem of limitation of the freedom of the will.”⁹³ The will of man is intrinsically free since the will is wholly of man's being; in this instance we return to the concept of *infinite freedom*. Taking it back to the understanding of freedom from Chapter I, it is in man's alterity, his strangeness, subjectivity and realization of self that he has a will. And it is

⁹¹ E. LEVINAS, *Otherwise Than Being or Beyond Essence*. p. 124.

⁹² *Ibid.* p. 123.

⁹³ *Ibid.* pp. 123-124.

in the will's inextricable connection with man's being as such, freedom of will is more than a simple freedom of volition but rather a freedom related to the persistence of man's existence or essence. But if the will is intrinsically free, how can we accept limitations on the *I*'s freedom as he relates to the *other*?

Levinas addresses this problem by going further to explore the relationship between freedom and responsibility:

Freedom is borne by the responsibility it could not shoulder, an elevation and inspiration without complacency. The for-the-other characteristic of the subject can be interpreted neither as a guilt complex (which presupposes an *initial* freedom), nor as a natural benevolence or divine "instinct," nor as some love or some tendency to sacrifice.⁹⁴

This is a demonstration as well as an explanation: Levinas is demonstrating that through being *for-the-other*, the *I* who is inherently responsible to and for the *other* is elevated and inspired, which is to say, the *I* experiences transcendence. He explains that freedom borne by responsibility is not about sacrifice but rather is the transcendence that takes place when the *I* responds to the call of the *other*.

Levinas expands his explanation of how freedom is limited in relation to the other when he brings the discussion back to the *I* as substitute, the irreplaceable subject:

But in the irreplaceable subject, unique and chosen as a responsibility and a substitution, a mode of freedom, ontologically impossible, breaks the unrendable essence. Substitution frees the subject from ennui, that is, from the enchainment to itself, where the ego suffocates in itself due to the tautological way of identity, and ceaselessly seeks after the distraction of games and sleep in a movement that never wears out.⁹⁵

Within this paradigm, there are two qualities of finite freedom: the freedom that is limited and second to responsibility; that same freedom that when second to responsibility is experienced by the *I* in his letting go of himself and not focusing on only his ego or self. The freedom remains finite because of the *I*'s subjectivity, because the *I* cannot replace himself with any other, but instead may substitute himself for the *other*.

Levinas attempts to remedy the problem of finite freedom with the prospect or promise of transcendence through the *I*'s response to the call of

⁹⁴ *Ibid.*, p. 124.

⁹⁵ *Ibid.*, p. 124.

the *other*. When the *I* no longer looks at the *other* as a burden or an opportunity [to satiate his desires], and when the *I* relates to the *other* as a being that is the same as him in nature and absolutely other, then the *I* is able to respond within the authentic relation that is the face-to-face encounter and experience the finite freedom that is transcendence.

At this point we return to communication as a means of relation: instead of communication being understood solely in terms of relationship (the face-to-face encounter), we may also understand communication as the totality of the call and response. The totality of the call and response then yield transcendence: “It is with subjectivity understood as self, with the exciding and dispossession, the contraction, in which the ego does not appear, but immolates itself, that the relationship with the other can be communication and transcendence, and not always another way of seeking certainty, or the coinciding with oneself.”⁹⁶ The relation between the *I* and the *other*, the responsibility that the *I* has to and for the *other* is the transcendence of the *I*.

Levinas describes it as a means to the infinite when he says, “The face of the other in proximity, which is more than representation, is an unrepresentable trace, the way of the infinite.”⁹⁷ He asserts that in recognizing the face of the *other* as such, there is an acknowledgement and acceptance of the contact or proximity between the two; that proximity is not just a representation of their relationship but rather a means by which the *I* may transcend himself and realize a greater communion within being as such. Levinas is never ambiguous about this point – the *other* is never a means to the *I*’s anything, let alone transcendence.

Furthermore, Levinas relates freedom to man’s will or to the persistence of man’s being, with accounting for responsibilities taken and compensations made when he says,

Essence, in its seriousness as *persistence in essence*, fills every interval of nothingness that would interrupt it. It is a strict book-keeping where nothing is lost nor created. Freedom is compromised in this balance of accounts in an order where responsibilities correspond exactly to liberties taken, where they compensate for them, where time relaxes and then is tightened again after having allowed a decision in the interval opened up.⁹⁸

⁹⁶ *Ibid.*, p. 118.

⁹⁷ *Ibid.*, p. 116.

⁹⁸ *Ibid.*, p. 125.

The *I* as subject is neither free from or bound by the *other* because it is not the *other* who calls him to responsibility; it is the very subjectivity of the *I*, the recognition of the *other* as a subject in his own being and relation with the *other* who calls him – that is what binds the *I* and limits his freedom. This is also the persistence of his essence. But according to Levinas, in the balanced account of the responsibilities taken and compensations made, the *I* may enjoy finite freedom. In more practical terms, if the *I* hears the *other* pleading with him for help, the *I* is pursued by the responsibility of responding to the call of the other. As long as the *other* calls, the *I* is responsible for responding. As soon as the *I* hears the call, it is incumbent on him to respond; the *I* is never free from responsibility.

Taking this approach to responsibility and freedom, it would seem that responsibility is out of control, but Levinas provides a solution when he says that responsibility itself must be limited. The *I* cannot substitute himself for all and cannot be hostage for every *other*. Levinas says,

To be sure – but this is another theme – my responsibility for all can and has to manifest itself also in limiting itself. The ego can, in the name of this unlimited responsibility, be called upon to concern itself also with itself. The fact that the other, my neighbor, is also a third party with respect to another, who is also a neighbor, is the birth of thought, consciousness, justice and philosophy.⁹⁹

The *I* must accept that he is limited in his ability to respond to all calls that are incumbent on him to respond; he has to accept the limitations of the responsibility that is incumbent on him. While he is responsible to and for the *other*, he must also respond to the call that originates within himself; he must also exercise responsibility to and for the self that is he. Within the paradigm of the ego and the self, there must necessarily be a disinterestedness that enables the *I* to relate to himself, not in an egotistical way (egoism) but in a way that recognizes his person as an *other* and cares for it. It is in this instance that a weakness in Levinas' philosophy is exposed: how does the *I* reconcile the responsibility to and for the *other* with the responsibility he has to and for himself?

Perhaps there are two means of transcendence as man encounters the *other*: the transcendence he experiences when he lets go of his ego and relates authentically to the *other*; and as he finds a balance within himself between the infinite responsibility he has to and for the *other* and the

⁹⁹ *Ibid.*, p. 128.

infinite responsibility he has to and for *himself*. I suggest that both instances, giving way to man's transcendence, frees him from his ego and enables his self satisfaction in its metaphysical desire for being as such.

The responsibility that the *I* cannot meet because of its limitation does not mean that he is nonetheless concerned for the call to which he cannot respond. That concern gives way to the realizations of justice and philosophy¹⁰⁰, which he employs to address the calls to which he cannot respond in authentic relation with the *other*.

Rounding out the definition of *ethical demand* that we began to formulate in Chapter I, we refer to Levinas when he says that "the very node of the subjective is knotted in ethics understood as responsibility."¹⁰¹ Allow me to apply the ethical demand to myself: it is more than heeding the demand of my neighbor to love them and not kill them; it is the demand, which is only a demand insofar as it is incumbent on me, to respond to the call of the *other* who is my neighbor whom I may never ever meet but with whom I nevertheless have contact (proximity); it is in my being responsible to and for my neighbor even to the point of assuming or acknowledging my responsibility for his responsibility. Finally, the ethical demand is the responsibility I have to myself to respond to the call from within my own being.

With this said, however, we must also be cognizant of the limitations that must necessarily be imposed on the *I* responding to the call of the other. Namely, in accordance with the understanding that, ethically, one man may not sacrifice himself for an-*other* in order to respond to the call of that *other*, the *I* cannot ignore the call that he makes to himself, the call that he also must answer. Likewise, in responding to the call of the *other* (and himself), the *I* must not exhaust his own resources in a way that would jeopardize his quality of life nor his dignity and wellbeing. In other words, the *I* has a responsibility to himself not to impoverish and overwork himself or fatigue his body to ill health for the sake of the *other*. There remains a limit to what he can realistically and practically do for the *other*. In recognizing his limitations, the *I* must ask for help when he needs it, take a

¹⁰⁰ "The unlimited initial responsibility, which justifies this concern for justice, for oneself, and for philosophy can be forgotten. In this forgetting consciousness is a pure egoism. But egoism is neither first nor last. The impossibility of escaping God, the adventure of Jonas, indicates that God is at least here not a value among values" (*Ibid.*, p. 128).

¹⁰¹ E. LEVINAS, *Ethics and infinity*. p. 95.

break when he must and enjoy his life as he should – all of these being the ethical demand that he imposes on himself.

Therefore, for the sake of the question we are asking in this thesis, namely, in accordance with this understanding of ethics, does my experience of the ethical demand change when I begin to work for a corporation or even when I may own that corporation? Understanding that the corporation is two or more persons working together to render a service or provide a product for a benefit that they have agreed upon, and given that it must necessarily be comprised of people working together, we can then understand that the corporation is also the context in which men relate to each other as *I* and *other*. This is to say that while men working together for a common end constitutes a corporation, it does not form an entity that has the same qualities of sameness and strangeness; the corporation is not a being that is aware of its phenomenological experience; and it is not susceptible to desire, metaphysical or otherwise. Therefore, the relation between men from which an *ought* is born only takes place in the face-to-face encounter, in proximity that is not limited by the phenomena of time and space.

More to the point, in applying the preceding understanding of Levinas' philosophy of the face and the resulting *I-other* relation, we must reject the notion that the corporation [as an entity of enterprise that lacks personhood (subjectivity, strangeness, individual reflection among others) and even as a context for human action] provides the *I* a reasonable and sustainable opportunity or is the means by which the *I* may divorce himself from his responsibility to and for the *other*. The *I-other* relation proceeds the corporation in such a way that the corporation is subordinate to the relation. Whether we consider the corporation as a being that is comprised of persons working together or as a context for human action, it remains subordinate to the *I-other* relation because it is that very relation which brings the corporation into being.

As we move towards developing a comprehensive proposal for a system of corporate ethics based on the ontology of man and the human relation, we recognize that responsibility to and for the other is carried out and provided for by an *I* and only an *I*, which is to say by a human being. It is the person, the human being, who is subject and must recognize the other as subject of his own phenomenological experience. As such, only man can respond to the call that is incumbent on him; the corporation as such cannot, and yet as a conglomeration of persons who hear and respond to the call of the *other* can inasmuch answer the call. The difference is subtle: the corporation as an entity is not self-aware and has no singular experience as

subject, but those who comprise it do and may work together to respond to the call of the *other*.

CHAPTER III

Justice

Moving from an understanding of proximity and responsibility as it pertains to the human relation (and eventually that relation within the context of the corporation), we will now embark on analyzing the concept of justice so that we may establish an understanding of how it can be applied to man, human relation and the corporation. The aim is to provide a definition of justice so that we may apply it to the corporation, or rather, implement the responsibility of the *I* to and for the *other* when they participate in the corporation.

As we discuss the responsibility that the *I* has to and for the *other* even to the point that the *I* is responsible for the responsibility of the *other*, we must also discuss justice exploring its ontology as it relates to responsibility and its implication to the *I* and the *other*. Interestingly enough, I had a conversation with a friend (in Italian) about this very thing, but it was framed in terms of the difference between *diritti*, which are rights and *dovere*, which translates to duty or obligation (also to have to, must and ought) between the *I* and the *other*. His question was this: based on the present philosophical system that we are developing, which is based on Levinas' philosophy of the ethical demand, what distinguishes the rights versus obligation owed to the *I* and the *other* as they relate to each other? My answer to him was this: between two persons in relation with each other, there is only the duty, the obligation of the *I* to respond to the call of responsibility to and for the *other*; it is only when the third person enters the scene that the duty must be codified into rights in order to manage both calls and responses.

The rationale for my response is based on the principle of the *one-for-the-other* made explicit by Levinas and present in the question of proximity between the *I*, the *other* and the *others* who comprise the community. If the *I* is responsible to and for the *other* and also for the *other's* responsibility, then within the paradigm of the *I* and *other* relation, the *other's* welfare and responsibility are incumbent upon the *I*. What does this mean? If we lived in a vacuum where only two persons existed in their own isolated community (outside the context of the family), then it would be incumbent upon each of them to be responsible for the other's wellbeing and responsibility. If one were to be responsible for the hunting and gathering while the other was responsible for the shelter, then they would still be equally responsible for the other's responsibility.¹

This is extended to the instance in which one fails to fulfill their obligation: the *I* who is responsible for hunting and gathering fails to bring home anything to eat, either for lack of trying or lack of resources, it is still incumbent on the *other* who is responsible for shelter to provide shelter to the *I* and see if there is anything to eat. Likewise, if the *other* who is responsible for shelter does not provide or maintain the shelter, it is still incumbent upon the *I* to hunt and gather for food and also see if there is a way to provide shelter too. Why is this? Even to the point that one fails to fulfill their part of the agreement between the two, their bodily survival depends on the obligation. (Based on the system that Levinas has outlined, their metaphysical desire is quenched by it.) They may negotiate the way in which the obligations are fulfilled, but there always remains a question of duty between the *I* and the *other*, as long as there is not an-*other* who enters the scene.

On the other hand, if there is a third person, an-*other* who enters the scene, or even many others, then the question of obligation becomes obscured by the plurality of instances of responsibility or rather the incumbence of responding to the many calls from the *others*. Whose call does the *I* respond to first when there are many *others* with whom he is in

¹ It should be noted that a parallel could be drawn between the family and the community/society at large. The family could be viewed as a microcosm of society. While within the context of the family, it would seem that meeting certain responsibilities is a given, but in some families those responsibilities are nonetheless neglected. The point, in short, is that the family [bond] does not guarantee that responsibilities will be met and that all members' demands are respected and fulfilled. It can be argued that the community or society at large at times reflects the family insofar as society sometimes meets the needs of the individual and sometimes it does not.

relation, and when all of their calls are urgent? I suggest that this is the point when men begin to codify the obligation in the *I-other* relation and present them as rights within the community of *I-other-others*. The obligation to the *other* remains the same, but the *I* must manage his responsibility according to the many calls that he perceives as he participates in the community of beings manifested in their faces.

It is at this point, within the context of the community, that the *I* (and the *other*) may claim that they have a *right* for their call to be responded to by someone individually or someone as the collective community. The following questions then emerge: how does the community balance the codified duty with the needs of all *others* in the community who encounter their neighbor in a face-to-face paradigm instead of face-to-community, where their calls are one of many but nevertheless important and urgent; how do we determine when the code is sufficient to provide the appropriate and adequate responses to the calls; how do we determine if the response is sufficient to the call; how do we determine when the code is sufficiently written to respond to all of the calls of the persons represented in the community; are all persons represented by the code within the community? Finally, at what point does the code sufficiently provide for the *I* to respond to his own call without recrimination and accusation of ignoring the call of the community?

I suggest that based on the preliminary discussions formed by Levinas' philosophy of the ethical demand that these questions lead to a working definition of justice. Throughout his development of his understanding and philosophy of justice, Levinas refers to it in different ways, in terms of disinterestedness; awareness of the third party; the *I* overcoming obsession; and representation and judgment. Based on Levinas' proposed philosophy of justice, I submit that justice can be defined as the result of the *I* honoring his responsibility to and for the *other* (and the other's *other*), even to the extent of taking responsibility for the responsibility of the *other*, despite the obsession of the face; justice is the responsibility that is realized and acted upon either in the vacuum of the isolated *I-other* relation or in the plurality of responsibility in the community of the *I*, the *other* and the *many others*.

1. The Idea of Justice

We will answer the questions above and consider others while continuing to refer to Levinas' for guidance because, although not explicitly stated, the idea of justice as it relates to the *I-other* relation begins with this kind of questions. In order to understand Levinas' idea of

justice as it pertains to the *I-other* relation, we must consider the conditions from which justice emerges. As indicated at the beginning of this chapter, when a third person enters the scene, the question of the duty becomes a question of rights. In *Ethics and Infinity*, Levinas says, "... it is the fact of the multiplicity of men and the presence of someone else next to the Other, which condition the laws and establish justice. If I am alone with the Other, I owe him everything; but there is someone else."² The someone else diverts the *I*'s attention where he can no longer focus solely on responding to the call of the *other*; the *I* must then respond to both calls of the *other* and the other *other*, the third person. The call of the other *other* is still incumbent on the *I* because, "The interpersonal relation I establish with the Other, I must also establish with other men,"³ and because of the plurality of the relations, "there is thus a necessity to moderate this privilege of the other."⁴ Justice, therefore, emerges from this need to manage or moderate the obligation between the *I* and the *other* as well as the *I* and the other *other*. This also confirms that the ontology of the relations between the *I* and the *other* as well as the *I* and the third person are one-on-one or face-to-face because the *I* hears each of their calls and must respond to each call.

In *Totality and Infinity*, Levinas continues to explain justice in terms of the ontology of the *I-other* relation saying, "Justice consists in recognizing in the Other my master. Equality among persons means nothing of itself; it has an economic meaning and presupposes money, and already rests on justice – which, when well-ordered, begins with the Other."⁵ Here we already see that Levinas positions the concept of justice well within the relationship that the *I* has with the *other*, and that justice is only possible when the *I* recognizes the *other* as master. Although Levinas uses the language, "my master," we must be careful, not to misunderstand his meaning: the *other* is not master *over* the *I* but rather he is *master* over his own being, over *self*; this is something that the *I* must recognize.

Levinas goes on to describe justice as the "recognition of [the *I*'s] privilege"⁶ as it relates to the *other* as master; the privilege is what the *I* enjoys once he approaches the *other* as such without seeking anything from

² E. LEVINAS, *Ethics and Infinity*. p. 90.

³ *Ibid.*, p. 90.

⁴ *Ibid.*, p. 90.

⁵ E. LEVINAS, *Totality and Infinity*. p. 72.

⁶ "Justice is the recognition of his privilege qua Other and his mastery" (*Ibid.*, p. 72).

the *other*.⁷ Then Levinas turns around and talks about justice in terms of work saying, “The work of justice – the uprightness of the face to face – is necessary in order that the breach that leads to God be produced – and ‘vision’ here coincides with this work of justice.”⁸ Here he defines the work of justice as the uprightness of the face-to-face, uprightness that is the approach as equal beings who are the same in nature and yet completely strange to each other. But why does Levinas refer to it as the *work* of justice? I suggest that it is because it is work for the *I* to encounter the *other* as an equal, shaking off the impulse to use the *other* as a reference in his world and an object to be used for his own satisfaction. It is work for men to encounter each other, be in relation with each other and be responsible to and for each other because the first impulse is the obsession of the *I*, to take care of the other’s self; the *I* is in its self and yet must be for the other, and that is work!

If it were a matter of the *I* existing in and of itself without having to encounter the *other*, then there would never be an understanding of proximity as the *one-for-the-other*. Levinas says that it is proximity, being in relation with, that makes the *I* responsible to and for the *other*, and this is fine: the *I* and the *other* can negotiate their relation on their own terms. But when the other *other* or an-*other* or third person enters the scene, the situation of the *one-for-the-other* becomes more complex⁹; it is who Levinas designates as the third party that truly challenges the *I*’s responsibility to and for the *other* because the third party is also calling and demanding – the third party is not just an-*other*¹⁰, he is an *other* to whom the *I* must respond because the *I* is encountering him as a *face*.

But what about the *other* who the *I* does not see – the *other* who is in relation with the *other* with whom the *I* is in direct contact, person-to-person? Levinas says, “The other stands in a relationship with the third

⁷ “...is access to the other outside of rhetoric, which is ruse, emprise, and exploitation” (*Ibid.*, p. 72).

⁸ *Ibid.*, p. 72.

⁹ “If proximity ordered to me only the other alone, there would have not been any problem, in even the most general sense of the term. A question would not have been born, nor consciousness, nor self-consciousness. The responsibility for the other is an immediacy antecedent to questions, it is proximity. It is troubled and becomes a problem when a third party enters” (E. Levinas, *Otherwise Than Being or Beyond Essence*. p. 157).

¹⁰ “The third party is the other than the neighbor, but also another neighbor, and also a neighbor of the other, and not simply his fellow” (*Ibid.*, p. 157).

party, for whom I cannot entirely answer, even if I alone answer, before any question, for my neighbor.”¹¹ In other words, there is a limit to the responsibility of the *I* based on his relative proximity to the *other* in question. The proximity between the *I* and the other *other* is there, but it is limited not based on time and space but based on the relation(s) with the *other*.¹²

It is with the introduction of the third party that the direction of the response to the call begins to bend: “The third party introduces a contradiction in the saying whose signification before the other until then went in one direction.”¹³ It is precisely at this point, according to Levinas, that the idea of justice begins to take shape as we address this relational complexity. The relational complexity is the limit to which the *I* can (and should) respond to the call that is issued from an-*other* with whom he has limited proximity or rather a proximity based on his direct contact with the *other*. What is the responsibility the *I* has to and for the *other* whom he does not see or touch (contact), but is only related to based on his relation with an *other* whom he can see and touch? Levinas poses the question and answer in this way: “It is of itself the limit of responsibility and the birth of the question: What do I have to do with justice? A question of consciousness.”¹⁴ For Levinas, this all boils down to a question of justice or rather, a question of awareness of the other *other*.

As long as there is a face-to-face encounter between the *I* and the *other*, then they can negotiate their relationship based on the ethical demand (responsibility) with relatively little drama. But as soon as the other *other* enters the scene, there comes a question of co-existence. The question of co-existence does not refer to the persons existing together; instead it refers to the co-existence of the relations between the persons, which is to say, the existence of the *I-other* relation, the existence of the *other-third* person relation as well as the problematic *I-third* person relation. In this instance of co-existence, Levinas says,

Justice is necessary, that is, comparison, coexistence, contemporaneousness, assembling, order, thematization, the visibility of faces, and thus intentionality and the intellect, and in intentionality and the intellect, the intelligibility of a

¹¹ *Ibid.*, p. 157.

¹² “The other and the third party, my neighbors, contemporaries of one another, put distance between me and the other and the third party” (*Ibid.*, p. 157).

¹³ *Ibid.*, p. 157.

¹⁴ *Ibid.*, p. 157.

system, and thence also a copresence on an equal footing as before a court of justice. Essence as synchrony is togetherness in a place.¹⁵

The presentation of the many faces in a single instance requires that the *I*, the *other* and the third person recognize and respect each other as beings of the same nature but with an intrinsic alterity; but equally important in this instance is that they recognize and respect the relationships that are present in this plural encounter. The significance of proximity, within this more complex¹⁶ paradigm, is amplified¹⁷ because the implications of the various relations become greater and the impact further reaching. The successful co-existence of relations in a community can mean that a community thrives instead of simply surviving; it could mean that the welfare of individual persons within the community is attended to properly or that they founder and die or at least suffer.

The system by which justice is ensured is institutional, meaning that the system itself must be governed by a body of rules and regulations (laws), which has been agreed on by the persons whom it serves. Levinas cautions, however, that the system or institution must be checked or scrutinized by the very inter-personal relations from which it comes: “Justice, exercised through institutions, which are inevitable, must always be held in check by the initial interpersonal relation.”¹⁸ This is to say that when justice ceases to serve the persons from whom it is instituted, then it is no longer justice, and those persons must be capable of revising the system.

2. The Third Person

We have discussed the third person, the other *other*, as it pertains to the emersion of justice within the plural face-to-face encounter, but we must also gain a greater appreciation for who that third person is in relation to the *I* and how it impacts responsibility.

Let us take the following statement as a point of departure:

The entry of a third party is the very fact of consciousness, assembling into being, and at the same time, in a being, the hour of the suspension of being in possibility, the finitude of essence accessible to the abstraction of concepts, to

¹⁵ *Ibid.*, p. 157.

¹⁶ “But pure contiguity is not a ‘simple nature’” (*Ibid.*, p. 157).

¹⁷ “Proximity takes on a new meaning in the space of contiguity” (*Ibid.*, p. 157).

¹⁸ *Ibid.*, p. 90.

the memory that assembles in presence, the reduction of a being to the possible and the reckoning of possibles, the comparison of incomparables.¹⁹

The problematic of the relation between the *I* and the other *other* remains within the realm of proximity: it is a matter of contact and how the two manage it. In the above quote, Levinas says that it is a matter of consciousness or awareness. As soon as the *I* is aware of the existence of the third person, either in the capacity of the other *other* or the *other* who is not seen by the *I* but is nevertheless affected by the *I* because of their proximity, the *I* has a responsibility to and for that third person.

The awareness of the other *other* may not originate from the paradigm of a first-person or person to person encounter²⁰; instead it may originate from within the *I-other* relation – the *I* comes to be aware of the other *other* through the *other* with whom he is in direct contact. In this case, the being of the third person is not necessarily a given to the *I*: the *I* must abstract a conception of the being of the other *other* from the *other* with whom he is in direct contact. But in doing so, he cannot reduce the other *other* to the simple abstraction; through his direct contact with the *other*, the *I* must acknowledge the integrity of the essence of the third person; the essence of the third person is the same in nature as that of the *I* (and the *other*) but has an absolute alterity or strangeness to the *I*.

This is indeed a feat for the *I* because he has to maintain a disinterested or unbiased response to the call of the other *other* of whom he is aware but may not be in direct contact. He must be responsible to and for the other *other* as if he were in direct contact, a person-to-person encounter. Levinas says, “It is the thematization of the same on the basis of the relationship with the other, starting with proximity and the immediacy of saying prior to problems, whereas the identification of knowing by itself absorbs every other.”²¹ In other words, the *I* must not respond to the call of the other *other* as if he were responding to the call of the *other* because they are two different calls originating from two different persons, beings. They cannot be categorized within the references the *I* uses to navigate the

¹⁹ E. LEVINAS, *Otherwise Than Being or Beyond Essence*. pp. 157-158.

²⁰ I am not referring to this as a face-to-face encounter because we have already admitted that the face-to-face encounter can take place between persons who do not share a common time or space as in the situation of the author and reader. Instead, I am using the terminology of person to person in order to invoke a sense of presence among the persons involved, i.e. they are sharing a common time and/or space.

²¹ *Ibid.*, p. 158.

phenomenological world in which his face is manifest; their demand not to be killed and their call to be loved must be respected based on their individual beings that are same in nature but otherwise completely strange to the *I*.

As Levinas discusses the requisite that the *I* avoid thematizing the other *other*, he begins to outline the limitation of obsession that befalls the *I* when relating to the *other*:

It is not that the entry of a third party would be an empirical fact, and, that my responsibility for the other finds itself constrained to a calculus by the “force of things.” In the proximity of the other, all the others than the other obsess me, and already this obsession cries out for justice, demands measure and knowing, is consciousness.²²

When Levinas says that all the other *others* obsess him, he means that the *I* has to make a conscious effort to remain disinterested in the face of the *other* with whom he may not have direct contact. To be disinterested or unbiased in the face of someone whom the *I* never sees or has direct contact is problematic because, at least in a situation of direct contact, the *I* and the *other* can confront each other with their demands; they can grapple over the demands together and negotiate the relation. The *other* shares a common time, space or even medium, as is the case of text, with the *I* in the phenomenological world in such a way that the *I* is forced to deal with the *other*. The other *other* who the *I* does not see or with whom he has indirect contact is not there (sharing time, space or medium) to stand up for himself saying, “Do not kill me,” and “Love me.” The obsession that the *I* must confront in the problematic of his proximity with the other *other* is recognizing the same sense of being in him as he recognizes in the *other* with whom he has direct contact. Levinas concludes his statement saying that with the possibility (and probability) of the *I* succumbing to obsession, it is from this obsession that justice *must* be employed to ensure that the *I*'s obsession does not supersede the call of the other *other* and impede it from being answered.

According to Levinas, it is in the *I* as a hostage to his responsibility that the third person's call is answered; it is through being hostage to his responsibility that justice becomes justice: “A face obsesses and shows itself, between transcendence and visibility/invisibility. Signification signifies in justice, but also, more ancient than itself and than equality

²² *Ibid.*, p. 158.

implied by it, justice passes by justice in my responsibility for the other, in my inequality with respect to him for whom I am hostage.”²³ The *I* responds to the call of the third person truly as a hostage to his own responsibility because the third person is not *there* in common time, space and medium (direct contact) to confront the *I* (there is only proximity that may also be limited).

So the *I*'s response to the call of the third person is not because the third person is demanding it of him, rather because he is bound by his own responsibility, the responsibility to and for the *other* and even responsible for the responsibility of the *other*, to respond to an-*other* with whom he has no direct contact. The contact that establishes their proximity is the *other* in whom the face of the third person is made present to the *I*. Levinas says, “And it is because the third party does not come empirically to trouble proximity, but the face is both the neighbor and the face of faces, visage and visible, that, between the order of being and of proximity the bond is unexceptionable.”²⁴ In this way, the phenomenon of the face is significant because while it is a manifestation of the being that is man, it represents the relations that are not readily seen, i.e. the face of the *other* signifies for the *I* the proximity with the third person not present in the face-to-face encounter in the phenomenological manifestation of the face, but is present in his contact with the *other*.²⁵ The third person appears in the face of the *other*; in turn, the *I* becomes aware of the being of the third person.²⁶

Furthermore, when Levinas says, “the face obsesses and shows itself, between transcendence and visibility/invisibility,”²⁷ the transcendence he refers to is the realization and openness or better yet, the openness to the being that is otherwise than what the *I* sees, touches and perceives with his senses; the face that obsesses and yet overcomes its obsession to respond to the call because it is open to the being who is otherwise than him with whom the *I* has direct contact – he experiences transcendence.

But beyond the scope of the *I* being a hostage to his responsibility in the face of the other *other* with whom he has no direct contact or does not *see* or *touch*, the very awareness of the other *other* means something: it means

²³ *Ibid.*, p. 158.

²⁴ *Ibid.*, p. 160.

²⁵ “Order, appearing, phenomenality, being are produced in signification, in proximity, starting with the third party” (*Ibid.*, p. 160).

²⁶ “The apparition of a third party is the very origin of appearing, that is, the very origin of an origin” (*Ibid.*, p. 160).

²⁷ *Ibid.*, p. 158.

that proximity is not limited to direct contact or a person-to-person encounter, and because of this, the incumbency of the *I* to respond broadens the scope of his responsibility. Part and parcel to the *I*'s incumbence to respond to the call of the other *other* or third person is his relation to the *other* whose brother or neighbor is the third person²⁸; couple this with the *I*'s responsibility for the responsibility of the other, he is then responsible for the third person with whom he has no direct contact. The awareness and openness to the third person originates from within the openness to the *I-other* relation and not from direct contact.

In overcoming his obsession of the third person, transcendence for the *I* occurs when he is open to the inequality of the *one-for-the-other* where he does not know the person for whom he is substituting himself and yet his being takes on meaning or significance because his action of responding to the call means something to someone who cannot see him either. Levinas says, "In proximity the other obsesses me according to the absolute asymmetry of signification, of the-one-for-the-other: I substitute myself for him, whereas no one can replace me, and the substitution of the one for the other does not signify the substitution of the other for the one."²⁹ Accepting that no one can replace him in responding to the call of the third person with whom he has no direct contact, whom he cannot see, means that he is authentically conscious of a being who has a face like his but is utterly strange to him; it means that he hears their call through the beings with whom he does have direct contact; it means that even in blindness, the *I* is capable of justice – responding to the demand "Do not kill me" and the command "Love me."

There is an asymmetry in the relation between the *I* and the *other*, but Levinas notes the inequality in the relation between the *I* and the third person who calls for justice or what he refers to as "correction" when he says, "The relationship with the third party is an incessant correction of the asymmetry of proximity in which the face is looked at. There is weighing, thought, objectification, and thus a decree in which my anarchic relationship with illeity is betrayed, but in which it is conveyed before us."³⁰ The correction to which Levinas refers is the *I* resisting the temptation and relative ease of obsession, of being interested only in

²⁸ "The other is from the first the brother of all the other men. The neighbor that obsesses me is already a face, both comparable and incomparable, a unique face and in relationship with faces, which are visible in the concern for justice" (*Ibid.*, p. 158).

²⁹ *Ibid.*, p. 158.

³⁰ *Ibid.*, p. 158.

himself and that which he can see. The correction is the *I*'s very awareness of the being that is beyond his sight and direct contact; the correction is his openness to that being; the correction is recognizing and responding to the demand and call that is issued from a being that is so utterly strange to him because he does not see him or have direct contact with him; the correction to the asymmetry of the relation between the *I* and the other *other* is the responsibility that the *I* has to and for him whom he does not see, with whom his proximity is limited to contact with the *other* and whose being is made present to him through the *other*.

3. Representation

Levinas also refers to justice in terms of representation when he talks about the “comparison of the incomparable” insofar as the *I*, *other* and other *other* are beings who are the same in nature but otherwise absolutely strange to each other. Their similarities are categorized in such a way that the *I*, when relating to his neighbor or the third person, may abstract meaning from those relations. Levinas says,

In the comparison of the incomparable there would be the latent birth of representation, logos, consciousness, work, the neutral notion *being*. Everything is together, one can go from the one to the other and from the other to the one, put into relationship, judge, know, ask “what about...?”, transform matter.³¹

The representation is “latent” because it is not intrinsic to being *qua* being and only contingent on the *I* perceiving the comparison; this is to say that the *I*, *other* and third person are beings *in se* and not representations as such. But it is as representations that the *I* is able to relate to those beings because he cannot *see*, *touch*, *grasp* or *know* those beings for their intrinsic selves or the beings insofar as they participate in being as such.

The representation that the *I* perceives is the result of the phenomenon of the manifested face in the experiential world; the understanding and awareness of the *other* who the *I* has is an approximation of the being of the *other* because the *I* compares what he encounters to himself – he compares his face to that which he encounters. Therefore, representation gives the *I* a proximity to the being *in se* that is the *other* and the third person. Consequently, in comparing faces, the *I* categorizes, assigns labels

³¹ *Ibid.*, p. 158.

and judges the representation against what he has come to *know*; the comparison is then understood as judgment.

From representation and the subsequent judgment, emerges the order of justice insofar as it is a determination of whether the *I* sufficiently substituted himself for the *other*. Levinas says,:

Out of representation is produced the order of justice, moderating or measuring the substitution of me for the other, and giving the self over to calculus. Justice requires contemporaneousness of representation. It is thus that the neighbor becomes visible, and, looked at, presents himself, and there is also justice for me. The saying is fixed in a said, is written, becomes a book, law and science.³²

When Levinas says “justice requires contemporaneousness of representation,”³³ we should not interpret this to mean the calls of the *other* and his neighbor, the third person, are issued simultaneously, rather the representations are contemporaneous insofar as the other *other* is represented in the representation of the *other*; in other words, the *I* is aware of the third person through the *other* or via his proximity to the *other*. In this case, the *I* hears the call of the *other* and is aware of the call of the other *other* through the *other*. This goes back to the idea that if the *I* and the *other* were to exist in a vacuum, where they encountered each other and only each other because there is no other, then they would be bound to each other by responsibility alone; but when the third person enters the scene, their responsibility becomes more complex because they must manage their responsibility to and for *others* in the face of calls being issued by more than one person.

Justice, therefore, is only realized when the *I* acts in accord to the incumbence of his responsibility to and for the many *others* whom he encounters person-to-person (direct contact) as well as the many third persons with whom he does not have direct contact, but nevertheless enjoys a face-to-face encounter by virtue of the proximity of the relation of the – *I* to the *other* and the *other* to the other *other* or third person.

4. Dis-inter-estedness

Let us clarify the concept of *dis-inter-estedness*: what Levinas means by dis-interested is not that the *I* does not care or is *un*-interested but rather

³² *Ibid.*, p. 159.

³³ *Ibid.*, p. 159.

that he is indifferent, not having invested his personal interest. Levinas argues that it is from a place of indifference where the *I* is not concerned with being recognized, lauded or hailed, that he can respond to the call of the *other* with an authentic concern for the wellbeing of the *other*. Keeping this in mind, we can then consider this statement: "... justice only has meaning if it retains the spirit of dis-interestedness which animates the idea of responsibility for the other man."³⁴ According to Levinas, justice emerges in a plural face-to-face encounter only when the faces are dis-interested, when they are not seeking satisfaction for their own desires; justice emerges when persons in proximity with each other recognize each other's calls and work together to find a way to ensure that all of their calls are answered.

For further clarity on Levinas' use of *dis-interest* and *dis-inter-estedness* as it relates to the concept of *otherwise than being*, we consider the following:

The ontological condition undoes itself, or is undone, in the human condition or uncondition. To be human means to live as if one were not a being among beings. As if, through human spirituality, the categories of being inverted into an "otherwise than being." Not only into a "being otherwise"; being otherwise is still being. The "otherwise than being," in truth, has no verb which would designate the event of its un-rest, its *dis-inter-estedness*, its putting-into-question of this being – or this *estedness* – of the being.³⁵

According to Levinas, the *I*'s approach to the *other* (and the other *other*) in the face-to-face encounter must be dis-interested so that he may respond to the call of the *other* without inflicting the bias of his own being on the *other*. And it is only in this manner that justice may emerge as the *I*, the *other* and the other *other* can negotiate the plurality and co-existence of their relations in a way that all of their demands ("Do not kill me") are respected and their calls ("Love me") are answered.

Levinas explains that only in this dis-interested approach to the *other* does the *I* ever *see* the other; without the bias of his own interests, the *I* approaches the *other* in authentic concern for the wellbeing of the *other* – in this way, the *other* "becomes visible."³⁶ Levinas contends that in this mode of relation between the *I* and the *other* (and, of course, the other

³⁴ E. LEVINAS, *Ethics and Infinity*. p. 99.

³⁵ *Ibid.*, p. 100.

³⁶ "It is thus that the neighbor becomes visible, and, looked at, presents himself, and there is also justice for me" (*Ibid.*, p. 159).

other with whom the *I* does not have direct contact), that the *I* too experiences justice. Moreover, justice too is represented in the said; according to Levinas, it becomes represented in its annunciation. Announcing the responsibility of the *I* for the *other* and more particularly, the third person, is an articulated awareness and admission of that responsibility (which becomes the measure by which man holds himself accountable). In this way, responsibility as justice may be codified assuming an objective quality by which the *I* may be judged as to whether or not he fulfilled his responsibility to and for the *other* and the other *other* with whom he is in relation solely by means of his relation with the *other*.

Having asserted that justice emerges when the third person enters the scene, and that it becomes represented when the responsibility is *said*, we must not conflate this idea of justice with the sense of accountability to society as a whole. What I mean is this: yes, justice emerges when the *I* has fulfilled his responsibility to and for the other *other* (having contemporaneously answered the call of the *other*), and yes, there are many other *others*, but this is not to say that justice should be understood in terms of humanity as a whole. According to the tenants of the ethical demand as outlined by Levinas, justice may be understood only within the confines of the face-to-face encounter, the *I-other* relation as well as the *I-third* person relation.

To explain this point, Levinas writes:

The others concern me from the first. Here fraternity precedes the commonness of a genus. My relationship with the other as neighbor gives meaning to my relations with all the others. All human relations as human proceed from disinterestness. The one for the other of proximity is not a deforming abstraction. In it justice is shown from the first, it is thus born from the signifyingness of signification, the-one-for-the-other, signification.³⁷

For justice to be justice, the *I* has to be concerned with the *other* and by proximity, with the other *other*, the third person. Here we must note that it is only by proximity and concern for the *other* that fraternity is born, that humanity takes form. But fraternity and humanity that are based on the *I-other* and *I-third* party relations must not be misunderstood or misinterpreted for the impersonal categorization of a group of people like the State. So even looking at justice from what we would perceive as a larger scale of application, with a wider distance in proximity between the *I*

³⁷ *Ibid.*, p. 159

and the third persons for whom he is responsible, it remains a question of the *I* responding to the calls of third persons.

Justice, then, must be understood in terms of to what extent the *I* can respond to the call of the third persons, those with whom he has no personal contact. In other words, if the *I* becomes aware of third persons on the other side of the world who are suffering, justice becomes a question of him answering their call in the best way he can considering his capacity to answer that call. For example: if I am in Italy and I know that there are people in South America starving from a hunger and malnutrition, what is my responsibility to them; how should I respond to their demand and call considering several things: my physical location; my ability to change that physical location; the calls that are incumbent on me to respond to from the *other* and other *others* in my immediate sphere of influence? The question then becomes, how do I respond and what is that response to the calls of those persons starving in South America? The question of justice, then, becomes: did I respond to the calls of those many others? Did I respond adequately and sufficiently to those calls according to the needs of the persons who are calling?

Because the *I* is in relation with the *other* and third person, beings that are the same in nature as the *I* but absolutely strange to the *I*, the *I* then cannot be in the relation or proximity with the whole of humanity as a mass of persons. The *I* does not relate to humanity³⁸ as such the way he relates to the *other* and the third persons; humanity as such does not demand not to be killed or call to be loved; consequently, humanity does not present to the *I* the incumbence of responding to its call – there is no call, humanity as such does not call or demand.

Going further, justice and responsibility remain intrinsically tied to the dis-interestedness of the *I*; the *I* must respond to the call of the *other* and the other *others* because they are calling, not because the *I* has an interest in responding to the call. The *I* must respond because that is what is incumbent upon him as a hostage to his responsibility to and for the *other*. The inter-personal relation is source of justice since it is there that the *I* gleans meaning or significance from his experiences of being; in the relation between the *I* and the *other*, his being *qua* being begins to mean something to him – he is able to compare himself to the being of him with whom he encounters face-to-face. He becomes aware of the nature that

³⁸ Here we are making a distinction between humanity as fraternity (proximity) and humanity as the entire human population.

they share while being acutely aware of the strangeness of the *other*. As such the *I*'s concern for the *other* becomes more than a curiosity that he must satisfy: it becomes an interest in the *other* that is obsessed with his own being and face. However, in the face of the *other*, he must refuse his obsession and respond to the *other* by substituting himself for the *other*. Justice means being *one-for-the-other*.

Taking this understanding of significance and the *one-for-the-other* as a given in this argument, how could justice be anything but an inter-personal realization of the responsibility fulfilled by the *I* for the *other*? Levinas answers:

This means concretely or empirically that justice is not a legality regulating human masses, from which a technique of social equilibrium is drawn, harmonizing antagonistic forces. That would be a justification of the State delivered over to its own necessities. Justice is impossible without the one that renders it finding himself in proximity. His function is not limited to the "function of judgement," the subsuming of particular cases under a general rule. The judge is not outside the conflict, but the law is in the midst of proximity.³⁹

He draws a distinction between justice and judgment: justice is, as we have said, the realization and fulfillment of the responsibility the *I* has to and for the *other*. Justice requires the foundation of the inter-personal relation, the awareness and concern of the *I* for the *other* and third persons. But judgment, on the other hand, is the categorization and appraisal by the institution of human masses (the impersonal State, society at large) of the responsibility and the actions taken based on the institutional understanding of responsibility.

5. Law and Proximity

Levinas also draws a distinction between the judge and the law: the judge is the person who represents the impersonal institution of human masses when categorizing and appraising the responsibility and subsequent actions, but he cannot divorce himself from the face-to-face encounter, which is to say he cannot remove himself from the *I-other* or *I-third* person relations. Instead, the law is the representation of justice in the articulation of the responsibility and the subsequent expected actions based on that responsibility. It is a representation of the perceived responsibility that

³⁹ *Ibid.*, p. 159.

exists between the *I* and the *other* and the third person. However, although the law is a representation of justice, because it is said, it remains static in the time and place of its articulation⁴⁰; therefore, the law may not always represent the ever-changing or evolving responsibility that the *I* has to and for the *other* and the other *other*.

Consequently, laws must change according to the actual inter-personal relation that it is supposed to represent. This means that *I* and *other* and other *others* must constantly review and revise the laws according to their calls and the appropriate responses. The *must* can be understood as their responsibility to do so. For Levinas, “This means that nothing is outside of the control of the responsibility of the one for the other.”⁴¹ In other words, man’s responsibility is not limited by laws; rather it is his very responsibility that informs the laws that are then instituted and enforced. The law must not supervene his responsibility, and if managed properly, they will not supervene his responsibility. Therefore, the *I* must respond to the call of the *other* and the third person even when the articulated code of responsibility is out of date; moreover, the incumbence of his responsibility requires that he modify the law to ensure the law remains representative of the actual relations.

Levinas cautions us to keep proximity or the relation between persons central to all understanding of the codified articulation of responsibility: “It is important to recover all these forms beginning with proximity, in which being, totality, the State, politics, techniques, work are at every moment on the point of having their center of gravitation in themselves, and weighing on their own account.”⁴² Man cannot lose focus of what drives the human institution, which is always the interpersonal relation: the relations between the *I* and the *other*, the *I* and the third person and the *other* and the third person. Without those relations, there is no reason to institute laws or a codification of responsibility: laws serve those relations to ensure that each person’s call is answered, that justice is done insofar as the *I* acts according to his responsibility to and for the *other*, his responsibility for the responsibility of the *other* and his responsibility to and for the third person with whom he has no contact but maintains proximity through their respective relations with the *other* whom they have in common.

⁴⁰ “Justice, society, the State and its institutions, exchanges and work are comprehensible out of proximity” (*Ibid.*, p. 159).

⁴¹ *Ibid.*, p. 159.

⁴² *Ibid.*, p. 159.

For Levinas, “In no way is justice a degradation of obsession, a degeneration of the for-the-other, a diminution, a limitation of anarchic responsibility, a neutralization of the glory of the Infinity, a degeneration that would be produced in the measure that for empirical reasons the initial duo would become a trio.”⁴³ Even as the *I* honors his responsibilities and justice emerges from his actions, he is still aware of his own interests. While justice is not the magic wand to rid the *I* of his obsession, it is a testament that he resisted succumbing to self-interest; justice is evidence that the *I* has *chosen* to be open to the *other* in the face of his own urges and desires for satisfaction and satiation.

Levinas establishes another point about justice that once stated seems to be a given: justice is only justice when the calls of all persons in a society are answered regardless of their physical distance from the center of the community and regardless of the remoteness of their proximity to any *I* within the community.⁴⁴ For example, justice is only justice when the most disenfranchised of the community are cared for according to their personal call. Disenfranchisement could be understood as something that is socially unacceptable or even a physical removal where a person either chooses to live at a distance from the community or has been sent away by the community (i.e. imprisonment). With this in mind, we could even say that some forms of disenfranchisement are simply unjust, i.e. lack of shelter or homelessness, lack of education, lack of adequate food and nutrition or hunger, lack of potable water or thirst, lack of clothing, or anything else that would deprive a person of the dignity of their personhood and ignore or refuse to see the manifested face of their being.⁴⁵

Levinas refers to this slant of justice in terms of equality and inequality: the *I* experiences inequality insofar as he is responsible to and for the *other* and even responsible for the responsibility of the *other* – this is something he cannot shirk; meanwhile, the *I* cannot or should not expect that his call

⁴³ *Ibid.*, p. 159.

⁴⁴ “But the contemporaneousness of the multiple is tied about the diachrony of two: justice remains justice only, in a society where there is no distinction between those close and those far off, but in which there also remains the impossibility of passing by the closest” (*Ibid.*, p. 159).

⁴⁵ For example, recent reports have highlighted the disenfranchisement of young girls and women in rural and developing countries and communities. Once young women (girls) reach puberty, they tend to stop going to school because they do not have proper access to menstrual hygiene. See www.menstrualhygieneday.org or www.sswm.info/content/enstrual-hygiene-management for more information.

will be answered because he must be dis-interested as he approaches the *other*.⁴⁶ The *other* and third party, on the other hand, are equal insofar as their calls must be recognized and responded to by the *I*.

All of this, justice, rights and equality, is a direct result of the entrance of the third person because as soon as the *I* becomes aware of the third person's presence (existence), then the call becomes incumbent on the *I*. This is because regardless of the distance of the proximity (the *I* relates to the third person by way of the *other* with whom they both enjoy a relation), their very proximity means there is a face-to-face encounter insofar as the *I* is aware of the third person's being that is manifested in his face.⁴⁷ And the concern that the *I* has for justice within the human institution that is society at large (or the State) is nothing other than the *I*'s concern for the responsibility to and for the *other* and the third person that is incumbent on him⁴⁸, which is always based on the face-to-face encounter, an encounter that may even be by way of the relation with the *other*.

6. Consciousness

We continue to touch on one of the central concepts to the authentic realization of the *I*'s responsibility to and for the *other* and the third person: consciousness or awareness. While the third person appears in the face of the *other*, the *I* is only responsible for that third person when he is conscious of that person's being. The crux of the concept of consciousness is that proximity does not necessarily presume awareness, which is to say, just because the third person is in contact with the *other* and the he appears in the face of the *other* does not necessarily mean that the *I* is aware of the third person. Levinas writes:

⁴⁶ "The equality of all is borne by my inequality, the surplus of my duties over my rights. The forgetting of self moves justice. It is then not without importance to know if the egalitarian and just State in which man is fulfilled (and which is to be set up, and especially to be maintained) proceeds from a war of all against all, or from the irreducible responsibility of the one for all, and if it can do without friendships and faces" (*Ibid.*, p. 159).

⁴⁷ "Consciousness is born as the presence of a third party. It is in the measure that it proceeds from it that it is still disinterestedness. It is the entry of the third party, a permanent entry, into the intimacy of the face to face" (*Ibid.*, p. 160).

⁴⁸ "The concern for justice, for the thematizing, the kerygmatic discourse bearing on the said, from the bottom of the saying without the said, the saying as contact, is the spirit in society" (*Ibid.*, p. 160).

The foundation of consciousness is justice. Not that justice makes a preexisting mediation intervene. An event like mediation – synchronization, comparison, thematization – is the work of justice, an entry of the diachrony of proximity, of the signifyingness of saying into the synchrony of the said...⁴⁹

This is to say that even in the absence of immediate consciousness of the third person as realized when the *I* relates to the *other*, justice, when the *I* is absolutely open to responding to the call of the *other*, recognizes the possibility that the *other* with whom he is in direct contact is in contact with an-*other* who is unknown (unseen) to him; as a hostage to his responsibility he must then respond or be ready to respond to the call that can only be perceived through the face of the *other* with whom he has direct contact.

The face of the *other* is significant or has meaning to the *I* because it represents the possibility (and probability) of *others*; likewise, it represents the relations between the *other* and other *others* as well as relations between other *others* and their neighbors. The face of the *other* represents the plurality of existence in terms of being and being in relation.

Referring to synchronization and thematization, Levinas writes:

Synchronization is the act of consciousness which, through representation and the said, institutes “with the help of God,” the original locus of justice, a terrain common to me and the others where I am counted among them, that is, where subjectivity is a citizen with all the duties and rights measured and measurable which the equilibrated ego involves, or equilibrating itself by the concourse of duties and the concurrence of rights.⁵⁰

In synchronizing, man, in his own crude and imperfect way, orders and categorizes that which he encounters, abstracting meaning from it and aligning it with this stated responsibility. Nevertheless, within the synchronization that the *I* does as he encounters the *other*, he is opening himself to the *other* and the possibility of other *others*. Levinas calls this the locus of justice because it is in synchronizing, being open to the third person with whom he has no direct contact and aligning it to his articulated responsibilities, that the *I* is aware of the third person and open to his call. It is also within the terms of synchronization that the distinction between *dovere* and *diritti* becomes clearer: the *I* has a *dovere* that he must honor as he is always a hostage to his responsibility, and the *other* and as well as the

⁴⁹ *Ibid.*, p. 160.

⁵⁰ *Ibid.*, p. 160.

third party have the right (*diritti*) to be recognized as beings *in se* and heard, having their calls answered.

Again, justice prevails in inequality or as Levinas explains it, "... justice can be established only if I, always evaded from the concept of the ego, always desituated and divest of being, always in non-reciprocable relationship with the other, always for the other, can become an other like the others."⁵¹ The inequality of this paradigm is that the *I* must respond to the calls of the *other* and the third person but cannot expect that his call will be answered; the inequality lies in him remaining dis-interested as he approaches and responds to the *other* and the third person.

The latter part of Levinas' explanation returns us to the responsibility that the *I* has to and for himself because in divesting himself of his interests, he is nonetheless aware of his *self* and can hear the call of his *self* just as he hears the call of the *other* or of the third person. In consciousness, he synchronizes the representation and his articulated responsibility; from here, he must respond to the call. In this way, the *I* becomes an *other* like the *other* with whom he is in proximity. Levinas asks the leading question: "Is not the Infinite which enigmatically commands me, commanding and not commanding, from the other, also the turning of the I into 'like the others,' for which it is important to concern oneself and take care?"⁵² To which he answers, yes.⁵³ But he explains that the answer yes does not come from within the being of the *I*; instead it comes from the incumbence of his responsibility⁵⁴ "despite the danger in which it puts this responsibility, which it may encompass and swallow up, just as the State issued from the proximity of the neighbor is always on the verge of integrating him into a we, which congeals both me and the neighbour."⁵⁵ In other words, the responsibility that the *I* has to and for its self could be at risk of being consumed by the responsibility he has to and for the *other*; in a similar way, the proximities between the *I* and *other*, the *other* and third person and the *I* and the third person could be consumed by the institution of the State. But we also must remember that justice depends on two things: openness to responding to the call of all persons (selves) whom the *I*

⁵¹ *Ibid.*, p. 160.

⁵² *Ibid.*, p. 160.

⁵³ "My lot is important" (*Ibid.*, p. 160).

⁵⁴ "But it is still out of my responsibility that my salvation has meaning..." (*Ibid.*, p. 160).

⁵⁵ *Ibid.*, p. 160.

encounters, including his own self; and the interpersonal relation (not on the dictates of the State or institution). In the absence of either or both of these, justice cannot emerge.

It is in approaching the *other* as otherwise than the being that the *I* knows himself to be and that he approaches the *other* in an ethical way. Within the authentic, disinterested face-to-face encounter, the *I* recognizes the *other* as having the same nature, as a being who is the subject of his own experience, and as such, is completely other; in recognizing this, the *I* then is able to hear the demand (“Do not kill me”) and the call (“Love me”) of the *other* and respond. The *I* responds according to the call, providing what the *other* demands.

This is the ethical demand: the authentic response of the *I* who encounters the *other* in the open and disinterested face-to-face encounter. And as a result of acting responsibly based on the ethical demand, the *I* is able to experience transcendence, a moment when the *I* comes to know and understand being as such as he participates in it rather than attempting to apprehend or acquire being through domination, manipulation or obsession.

Let us take just a moment to note the significance this chapter has for our discussion and development of a corporate ethic based on personal responsibility: Because the corporation is comprised of persons who are in relation with each other, their relation necessarily mandates responsibility, the *I* to and for the *other*. The responsibility to respond to the call of the *other* is something the *I* cannot escape, according to Levinas. As such, if the persons who comprise the corporation can never escape or divorce themselves from their responsibilities, it becomes a matter of a responsibility that is multiplied and magnified by the proximity of the *I* to the *others* and third persons. If justice emerges when the *I* responds to the call of the *other* and other *others* authentically, dis-interestedly and immediately, then within the context of the corporation, justice emerges when each *I* comprising the corporation works together to respond to the call of the *other* and third persons who are affected by the corporation or rather the actions committed by those who comprise the corporation in the name of that same corporation.

An incongruity may be perceived between the responsibility the *I* has to and for the *other* in other institutions such as in government/politics and other larger social spheres versus the family and smaller, more intimate community settings. However, when applying Levinas’ philosophy, that incongruity is demolished as soon as the *I* hears the call of the *other*. Let us think about it in more practical terms: the effects of injustice are personal – if a person is thirsty and has no access to clean, potable water, then that

lack of water is personal to them. (A community of people may be thirsty, but it is the individual person who suffers the lack of water, and it is those individual persons who comprise the community.) Likewise, the person or persons who, by one manner or another, deprive others of clean, potable water are personally responsible for that deprivation as soon as they become aware of it, as soon as they hear the calls of those who have no clean, potable water. That responsibility is personal whether the *I* is a member of a larger government or a smaller community or family. There are more real life examples of this incongruity being demolished one being the effort in the United States to maintain laws that provide healthcare to more people – more and more Americans are demanding healthcare as a guaranteed right because lack of access to healthcare is personal. They have petitioned individual lawmakers who comprise the governing body and protested in an effort to make their voices heard. The lawmakers, as a result, have had to take their constituents' calls into consideration as they make decisions about how the federal government will move forward with legislation on healthcare. The issue is personal – the demands are personal. The *other's* call is personal; the *I* must respond.

In Part Two, we shall how the philosophies of Levinas and Paul Ricoeur, while not identical in the principles and application of the ontology and phenomenology of man and his relationships, complement each other. I will not always refer to Levinas or draw explicit parallels throughout Chapters IV through VI, but I will bring their philosophies together in Part Three as it pertains to establishing a philosophy of corporate responsibility based on ethical human action and, consequently, the quest for justice.

PART TWO

Human Action As Text: Paul Ricoeur

In the following three chapters, we will look at Paul Ricoeur's philosophy of language to establish the use and value of text in human relations. This will serve as the basis on which we propose that human relations can be scrutinized and critiqued using a hermeneutical approach that removes the tendency to blame while identifying the agent responsible for a particular action.

We shall connect the teachings of Levinas and Ricoeur by identifying the dialectic as Hegel defines it in *The Encyclopaedia of Logic, Part I of the Encyclopaedia of Philosophical Sciences with the Zusätze*.¹ Initially, Hegel gives an indirect explanation of the dialectic saying it “is often no more than a subjective seesaw of arguments that sway back and forth, where basic import is lacking and the [resulting] nakedness is covered by the astuteness that gives birth to such argumentation.”² The “subjective seesaw of arguments” and the “back and forth” makes the dialectic sound like it is a method for debate or a rhetorical device.³

¹ G.W.F. HEGEL, *The Encyclopaedia Logic, Part I of the Encyclopaedia of Philosophical Sciences with the Zusätze*. Originally published as *Encyklopädie der philosophischen Wissenschaften. Teil I, Wissenschaften der Logik*. Translated by T.F. Geraets, W. A. Suchting and H. S. Harris. Library of Congress. Indianapolis, IN. 1991.

² *Ibid.*, § 81.

³ Refer to Annex I for a more comprehensive discussion on the dialectic, human relation and human action.

The point of a hermeneutical approach is to be able to establish a basis for an open dialogue with regard to human action, intentionality and responsibility. Hermeneutics allows us to examine, interpret and understand text (and human action) in a way that is not bound to the limiting perception of a fixed message and context. This will be useful for us as we develop a corporate ethic that is based on personal responsibility, the *I* for the *other*. In removing the immediate tendency to blame and focus on one specific cause and effect, we are able to read and interpret a corporate (or human) action (as text) in a manner that acknowledges the ever changing context, understanding and ultimate message (reading and interpretation). The ultimate benefit is to encourage human relation, facilitate responsibility and enable the emergence of justice by engaging in corporate action that promotes, supports and protects human dignity in such a way that does so for all persons involved.

Moving from the metaphysical implications of the human face as we explore the relation between the *I* and the *other* in Emmanuel Levinas' teachings as it relates to the ethical demand, we shall tackle the phenomenology of language and text as discourse by studying Paul Ricoeur's philosophy of language as a system or means by which human beings relate to one another. In doing so, we shall also explore the possibility of language (*langue*) and speech (*la parole*) as a dialectic of human relation, or rather the means by which man as a Being-in-the-world relates to other men as equal Beings-in-the-world.

While taking a different approach from that in Part One, the present discussion complements the philosophy of Levinas that we have already explored inasmuch as it establishes a hermeneutical basis for human relation via text and discourse. We will rely on Levinas' admission of a relation between the face and language to segue from establishing the ethical demand to the hermeneutical exercise of understanding and interpreting human action as text. The point of this exercise is to create a foundation for critical analysis of man's actions within a corporate environment based on Ricoeur's philosophy of human action as text. We are taking this approach because it shall facilitate a more organic discussion about the ethical demand of the corporation to ensue.

Additionally, for the sake of clarity, we shall provide a brief working definition of human action as text and explanation for how we will employ this Ricoeurian concept. As we will see in the following two chapters, Ricoeur promotes a philosophy that human action may be regarded, evaluated, scrutinized and even referred to as if it were a text, discourse fixed by writing. This goes back to his assertion that discourse is an event;

human action, also regarded or understood or perceived as an event, while not fixed by writing may take on the characteristics of text insofar as it happens in what we perceive as a sequential order.

Moreover, it is worth noting at the outset that throughout the following three chapters, we may encounter the problematic of what may be deemed a circular discussion; however, I ask the reader to be patient as we define terms and explain concepts with terminology that has yet to be defined or explained, or will be defined or explained by way of the definition or explanation of other terminology. So as we immerse ourselves in a study of topics such as language, discourse, text and hermeneutics, we shall inevitably come across and discuss issues related to terms such as reference, *ipse* and *idem* (self and same, respectively), distanciation, appropriation, interpretation and narrative among others.

CHAPTER IV

Language and Text

We shall initiate this study with an exploration into Ricoeur's teaching of language, its structure and the *self*. In order to do this, we shall refer to works and writings such as *The Conflict of Interpretation, Essays in Hermeneutics*¹, "Structure, Word, Event"; *Hermeneutics & the Human Sciences*², "The hermeneutical function of distancing," and "The model of the text: meaningful action considered as text"; and the "Second Study: Utterance and the speaking subject, a pragmatic approach" from *Oneself as Another*.³ Since Ricoeur's interest in language and discourse is the overall theme of each essay, we shall rely on the common context that each essay shares with the other as the rationale for connecting the pieces of evidence garnered from the essays in order to establish a coherent thread between them and present a general picture of Ricoeur's philosophy on language and discourse.⁴ Additionally, we will refer to Martin Heidegger's *Being*

¹ P. RICOEUR, *The Conflict of Interpretation, Essays in Hermeneutics*. Edited by Don Ihde. Originally published as *Le Confit des interprétations: Essais d'hérméneutique*. Northwestern University Press. 1974.

² P. RICOEUR, *Hermeneutics & the Human Sciences*. Edited & translated by John B. Thompson. Cambridge University Press. Cambridge, UK. 1981.

³ P. RICOEUR, *Oneself as Another*. Translated by Kathleen Blamey. Originally published as *Soi-même comme un autre*. The University of Chicago Press. Chicago, Illinois. 1992.

⁴ We will cite from the various essays with little regard for a particular methodology in exhausting the evidence given in one essay before referring to another.

*and Time*⁵ in order to maintain the integrity of the context of Ricoeur's philosophy.

Drawing from the essay, "The model of the text: meaningful action considered as a text,"⁶ we will first examine Ricoeur's philosophy about the ontology of language and then move towards a clearer understanding of language by exploring his teachings on the structure of language. But in order to embark on an intelligible discussion about language, we must do so within the context of discourse, speech and text.

1. Language and discourse

As a start, let us consider the following statement by Paul Ricoeur: "It is as discourse that language is either spoken or written."⁷ In other words, it is through speech and text – discourse – that language is realized. He further explains that, "Discourse is the counterpart of what linguists call language-systems or linguistic codes. Discourse is language-event or linguistic usage."⁸ By way of the context of discourse, we begin to understand the nature of language, but not necessarily its ontology.

To gain an understanding of the ontology of language, we shall work *backwards* in terms of the chronology of statements and explanations Ricoeur gives in the essay. He says, "Whereas language is only the condition for communication for which it provides the codes, it is in discourse that all messages are exchanged."⁹ Based on Ricoeur's choice of verbs, we can perceive by his use of "is" that he describes the ontology of language; it is not an action verb but rather a being verb. He says language *is* a condition for communication; language is the means by which man engages in discourse with the other.

Having established a preliminary understanding of the ontology of language, we still need to understand what constitutes language so that we can competently discuss the relation between language and discourse and further uncover the dialectic as it relates to human action. According to Ricoeur, "Whereas the signs in language only refer to other signs within the

⁵ HEIDEGGER, MARTIN, *Being and Time*. Originally published as *Sein und Zeit*. Translated by John Macquarrie and Edward Robinson. Harper One. New York, NY. 1962.

⁶ P. RICOEUR, *Hermeneutics & the Human Sciences*. pp. 197-221.

⁷ *Ibid.*, p. 197.

⁸ *Ibid.*, p. 198.

⁹ *Ibid.*, p. 198.

same system, and whereas language therefore lacks a world just as it lacks temporality and subjectivity, discourse is always about something.”¹⁰ In order to better understand the nature of discourse, let us now go to Ricoeur’s essay “Structure, word, event.”

Ricoeur says, “Whereas the signs in language only refer to other signs within the same system, and whereas language therefore lacks a world just as it lacks temporality and subjectivity, discourse is always about something.”¹¹ Language as a system or means of communication has no context of its own but is used in the context of man’s world – in time and with reference to a place – giving rise to the phenomenological dimension to language. That is to say, language is experienced; it is only as discourse, man’s uttering of the word, that language is actualized as a phenomenological event. “Discourse is always realised temporally and in the present, whereas the language system is virtually and outside of time.”¹² In other words, it is in discourse that man gives breath to language and so achieves the conditions for an authentic phenomenological dimension.

1.1 *Word, Sign and Language*

In order to expand on the explanation of the relationship between sign and language, let us consider the last quote where Ricoeur juxtaposes the two against discourse a bit more; he is saying that the sign is a part of language that is wholly abstract outside of the concrete experience of discourse. Indeed, Ricoeur implies that the sign is transparent and perhaps without substance as long as it remains within the confines of language. It is here that we will introduce the concept of the *word* as it provides a more accessible illustration of the sign. In his essay “Structure, Word, Event” Ricoeur writes:

In the dictionary, there is only the endless round of terms, which are defined circularly and revolve in the closure of the lexicon. But then someone speaks and someone says something. The word leaves the dictionary; it becomes word at the moment when man becomes speech, when speech becomes discourse and discourse a sentence.¹³

¹⁰ *Ibid.*, p. 198.

¹¹ *Ibid.*, 198.

¹² P. RICOEUR, “The model of text: meaningful action considered as text.” *Hermeneutics & the Human Sciences*. p. 198.

¹³ P. RICOEUR, “Structure, Word, Event.” *The Conflict of Interpretations, Essays in Hermeneutics*. p. 93.

Signs or terms are parts of the language system that, outside of being uttered as a word, have neither meaning to man nor a place in his world.

To better understand the concept of *word* for the purposes of this study, we will turn briefly to the explanation proposed by Martin Heidegger in *Being and Time*. He mentions the metaphysics of *λόγος* and segues into a more discursive approach to the phenomenon or experiential characteristic of discourse:

Λόγος as “discourse” means rather the same as *δηλον*: to make manifest what one is “talking about” in one’s discourse... The *λόγος* lets something be seen (*φαινεσθαι*), namely, what the discourse is about; and it does so *for* the one who is doing the talking (the *medium*) or for persons who are talking with one another, as the case may be. Discourse “lets something be seen” *απο*...: that is, it lets us see something from the very thing which the discourse is about. In discourse (*αποφανσις*), so far as it is genuine, *what* is said [*was geredet ist*] is drawn *from* what the talk is about, so that discursive communication, in what it says [*in ihrem Gesagten*], makes manifest what it is talking about, and thus makes this accessible to the other party.¹⁴

According to Heidegger, word or *λόγος*, is effectively the phenomenological realization of a metaphysical potentiality. The word makes apparent the discursive intentionality of man.

But we need to return to Ricoeur’s text. The author describes the use of language as a moment when the sign transcends the mere system that is language. He explains, “The moment when the turning from the ideality of meaning to the reality of things is produced is the moment of transcendence of the sign.”¹⁵ That moment is an event and within the event subsists the word. The sign that is uttered is the word bringing forth all the significance of which the sign is teeming. The word emits the discursive intentionality of the speaker so that he may relate to the other.

Returning to Ricoeur’s example of the dictionary, the word becomes such in the moment man chooses a sign (from this proverbial dictionary) and utters it to convey a message to the other. The word is “the intersection of language and speech” and “words are signs in speech position”¹⁶; that is to say, words are the uttered signs strung together in such a way that the structure of the order also conveys a meaning – the sentence. Therefore,

¹⁴ M. HEIDEGGER, *Being and Time*. p. 56.

¹⁵ P. RICOEUR, “Structure, Word, Event.” *The Conflict of Interpretations, Essays in Hermeneutics*. p. 93.

¹⁶ *Ibid.*, p. 92.

word has a semantic value in terms of the meaning of each sign and structural value in terms of how it is placed among other words to convey a particular meaning.¹⁷

For Ricoeur, indicators are the personal pronouns and deictic signs (within the language system) that man uses in discourse to distinguish himself as the subject,¹⁸ the speaker, and thus gives indication to that of which he speaks. The indicators provide the direction of the intentionality of man's speech. Ricoeur explains that the indicator starts with the subject since he identifies the "I" as the "first and foremost among the indicators" because "it indicates the one who designates himself or herself in every utterance containing the word 'I'."¹⁹ The signs that follow "I" in the hierarchy of indicators (as they are intrinsically related to the subject as speaker) are the deictic terms such as "this," "that," "here," and "there" since they point to the elements or entities that comprise the world of the subject.²⁰

As the first and foremost of indicators, the *I* remains sufficiently ensconced at the top of the hierarchy because it is the one indicator that may not be substituted by any other indicator or sign without changing the meaning or intentionality of the discourse. The *I* is irreplaceable. Ricoeur explains,

There is no equivalence from a referential point of view between "I am happy" and "the person who designates himself in speaking is happy." The failure to pass the test of substitution is decisive here; it confirms the fact that the expression does not belong to the order of entities capable of being identified by the path of reference.²¹

Given that discourse is always about something, and constitutes a human action, i.e. since man's speech is discourse within discourse, there is always

¹⁷ "Thus the word is, as it were, a trader between the system and the act, between the structure and the event. On the one hand, it relates to structure, as a differential value, but it is then only a semantic potentiality; on the other hand, it relates to the act and to the event in the fact that its semantic actuality is contemporaneous with the ephemeral actuality of the utterance" (*Ibid.*, p. 92).

¹⁸ P. RICOEUR, "The model of text: meaningful action considered as text." *Hermeneutics & the Human Sciences*. p. 198.

¹⁹ P. RICOEUR, "Second Study: Utterance and the Speaking Subject, A Pragmatic Approach." *Oneself as Another*. p. 45.

²⁰ "The other indexes – that is, the deictic terms ('this,' 'here,' 'now') are grouped around the subject of the utterer" (*Ibid.*, p. 45).

²¹ *Ibid.*, p. 46.

an *I* even if it is never explicitly spoken as in the case of a command. Whether or not the speaker utters the word *I*, the intentionality of his discourse is always coming from the source of the *I*. If the discourse is, for whatever reason, shifted so that someone else is speaking, then the intentionality of the discourse shifts as well.

The fact that the indicator *I* cannot be shifted to another subject without fundamentally changing the discourse is the very reason that Ricoeur calls the *I* strange as it relates to the other. The *I* will always be particular unto itself in such a way that there is no substitution. Ricoeur writes:

By becoming the pivotal point of the system of indicators, the *I* is revealed in all its strangeness in relation to every entity capable of being placed in a class, characterized, or described. *I* so little designates the referent of an identifying reference that what appears to be its definition – namely, “any person who, in speaking, designates himself or herself” – cannot be substituted for the occurrences of the word *I*.²²

Indicators, therefore, may be defined as individualizing operators or an articulation of the intention to designate, categorize and individualize.²³ This ultimately enables the speaker to distinguish himself as the subject of the world in which he relates with the other. Let us note here that this is complementary to Levinas’ assertion of the absolute alterity of the *I* from the other.

1.2 Reference and the Language System

Moving from signs, words and indicators to the idea of reference as it pertains to the ontology of language, Ricoeur relates reference to the opacity that utterance brings to language by means of reflexivity. He states, “... the reflexivity characteristic of the fact of utterance resembles an inverted reference, a retroreference, to the extent that the referral is made to the *factuality* that makes the statement opaque.”²⁴ In other words, the fact

²² *Ibid.*, p. 45.

²³ “To designate one and only one individual is the individualizing intention. The privilege accorded the human individual in our choice of examples – the first man who..., Socrates, I, you, and so forth – comes from the fact that we are especially interested in individualizing the agents of discourse and of action” (P. RICOEUR, “First Study: ‘Person’ and Identifying Reference, A Semantic Approach.” *Oneself as Another*. p. 28).

²⁴ P. RICOEUR, “Second Study: Utterance and the Speaking Subject, A Pragmatic Approach.” *Oneself as Another*. p. 47.

that the uttered word reflects the facts of the world in which the speaker engages in discourse, is the very reality of reference. Reference would not exist without the thing to which the speaker was referring, the thing upon which language is reflected (or even represents). Reference and indicator are not one in the same because the speaker can refer to this or that which would require the use of indicators, but reference provides a specificity that, going beyond an indication of a mere relation with his subjectivity and place in the world in which he speaks, identifies the thing to which the speaker points in his use of language. More to the point, reference is an uttered reflection of the situation in which the interlocutors find themselves.²⁵ The reference can be as small as a term or indicator and as great as an identifying or specifying sentence.

Language, as it is actualized in discourse, gains a phenomenological dimension, or an experiential realization; this is because discourse is a human action and may, therefore, be given the characteristic within the phenomenological expression of the metaphysical reality as an event.²⁶ In other words, while language in and of itself, as a system of signs and indicators, does not have a context, it gains meaning within the context of an experience as a person employs the system to convey a message (conveying the message is an event *in se*). There are three arguments supporting this assertion: 1. discourse is language realized in time and always in reference to something; 2. the utterance is an event insofar as it is doing, it is an action; and 3. utterance is interlocution, an exchange of messages between the I and the other, the first and second persons.

1.3 *Discourse in the World*

The sentence that man utters is the actualization of language; that actualization brings language into the world thereby giving context to indicators and signs that otherwise have none. The sentence is the foundation of discourse,²⁷ which in turn is an event as it is realized in

²⁵ "... the reflection of the act of utterance in the sense of the statement is an integral part of the reference of most of the statements of everyday life in the ordinary situation of interlocution" (*Ibid.*, p. 42).

²⁶ "For discourse as an *act* as its mode of presence – the instance of discourse (Benveniste), which, as such, is of the nature of an event. To speak is a present event, a transitory, vanishing act" (P. RICOEUR, "Structure, Word, Event." *The Conflict of Interpretation, Essays in Hermeneutics*. p. 86).

²⁷ "The sentence is the basic unit of discourse" (P. RICOEUR. "The model of text: meaningful action considered as text." *Hermeneutics & the Human Sciences*. p. 198).

reference to a time and place. That time and place is the world of man's experiences, which is to say it is where he actualizes language in discourse.

According to Ricoeur, "The linguistics of the sentence underlies the dialectic of event and meaning..."²⁸ Moreover, he also considers that "the signs of language refer only to other signs in the interior of the same system so that language has no more a world than it has a time and a subject, whereas discourse is always about something."²⁹ Actualizing language in the utterance is effectively in itself an event insofar as it brings concrete meaning to the signs that, as a part of the system of communication that is language, otherwise remain abstract.

Instead of using the terms concrete and abstract, Ricoeur uses opaque, absent and present to explain the actualization of language in discourse. He argues, "There are circumstances in which the sign does not succeed in making itself absent as a thing; by becoming opaque, it attests once more to the fact of being a thing and reveals its eminently paradoxical structure of an entity at once present and absent."³⁰

The sign derives its meaning from the utterance as it is present in the thing to which it refers. It also refers to the subject that uttered it into presence in terms of having relativity to the he who utters.

1.4 *Saying is Doing*

Discourse is an event to the extent that the utterance is an action – in *saying* man is *doing*, he is acting. "If saying is doing, it is indeed in terms of acts that we must speak of saying."³¹ In this way language is tied to action and event; "language is included on the very plane of action."³² To be clear, language in and of itself is not action, but it is the utterance, the use of reference, the saying of the sign that brings it into man's world and gives meaning to that which would otherwise have no meaning without a world of its own. It is in the action of uttering that language may be considered in terms of action.

²⁸ P. RICOEUR, "The hermeneutical function of distancing." *Hermeneutics & the Human Sciences*. p. 133.

²⁹ *Ibid.*, p. 133.

³⁰ P. RICOEUR, "Second Study: Utterance and the Speaking Subject, A Pragmatic Approach." *Oneself as Another*. p. 41.

³¹ *Ibid.*, p. 43.

³² *Ibid.*, p. 43.

In the essay “The model of the text: meaningful action considered as text” found in *Hermeneutics & the Human Sciences*³³, Ricoeur refers to the act of speaking as having three distinct levels within a hierarchy of subordinate acts: the locutionary or propositional act, the illocutionary act or force and the perlocutionary act. Referring to the philosophy of the speech act as developed by J.L. Austin and John Searle, Ricoeur describes the locutionary act as the “act of saying,” the illocutionary force as “that which we do *in* saying,” and the perlocutionary act as “that which we do *by* saying.”³⁴ The point may be better illustrated here when considering Ricoeur’s assertion, “*it is not statements that refer to something but the speakers themselves who refer in this way.*”³⁵ The utterance, therefore, has two qualities: the saying *qua* saying, and then the implication of what the speaker is doing in so saying. The act of saying is the speaker acting in time as he refers to something by using the signs and indicators of language to convey his message that ultimately is a reference to his world – or better, the world of the interlocutors. The “force” of the saying is the very act that is event – the event is being done in the saying, uttering or referencing.³⁶

1.5 Utterance Equals Interlocution

Utterance is event insofar as it “equals interlocution,”³⁷ an exchange of messages between the *I* and the *other*, the exchange in and of itself is an event.³⁸ “Facing the *speaker* in the first person is a *listener* in the second person to whom the former addresses himself or herself – this fact belongs

³³ P. RICOEUR. “The model of the text: meaningful action considered as text.” *Hermeneutics & the Human Sciences*. pp. 197-221.

³⁴ “The act of speaking, according to [Austin and Searle], is constituted by a hierarchy of subordinate acts which are distributed on three levels: (1) the level of the locutionary or propositional act, the act of saying; (2) the level of the illocutionary act or force, that which we do *in* saying; and (3) the level of the perlocutionary act, that which we do *by* saying.” (*Ibid.*, p. 199).

³⁵ P. RICOEUR, “Second Study: Utterance and the Speaking Subject, A Pragmatic Approach.” *Oneself as Another*. p. 43.

³⁶ “The notion of illocutionary force thus allows us to generalize beyond performatives, properly speaking, the implication of doing in saying” (*Ibid.*, p. 43).

³⁷ *Ibid.*, p. 44.

³⁸ “Whereas language is only the condition for communication for which it provides the codes, it is in discourse that all messages are exchanged” (P. RICOEUR, “The model of the text: meaningful action considered as text.” *Hermeneutics & the Human Sciences*. p. 198).

to the situation of interlocution.”³⁹ Ricoeur concludes this statement by saying, “So, there is not illocution without allocution and, by implication, without someone to whom the message is addressed.”⁴⁰ As man utters, what he utters is about something and inherently refers to him as the speaker⁴¹ and is addressed to someone, the listener. It is in this utterance, systematically stringing together signs and indicators in a sentence, and referring to oneself by using language that discourse actualizes language and gives it the phenomenological dimensions constituting an event.

Utterance has what Ricoeur calls a self-referential quality. As soon as man strings together the signs or indicators to give meaning, to convey a message, he has used a language that intrinsically “has no subject insofar as the question ‘who speaks?’”⁴² but is automatically self-referential in the indicators and pronouns he uses. With indicators and pronouns, there are two sides of the self-referential quality, that of the *I* of the speaker, and the *you* to whom the speaker addresses his utterance. “The utterance that is reflected in the sense of the statement is therefore straightaway a bipolar phenomenon: it implies simultaneously an ‘I’ that speaks and a ‘you’ to whom the former addresses itself. ‘I affirm that’ equals ‘I declare to you that’; ‘I promise that’ equals ‘I promise you that’.”⁴³ This bipolar phenomenon is self-referential insofar as it evidences the *I* referring to himself in addressing the *other*; it identifies the other as the reason for which the *I* utters anything at all. Without the second person, the first person would not need to refer to anything as it relates to himself; there would be no relation. Since this is a crucial part of how man relates to the other, we will come back to this part of the phenomenon of language and discourse when we make the connection between language and discourse [and Levinas’s ethical demand].

In the act of uttering, man uses language to refer to something, putting himself as the subject and addressing the other as the you or the second

³⁹ P. RICOEUR, “Second Study: Utterance and the Speaking Subject, A Pragmatic Approach.” *Oneself as Another*. p. 43.

⁴⁰ *Ibid.*, p. 43.

⁴¹ “... discourse refers back to its speaker by means of a complex set of indicators, such as personal pronouns. We can say, in this sense, that the instance of discourse is self-referential” (P. RICOEUR, “The hermeneutical function of distanciation.” *Hermeneutics & the Human Sciences*. p. 133).

⁴² *Ibid.*, p. 133.

⁴³ P. RICOEUR, “Second Study: Utterance and the Speaking Subject, A Pragmatic Approach.” *Oneself as Another*. p. 43.

person. In doing this, in his action of uttering and in the event of discourse, what he says always refers to something. Ricoeur writes, “Discourse cannot fail to be about something,”⁴⁴ or more positively stated, “... discourse is always about something.”⁴⁵ There is no discourse that is meaningless or that is without reference because as soon as man utters something, he is using language to reference something as it relates to him.

Since discourse or the utterance is ever self-referential and always about something addressed to an-*other*, its exchange of messages (between the *I* and the *other*) is the basis for interlocution. Ricoeur points out that “In spoken discourse... what the dialogue ultimately refers to is the *situation* common to the interlocutors.”⁴⁶ That is to say that “discourse not only has a world, but it has an other, another person, an interlocutor to whom it is addressed.”⁴⁷ Discourse, therefore, is an event of interlocution; it is self-referential and intentional while identifying and reflecting the world in which it takes place.

In understanding the phenomenology of discourse as event as was just described, another quality to this phenomenological experience becomes apparent, that of intentionality. Because utterance is a dialectic between the first and second persons since it is an exchange of messages between the two persons, it is ever changing. Ricoeur says that the exchange of messages is an exchange of intentionalities between the interlocutors.⁴⁸

Returning to the assertion that discourse is always about something, and that language, when uttered, refers to a particularity in man’s world as it relates to him, we contend that discourse always has meaning. That meaning has intentionality or rather it is always directed at something and addressed to someone. Therefore, discourse is the utterance or articulation of man’s intentionality as it relates to the other. Language in and of itself has no phenomenological dimension, but in uttering, the indicators are

⁴⁴ P. RICOEUR, “The model of text: meaningful action considered as text.” *Hermeneutics & the Human Sciences*. p. 201.

⁴⁵ *Ibid.*, p. 198.

⁴⁶ *Ibid.*, p. 201.

⁴⁷ P. RICOEUR, “The hermeneutical function of distancing.” *Hermeneutics & the Human Sciences*. p. 133.

⁴⁸ “Interlocution... is revealed to be an exchange of intentionalities, reciprocally aiming at one another. This circularity of intentions demands that the reflexivity of utterance and the otherness implied in the dialogic structure of the intentional exchange be placed on the same level” (P. RICOEUR, “Second Study: Utterance and the Speaking Subject, A Pragmatic Approach.” *Oneself as Another*. p 43).

realized as they identify man and his world, and language is actualized. In this way, language gains a phenomenological dimension as discourse and event and is directed at something and addressed to someone; it has intentionality but is only actualized in discourse and realized in event.

1.6 *An Analogy, the Face and Language*

In order to establish or recognize a commonality between the philosophies of Ricoeur and Levinas, we will look at an analogy between Levinas' philosophy of the face and Ricoeur's philosophy as it relates to language, both with respect to the human interpersonal encounters and ensuing relation. By identifying this subtle analogy, we will set a foundation for examining ethics from the relational side of humanity (the face) and the action of humanity (discourse). Both the face and discourse afford us the opportunity to examine the nature of man's relation to the other – the relation between the *I* and the *other*, the invitation and openness to discourse and ultimately the call to responsibility.

Instead of referring to language as a system of communication, as Ricoeur does, for Levinas it is clear that,

Language does not exteriorize a representation preexisting in me; it puts in common a world hitherto mine. Language *effectuates* the entry of things into a new ether in which they receive a name and become concepts. It is a first action over and above labor, an action without action, even though speech involves the effort of labor, even though, as incarnate thought, it inserts us into the world, with the risks and hazards of all action.⁴⁹

Here Levinas refers to language itself as an action that precipitates the labor of speech whereas Ricoeur calls language a system. It is apparent from this citation as well as the work referred to in Part One that Levinas perceives a certain momentum in language, a point from which the human person identifies himself to the *other*. Levinas goes on to say, "Language accomplishes a relation between terms that breaks up the unity of a genus... Language is perhaps to be defined as the very power to break the continuity of being or of history."⁵⁰ Considering Levinas' position on language and man, I have to wonder if there is a disjunction in vocabulary between the two philosophers: what Levinas calls language, would Ricoeur

⁴⁹E. LEVINAS, *Totality and Infinity*. Translated by Alphonso Lingis. Duquesne University Press, Pittsburgh, PA. 1969. p. 174.

⁵⁰*Ibid.*, 195.

call it discourse? But if this is the case, what would Levinas call Ricoeur's definition of language? Perhaps he would call it the face itself.

Referring to the conclusions drawn from Part I, we can say in an analogical manner that for Levinas, language is the face and the face is language. How does this relate to our earlier study about Ricoeur's philosophy of language and discourse? As the face is the manifestation of man's being, discourse appears as the actualization of language. In Levinas's philosophy, the face is what brings man's being into the phenomenological world. The face makes man present in this world or rather manifests his being in a way that he too achieves the phenomenological dimensions; the face manifests man in this world in such a way that he may relate to the other in an eventful and meaningful way. Analogously, language, like man's being, has to be actualized as discourse in order to be brought into the phenomenological world and experienced as an event. By way of analogy, the being of man is to the face as language is to discourse.

2. Text, Discourse Fixed by Writing

Let us now delve into Ricoeur's philosophy to understand in greater depth language as a means of human relation. We shall do so by referring to language in terms of text and discourse. For Ricoeur text is "any discourse fixed by writing,"⁵¹ but it cannot "be purely and simply identified with writing."⁵² Text cannot be strictly identified with writing because there is a dialectic that prohibits that narrow definition from being wholly true. Ricoeur identifies three dialectics that contribute to this prohibition: the dialectic of speaking and writing; the dialectic of distancing; the realization of discourse as a structured work.⁵³ The overarching dialectic is

⁵¹ P. RICOEUR, "What is a text? Explanation and Understanding." *Hermeneutics & the Human Sciences*. p. 145.

⁵² P. RICOEUR, "The hermeneutical function of distancing." *Hermeneutics & the Human Sciences*. p. 132.

⁵³ "Firstly, it is not writing as such which gives rise to the hermeneutical problem, but the dialectic of speaking and writing. Second, this dialectic is constructed upon a dialectic of distancing which is more primitive than the opposition of writing to speaking which is already part of oral discourse *qua* discourse; we must therefore search in discourse itself for the roots of all subsequent dialectics. Finally, between the realisation of language as discourse and the dialectic of speaking and writing, it seems necessary to insert the fundamental notion of the realisation of discourse as a structured work" (*Ibid.*, p. 132).

the relation between man and the intentionality of the discourse – how man uses discourse to achieve his goal in communicating with and relating to the *other*. (In terms of the dialectic, language is the means by which man transcends the sole being of himself to the being that is in relation, in community, with the other.)

Indeed, text is more than just discourse fixed by writing. As Ricoeur points out, “writing adds nothing to the phenomenon of speech other than the fixation which enables it to be conserved.”⁵⁴ Writing as such is much like language in that it has no meaning if it is not directed at something or addressed to someone. So in this way, writing is akin to discourse insofar as it is always about something. Writing takes the place of speech – the act of writing, while subsequent to speech, is on par with the act of uttering or saying.⁵⁵ While writing adds nothing to the phenomenon of speech, it is not without meaning. The act of writing demonstrates an intentionality of the author that may not necessarily be the same intentionality represented in the text that is produced by that act.

As a written form of discourse, the text indicates that the writing has meaning and is, in a phenomenological sense, a manifestation of man’s intentionality in using language. Text, like speech, has to be about something and addressed to someone because it is a discourse (that is fixed by writing). As Ricoeur writes, the “text is really a text only when it is not restricted to transcribing an anterior speech, when instead it inscribes directly in written letters what the discourse means.”⁵⁶ Therefore, text, like speech, has meaning. Given that text is discourse [fixed by writing], it too can never fail to be about something.

Text differs from speech inasmuch as, while it has meaning, it is about something, is addressed to someone and is self-referential, it does not have the benefit of interlocution. There is a speaker, the writer – the author of the speech or text – but there is no immediate hearer of the speaker’s word. Ricoeur says, “The reader is absent from the act of writing; the writer is absent from the act of reading.”⁵⁷ Because with text the listener is transformed into a reader, there is no opportunity for an exchange of ideas.

⁵⁴ P. RICOEUR, “What is a text? Explanation and Understanding.” *Hermeneutics & the Human Sciences*. p. 146.

⁵⁵ “What is fixed by writing is thus a discourse which could be said, of course, but which is written precisely because it is not said. Fixation by writing takes the very place of speech, occurring at the site where speech could have emerged” (*Ibid.*, p. 146).

⁵⁶ *Ibid.*, p. 146.

⁵⁷ *Ibid.*, p. 146.

Rather, text offers the intentionality of the writer alone, which may or may not be received as it was intended depending on the reader (including the reader's understanding and manner of interpretation – or hermeneutical approach). The writer inscribes in written letters what he means and that delineates the boundary for discourse between writer and reader, between the *I* and the *you*.

With text, there is no dialogue, no exchange of ideas.⁵⁸ Instead text then becomes the subject of the reader's interpretation. The *you* to whom the writer addresses the text has many opportunities to interpret the meaning or intention of the writer's discourse: "writing preserves discourse and makes it an archive available for individual and collective memory,"⁵⁹ so that, as compared to speech, it offers a broader opportunity to draw meaning and lasting significance from what the author intends to communicate with the other.

2.1 *Proximity and Paradox*

Not only are the writer and reader absent of each other, they are absent of their respective situations (or worlds); that is to say, the reader is absent from the situation in which the writer pens his words, and the writer is absent from the situation in which the reader "hears" him. Ricoeur calls that absence an upheaval when he states, "The emancipation of the text from the oral situation entails a veritable upheaval in the relations between language and the world, as well as in the relation between language and the various subjectivities concerned (that of the author and that of the reader)."⁶⁰ This upheaval constitutes the very necessity for interpretation of the word or actualized language as text. The author's intentionality in using language is not readily discernable to the reader as it may be in a face-to-face oral situation or confrontation.

Ricoeur argues that it is in the face-to-face encounter that discourse is fully meaningful, where the intentionality of both speakers (the *I* and the *you*) is made plain or in less need of interpretation by either party because they are indeed present to one another.⁶¹ That to which the speakers refer is

⁵⁸ "Dialogue is an exchange of questions and answers; there is no exchange of this sort between the writer and the reader," (*Ibid.*, p. 146).

⁵⁹ *Ibid.*, p. 147.

⁶⁰ *Ibid.*, p. 147.

⁶¹ "When the text takes the place of speech, something important occurs. In speech, the interlocutors are present not only to one another, but also to the situation, the

always the world in which they are actualizing language.⁶² To take one of the interlocutors out of the world in which the speaker actualizes language is to augment the context of discourse. The situation is the world, the very context of actualized language, of discourse. Therefore, it is in interpretation that the reader is able to reconstruct a context of the world in which the author actualizes language⁶³ and discerns a meaning.

The text, then, becomes the sole representation of the author, whereas in the situation of proper interlocution, the speaker represents himself but demonstrates his intentionality in the way that he actualizes language, which may not be limited to the use of words *per se*. According to Ricoeur, “This proximity of the speaking subject to his own speech is replaced by a complex relation of the author to the text, a relation which enables us to say that the author is instituted by the text, that he stands in the space of meaning traced and inscribed by writing.”⁶⁴ In the act of transcribing directly into written letters his intentionality, the author conserves his discourse⁶⁵ in the place where speech, instead, could have emerged; in that transcription the author gives a direct inscription of his intentionality and in fact, “is the very place where the author appears.”⁶⁶ It is in the text as written discourse that the first person relies solely on the text to convey, not just the meaning of what he intends to say, but the context or world of that actualized language which includes a rendering of the author himself.

Paradoxically, while the author of the text is present in the text, he is detached from that text. Ricoeur says that there are four specific traits that give a text its objectivity, and therefore a reason for interpretation:

1. the fixation of the meaning,
2. its dissociation from the mental intention of the author,

surroundings and the circumstantial milieu that discourse is fully meaningful; the return to reality is ultimately a return to this reality, which can be indicated ‘around’ the speakers, ‘around,’ if we may say so, the instance of discourse itself,” (*Ibid.*, p. 148).

⁶² “... in living speech, the *ideal* sense of what is said turns towards the *real* reference, towards that ‘about which’ we speak,” (*Ibid.*, p. 148).

⁶³ “... the text is not without reference; the task of reading, *qua* interpretation, will be precisely to fulfil the reference,” (*Ibid.*, p. 148).

⁶⁴ *Ibid.*, p. 149.

⁶⁵ “... writing as an institution is subsequent to speech, and seems merely to fix in linear script all the articulations which have already appeared orally,” “... writing adds nothing to the phenomenon of speech other than the fixation which enables it to be conserved,” (*Ibid.*, p. 146).

⁶⁶ *Ibid.*, p. 149.

3. the display of non-ostensive references, and
4. the universal range of its addressees.⁶⁷

In other words, the author is detached from his own discourse because as soon as he fixes his meaning in writing, the discourse ceases to have the spontaneity of dialogue (question and answer) and assumes the determined nature of a final word. Indeed, the writer cannot answer the questions of the reader or engage in a proper dialogical exchange.⁶⁸ If the author changes his mind about the discourse he has fixed by writing, he has to write a statement amending the previous text. But in and of itself, each text stands on its own; therefore, every text is treated as its own entirety. This, of course, increases the complexity of interpreting the meaning of a text if there is another text to consider when deciphering the meaning.

Having written the text within the confines of his own mental intentionality and world, references given within the text may, at times, remain obscure to the reader. In this way, the meaning that the author intended the reader to gain from his text may then be up for interpretation. As compared to the speech paradigm where the speakers cannot only make reference to themselves and the world around them through verbal cues, but they can also indicate their meaning through non-verbal gesticulation⁶⁹ there remains a void of specificity in the non-interlocution situation of the text. Both verbal cues and corporal gesticulation can convey meaning in such a way that leaves little room for interpretation by the second person. More specifically, within a face-to-face encounter, the *I* and the *other* can exchange messages conveying their intentionality more precisely and readily. When a question arises in a dialogical paradigm, the interlocutors are available to give clarifying answers that eliminate many possibilities for interpretation beyond the strict meaning of the speaker.

Furthermore, in fixing the discourse by writing, the author creates a series of second persons to whom he is “speaking,” to whom he is addressing his message and directing his intentionality. “Instead of being addressed just to you, the second person, what is written is addressed to the

⁶⁷ P. RICOEUR, “The model of the text: meaningful action considered as a text.” *Hermeneutics & the Human Action*. p. 210.

⁶⁸ “The writer does not respond to the reader,” (P. RICOEUR, “What is a text? Explanation and understanding.” *Hermeneutics & the Human Action*. p. 146).

⁶⁹ “At the limit, this real reference tends to merge with an ostensive designation where speech rejoins the gesture of pointing. Sense fades into reference and the latter into the act of showing,” (*Ibid.*, p. 148).

audience that it creates itself.”⁷⁰ This presents a difficulty for the author in terms of confining his meaning or isolating it to the context or world in which it was written. The problem is that in writing he is directing his intentionality in such a way that the *other* to whom he addresses himself, the many others, then “hear” him but not within the context in which he writes the discourse, rather, within the context in which they receive his message. The reader then has to decontextualize the text, gain an understanding of the references and recontextualize the discourse in his own situation or world in such a way that it makes sense and is relatable.⁷¹

The discourse that is fixed by writing acquires a more complex quality because it involves interlocutors who are not present to each other in space and time. For Ricoeur, “...it is one thing for discourse to be addressed to an interlocutor equally present to the discourse situation, and another to be addressed, as is the case in virtually every piece of writing, to whoever knows how to read.”⁷² In other words, when the author fixes his discourse by writing, he is opening up the possibility for anyone who can read to interpret his meaning. The text then becomes intended or addressed to him whom the writer may never have conceived would be actually reading the text.

The author is detached or removed from the text insofar as he remains within the time and context of the world in which he writes, while the text itself is a discourse, albeit fixed, it is conserved beyond the time and place in which it was fixed. As Ricoeur says, “writing renders the text autonomous with respect to the intention of the author. What the text signifies no longer coincides with what the author meant; henceforth, textual meaning and psychological meaning have different destinies.”⁷³ It is no longer a message strictly tied to the intentionality of the author, although it does conserve that author’s intentionality in written form. Instead, it is open to interpretation by applying the contexts to which any reader may bring to the text.

⁷⁰ P. RICOEUR, “The model of the text: meaningful action considered as text” *Hermeneutics & the Human Sciences*. p. 197.

⁷¹ “In short, the text must be able, from the sociological as well as the psychological point of view, to ‘decontextualise’ itself in such a way that it can be ‘recontextualised’ in a new situation – as accomplished, precisely, by the act of reading” (P. RICOEUR, “The hermeneutical function of distancing.” *Hermeneutics & the Human Sciences*. p. 139).

⁷² *Ibid.*, p. 202.

⁷³ *Ibid.*, p. 139.

The introduction of text as discourse fixed by writing created the very reason for interpretation [of meaning]. The removal of the speaker from the moment when the reader receives the message and the removal of the hearer from when the author writes his meaning create a disjunction of meaning. “If the objective meaning is something other than the subjective intention of the author, it may be construed in various ways.”⁷⁴ The meaning as intended by the author never changes, but rather it is what the reader receives and interprets as the author’s meaning that is at risk of differing from the original meaning. Because the author and reader are removed from each other’s paradigm of discourse, there remains a void in which the doubt of what the author intends may never be accurately filled by the reader.⁷⁵

The text, therefore, presents a breakout from that which the author intended that is perhaps unexpected. It presents an alternative way of looking at the world. Ricoeur explains it in terms of reference opening up the world. As he writes, “To understand a text is at the same time to light up our own situation. ... it would be better to say that the references *open up* the world.”⁷⁶ He contends that text is free from the “tutelage of the mental intention” and that freedom extends to the “limits of ostensive reference.”⁷⁷ With text, the reader then becomes exposed to references that may not otherwise exist in his world. Consequently, the world of the reader then opens up to the world of the author in the references that the author makes. But there is another component at work here: the reader is not only exposed to the references made by the author, but he is free to interpret those references based on his own world and references.

Ricoeur relates text to man’s world when he says, “Far from saying that the text is then without a world, I shall now say without paradox that only man *has a world* and not just a situation.” Breaking down the many assertions within this one statement: Ricoeur argues that man does indeed have a world and implies that the text is a rendition of that world inasmuch as he makes reference to his world in fixing his discourse by writing. In the act of writing his discourse, man is participating in his world, not merely in

⁷⁴ P. RICOEUR, “The model of text: meaningful action considered as text” *Hermeneutics & the Human Sciences*. p. 211.

⁷⁵ “The problem of the right understanding can no longer be solved by a simple return to the alleged intention of the author” (*Ibid.*, p. 211).

⁷⁶ *Ibid.*, p. 202.

⁷⁷ “In the same manner that the text frees its meaning from the tutelage of the mental intention, it frees its reference from the limits of ostensive reference” (*Ibid.*, p. 201).

a situation of “inscribing directly in written letters what the discourse means,”⁷⁸ but also in directing his intentionality and addressing a second person who is wholly anonymous to him. Man is, instead, conveying the world in which he experiences discourse by means of that inscription to the unseen second person to whom he addresses his meaning, to whom he directs his intentionality. The world that he conveys is a world of references.

It is for this reason that Ricoeur says, “For us, the world is the ensemble of references opened up by the texts.”⁷⁹ The references of the text remain multi-dimensional in interpretation, which renders various meanings possible (and many experiences of those same references). Because the text is not fixed in meaning but rather in discourse, the references may be experienced and interpreted according to how the reader receives it (or perceives it based on his interpretation), according to the reader’s own references to the world.

As a means of drawing Part One and Two together, I submit the following proposition: In his teachings on the ethical demand, Levinas’ philosophy of the face can be credibly coupled with Ricoeur’s philosophy of text as discourse insofar as in writing the text, the author presents himself to the other in discourse. By means of text, the author invites the other into relationship by revealing his world (and himself) through references and using indicators. But instead of being in dialogical relation with the other, *i.e.* question and answer, the author, in writing the text, leave a trace of himself that will forever (or as long as the text survives) represent the person he was at the time and place when and where the text was written. The text, therefore, will never grow with the author as a person. The text will never represent the author’s change in ideas from the time and place where he affixed his discourse by writing.

However, writing is always representative of the author’s person because it records or preserves his intention. According to Ricoeur, “...writing is discourse as intention-to-say and that writing is a direct inscription of this intention, even if, historically and psychologically, writing began with the

⁷⁸ P. RICOEUR, “What is a text? Explanation and Understanding,” *Hermeneutics & the Human Sciences*. p. 146.

⁷⁹ P. RICOEUR, “The model of the text: meaningful action considered as a text,” *Hermeneutics & the Human Sciences*. p. 202.

graphic transcription of the signs of speech.”⁸⁰ The inscription of man’s intentionality in his intention-to-say is a lasting record of his person at that time and place in which he is writing. Writing represents a footprint of sorts, a trace, of the person who fixes their discourse as text. Every piece of text written by a single person represents the person who they were and their world of references at the particular time and place; the text, therefore, is an event. That text does not change with man as he lives, experiences his world and grows in knowledge and wisdom. Nevertheless, the author has invited the other to discourse with the person that he is in the moment in which he writes the text. In this way the face of man leaves a trace of himself. It is always open to relation and invites the other to discourse.

2.2 An analogy, the Face and Text

In order to further link the philosophies of Levinas and Ricoeur, we will propose an analogy between Levinas’ philosophy of the face and Ricoeur’s philosophy of text [insofar as it is actualized language]. With this in mind, let us refer to the definition that Ricoeur uses for the word *character*. In *Oneself as Another*, more precisely in the fifth essay entitled “Personal Identity and Narrative Identity,”⁸¹ Ricoeur writes:

Character, I would say today, designates the set of lasting dispositions by which a person is recognized. In this way character is able to constitute the limit point where the problematic of *ipse* becomes indiscernible from that of *idem*, and where one is inclined not to distinguish them from one another.⁸²

While the definition touches on the problematics of *ipse* (self) and *idem* (same) as it relates to man’s identity, the questions of “Who am I?” (*ipse*) and “What am I?” (*idem*), speak to the very identity of man as the self and as the person who participates and relates with others in community. Drawing upon Ricoeur’s definition of character, we can understand text, too, as a lasting disposition of man’s person.

The overarching point here is that the act of writing is the very presentation of the face in a particular place and time (constituting an event). In the manifestation of man’s being in the face, he invites the other

⁸⁰ P. RICOEUR, “What is a text? Explanation and Understanding,” *Hermeneutics & the Human Sciences*. p. 147.

⁸¹ P. RICOEUR, “Fifth Study: Personal Identity and Narrative Identity,” *Oneself as Another*. pp. 113-139.

⁸² *Ibid.*, p. 121.

to discourse and thus into relation. While the other, manifested in his own face does not have to accept the invitation to relation, he does engage in discourse, even to say he does not want to be in relation. Likewise writing is the intentionality of man being preserved as text which perpetually (or as long as the text exists) invites the other (whoever can read) to share in the references of his world – he invites the other into a discourse that is not dialogical⁸³ but rather situational in an intention-to-say⁸⁴, thereby preserving the meaning of the discourse.

3. Human Action and the *I*

3.1 Ricoeur on Time

Ricoeur's criticism of the Augustinian theory of time includes the skeptical observation that time does not have being "since the future is not yet, the past is no longer, and the present does not remain."⁸⁵ In the next line, however, he admits that time does indeed participate in being insofar as man uses the verb *to be* when making reference to time. "We say that things to come *will be*, that things past *were*, and that things present *are passing away*."⁸⁶ In language, man manifests his conception of time thus giving it being, albeit perhaps only as something that is perceived by the mind that were it not for his perception may not exist.

Ricoeur appreciates the role language plays in realizing the passage of time as it is through the articulation of anticipating (future) or bidding farewell (past) that man manifests his perception of that passage of time. He says, "It is remarkable that it is language usage that provisionally provides the resistance to the thesis of nonbeing. We speak of time and we speak meaningfully about it, and this shores up an assertion about the being of time."⁸⁷ In language, therefore, we have the most compelling testament

⁸³ "The writing-reading relation is thus not a particular case of speaking-answering relation. It is not a relation of interlocution, not an instance of dialogue," and "Dialogue is an exchange of questions and answer; there is no exchange of this sort between the writer and the reader. The writer does not respond to the reader," (P. RICOEUR, "What is a text? Explanation and Understanding," *Hermeneutics & the Human Sciences*. p. 146).

⁸⁴ "... writing is discourse as intention-to-say and that writing is a direct inscription of this intention," (*Ibid.*, p. 147).

⁸⁵ P. RICOEUR, *Time and Narrative*. p. 7.

⁸⁶ *Ibid.*, p. 7.

⁸⁷ *Ibid.*, p. 7.

to the being of time, and without language we are at a loss for providing evidence to the being of time.

The idea that Ricoeur is tackling in these passages is the realization that man cannot speak of something that is completely devoid of being. For example, while a unicorn does not exist in the phenomenological world in which man himself is manifest, the fact that he can conceive of a horse-like creature with a single horn on its forehead indicates that a unicorn has being insofar as man has imagined it. In his imagination, the unicorn exists and man is therefore able to speak of it allowing language to make it manifest even if only as an idea of a phenomenological experience. To take this argument a step further, according to Augustine's meditation on time, eternity and God, nothing exists outside of God's word and his preceding will. Therefore, even the unicorn exists within the will of God. Does it mean, according to this reasoning, that time does indeed participate in being on some level; that it exists according to the will of God?

Ricoeur astutely acknowledges the paradox between the existential uncertainty of time having being and the relative linguistic certainty of time indeed having being when he asks, "How can time exist if the past is no longer, if the future is not yet, and if the present is not always?"⁸⁸ This question reflects that existential uncertainty. Man cannot prove, philosophically speaking (or even scientifically/empirically for that matter), the existence of time, the being that is time or the participatory quality that lends time being. Time, as Augustine and Ricoeur observe, does not exist in such a way that it can be observed on its own, without being posited against the movement of the world or the perceived movement (referring to the mind). Ricoeur, therefore, asks "How can we measure that which does not exist? The paradox of measurement is a direct result of the paradox of the being and nonbeing of time. Here again language is a relatively sure guide."⁸⁹ Ricoeur returns to Augustine to highlight how language is used to measure time, describing something as having taken a long time or a short time. The use of language, the indicators of proximity, manifests a perception of the passage of time. But, to the point of the skeptical argument, what is time beyond that perception? (Or does it even matter?)

To complicate the linguistic proposition of time, Ricoeur turns to the fragile and fleeting concept of the present as it relates to the past and future. He goes back to Augustine's question:

⁸⁸ *Ibid.*, p. 7.

⁸⁹ *Ibid.*, p. 8.

If future and past times exist, I wish to know where they are. But if I am not yet able to do this, I still know that wherever they are, they are there neither as future nor as past, but as present. For if they are in that place as future things, they are not yet there, and if they are in that place as past things, they are no longer there. Therefore, wherever they are, and whatever they are, they do not exist except as present things.⁹⁰

Of this, Ricoeur explains that we are witnessing the argumentation for a present that is forever in duration:

It is thanks to a present expectation that future things are present to us as things to come. We have a “pre-perception” (*praesensio*) of this which enables us to “fore-tell” them (*praenuntio*). Expectation is thus the analogue to memory. It consists of an image that already exists, in the sense that it precedes the event that does not yet exist (*nondum*).⁹¹

But it is in the present expectation of the future that man may perceive the past recognizing what is no more, anticipating what is yet to come and living in the moment in which he finds himself. Therefore, it may be fair to say that time is more than the linguistic evidence of the sequential unfolding of events as man experiences them. Rather, time is the culmination of linguistic expression, the perception of events that have come to pass and those anticipated as well as the ability to reflect on how it relates to and affects man as he experiences his world. The structure of linguistics and the ability to recall past events and anticipate those to come provide a basis for Ricoeur’s consideration of the merits of the narrative as it relates to time (and man).

3.2 *Narrative, Mimesis and Event*

Narrative is anterior to time insofar as it is only in the narrative that time is realized in the unfolding of the sequence of events. But before delving into the relationship between narrative and time, let us give a brief and broad description of narrative that includes a structural explanation related to language and not as tightly linked to time as such: narrative is the structured recording (text) or retelling (speech) of the human story based on

⁹⁰ “*Si enim sunt futura et praeterita, volo scire ubi sint. Quod si nondum valeo, scio tamen, ubicumque sunt, non ibi ea futura esse aut praeterita, sed praesentia. nam si et ibi futura sunt, nondum ibi sunt, si et ibi praeterita sunt, iam non ibi sunt. ubicumque ergo sunt, quaecumque sunt, non sunt nisi praesentia*” (ST. AUGUSTINE, *The Confessions*. Book XI, 18:23).

⁹¹ P. RICOEUR, *Time and Narrative*. p. 11.

human action. The narrative represents human action and man's ability to articulate (recite, retell or write) the story thus actualizing language to bring forth a world that is not necessarily represented in the present time and space in which the narrative is conveyed.

Ricoeur uses the Greek philosophical term *mimesis* to explore the relationship between time and narrative. *Mimesis* comes from the Greek word *mimos*, which means actor or imitator. In philosophical terms it takes on the meaning of imitation, representation and mimicry among others. But instead of using *mimesis* according to traditional use, Ricoeur uses it to demonstrate the configuration of the structure of time and narrative, or rather the mediation between the two saying, "I am taking as my guideline for exploring the mediation between time and narrative the articulation ... between the three moments of *mimesis* that, seriously and playfully, I name *mimesis*₁, *mimesis*₂, and *mimesis*₃."⁹² He then explains:

... my thesis is that the very meaning of configuring operation constitutive of emplotment is a result of its intermediary position between the two operations I am calling *mimesis*₁ and *mimesis*₃, which constitutes the two sides [*l'amont et l'aval*] of *mimesis*. By saying this, I propose to show that *mimesis*₂ draws its intelligibility from its faculty of mediation, which is to conduct us from the one side of the text to the other, transfiguring the one side into the other through its power of configuration.⁹³

It is by means of the three *mimeses* that Ricoeur explores the intricacies of the narrative while at the same time explaining the nuances of the relationship between time and narrative.

According to what Ricoeur designates as *mimesis*₁, the narrative is structured, symbolic and temporal.⁹⁴ For the sake of clarity, Ricoeur understands *symbolic* as referring to man's ability to understand the references from the narrative in such a way that he can deconstruct it from the strict context or world of the narrative, and reconstruct it within the context of the references of his own world.⁹⁵ In this way, the narrative becomes a *symbol*⁹⁶ and is not merely a story.

⁹² *Ibid.*, pp. 52-53.

⁹³ *Ibid.*, p. 53.

⁹⁴ "Whatever the innovative force of poetic composition within the field of our temporal experience may be, the composition of the plot is grounded in a preunderstanding of the world of action, its meaningful structures, its symbolic resources, and its temporal character" (*Ibid.*, p. 54).

⁹⁵ "In passing from the paradigmatic order of action to the syntagmatic order of narrative, the terms of the semantics of action acquire integration and actuality.

The second mimesis is bound to the plot – the mediation of events, the synthesis and understanding of intentionality and the configuration of the plot in such a way that there is a beginning, middle and end. This moves Ricoeur to use the term *emplotment* over *plot*.⁹⁷ In using *emplotment* over *plot* he distinguishes the operation of the plot or rather its mediation. He identifies three ways in which plot is mediating between time and the narrative:

1. it is a meditation between the individual events or incidents and a story taken as a whole;
2. it brings together factors as heterogeneous as agents, goals, means, interactions, circumstances, unexpected results; and
3. it has a temporal characteristic which allows us to call plot, by means of generalization, a synthesis of the heterogeneous.⁹⁸

These functions are imperative to the configuration of the whole. Indeed, Ricoeur says, “This configurational act consists of ‘grasping together’ the detailed actions or what I have called the story’s incidents. It draws from this manifold of events the unity of one temporal whole.”⁹⁹ In other words, the functions of the second mimesis is instrumental in understanding the sequence of events as a key element in gathering meaning from the narrative.

Ricoeur uses the terms preunderstanding and postunderstanding to explain the way in which the *emplotment* brings the various elements of the

Actuality, because the terms, which had only a virtual signification in the paradigmatic order, that is, a pure capacity to be used, receive an actual [*effective*] signification thanks to the sequential interconnections the plot confers on the agents, their deeds, and their sufferings. Integration, because terms as heterogeneous as agents, motives, and circumstances are rendered compatible and work together in actual temporal wholes. It is in this sense that the twofold relation between rules of emplotment and action-terms constitutes both a relation of presupposition and one of transformation” (*Ibid.*, p. 57).

⁹⁶ “The term ‘symbol’ further introduces the idea of a rule, not only in the sense we have just spoken about rules for description and interpretation of individual actions, but in the sense of a norm” (*Ibid.*, p. 58).

⁹⁷ “By placing mimesis₂ between an earlier and a later stage of mimesis in general, I am seeking not just to locate and frame it. I want to understand better its mediating function between what precedes fiction and what follows it. Mimesis₂ has an intermediary position because it has a mediating function. This mediating function derives from the dynamic character to that of plot and ordering to that of system” (*Ibid.*, p. 65).

⁹⁸ *Ibid.*, p. 65.

⁹⁹ *Ibid.*, p. 66.

narrative together in a manner properly intelligible to whomever is able to read or to whomever happens to hear the recitation of the narrative:

The dynamism lies in the fact that a plot already exercises, within its own textual field, an integrating and, in this sense, a mediating function, which allows it to bring about, beyond this field, a mediation of a larger amplitude between the preunderstanding and, if I may dare to put it this way, the postunderstanding of the order of action and its temporal features.¹⁰⁰

This is important because it recreates, in a textual paradigm, the references and signs found in the world of the author so that the reader or hearer of the narrative may relate to, understand and subsequently interpret the intentionality (and the meaning) of the author. Therefore, it is the function of the narrative to allow the intentionality of the author to traverse time and space by way of the text to the world of the reader (or hearer) allowing the reader to understand and interpret the references and signs of the text based on the signs and references in his own world.

The configurative function of the mimesis₂ and the way that it promotes the deconstruction of the textual elements gives way to a similarity between it and mimesis₃.¹⁰¹ It is the historical and traditional characteristics of the narrative that convey time and significance in such a way that mimesis₂ allows the narrative to remain relevant in the world of the reader.¹⁰² The scheme of mimeses that Ricoeur presents is what I imagine it to be triangular because the third mimesis connects to mimesis₁ as it does mimesis₂. It recalls the first mimesis in terms of it applying the elements in a practical way whereby the reader or hearer of the narrative relates to it

¹⁰⁰ *Ibid.*, p. 65.

¹⁰¹ “Two complementary features that assure the continuity of the process that joins mimesis₃ to mimesis₂ remain to be added to our analysis of the configurational act. More visibly than the preceding ones, these two features require the support of reading if they are to be reactivated. It is a question of the schematization and the character of traditionality characteristic of the configurational act, each of which has a specific relation to time” (*Ibid.*, p. 68).

¹⁰² “This schematism, in turn, is constituted within a history that has all the characteristics of a tradition. Let us understand by this term not the inert transmission of some already dead deposit of material but the living transmission of an innovation always capable of being reactivated by a return to the most creative moments of poetic activity” (*Ibid.*, p. 68).

and is able to reconstruct the references and signs¹⁰³ so that it is meaningful to them.¹⁰⁴

It is through the study of the three mimeses that Ricoeur is able to reconcile the structural elements of narrative to the perception of sequential events in the human experience that is designated by a linguistic expression of time. And it is through these mimeses that he constructs a framework in which he observes the interwoven nature of history, time and human events as they have come to pass.¹⁰⁵ The temporal features of the narrative do not seem so daunting, ubiquitous and, contemporaneously, nebulously concrete. Time is still not purely phenomenological,¹⁰⁶ but within the structure of the narrative, it is able to be grasped in a way that we can discuss it meaningfully.

It is in narrative discourse that time becomes apparent while simultaneously providing structure to the narration in the designation of the order of events, the sequentiality of human action. This is what Ricoeur calls the plot of the narrative. He says, "Plot, understood broadly... as the ordering of the events (and therefore as interconnecting the action sentences) into the total action constitutive of the narrative story..."¹⁰⁷ He then expands the explanation and says that the plot "'grasps together' and integrates into one whole and complete story multiple and scattered events, thereby schematizing the intelligible signification attached to the narrative taken as a whole."¹⁰⁸ While noting the place of the plot in the narrative

¹⁰³ "... I shall say that mimesis₃ marks the intersection of the world of the text and the world of the hearer or reader; the intersection, therefore, of the world configured by the poem and the world wherein real action occurs and unfolds its specific temporality" (*Ibid.*, p. 71).

¹⁰⁴ "... narrative has its full meaning when it is restored to the time of action and of suffering in mimesis₃" (*Ibid.*, p. 70).

¹⁰⁵ "Is not every narrative told as though it had taken place, as is event from the ordinary usage of verbal past tenses to narrate the unreal? In this sense, fiction would borrow as much from history as history borrows from fiction. It is this reciprocal borrowing that authorizes my posing the problem of the *interweaving* reference between history and narrative fiction" (*Ibid.*, p. 82).

¹⁰⁶ "By a pure phenomenology I mean an intuitive apprehension of the structure of time, which not only can be isolated from the procedures of argumentation by which phenomenology undertakes to resolve the aporias received from an earlier tradition, but which would not pay for its discovery with new aporias bearing a higher price" (*Ibid.*, p. 83).

¹⁰⁷ *Ibid.*, p. 56.

¹⁰⁸ *Ibid.*, p. x.

structure, that understanding the narrative is based on mastering “the rules that govern its syntagmatic order,”¹⁰⁹ we must also remember that the narrative is anchored in a human action that is already grounded in syntax, rules and convention.¹¹⁰ In man’s articulation, utterance of the word that was merely language without a world, he brings significance to events that are otherwise not present to him in a way that is relevant both to him and his interlocutor.

3.3 *Myth and the Narrative of Human Relation*

In *The Symbolism of Evil*, Ricoeur defines myth in this way:

Myth will here be taken to mean... not a false explanation by means of images and fables, but a traditional narration which relates to events that happened at the beginning of time and which has the purpose of providing grounds for the ritual actions of men of today and, in a general manner, establishing all the forms of action and thought by which man understands himself in his world.¹¹¹

Therefore, myth, by its very nature appears as a narration of human action and a conveyor of truth insofar as it provides man with a mirror by which he may gauge his own behavior against the lessons he should have learned from the human actions recorded in the myth itself. Truth, in this case, is not based on historical fact but rather on the ontology (nature of his being)¹¹² and cosmology¹¹³ (origin and end) of man. Ricoeur is very careful to point out that the myth is not an explanation of human behavior or action¹¹⁴; instead, myth reveals an exploratory significance in “its power of

¹⁰⁹ *Ibid.*, p. 56.

¹¹⁰ “If, in fact, human action can be narrated, it is because it is always already articulated by signs, rules and norms” (*Ibid.*, p. 57).

¹¹¹ *Ibid.*, p. 5.

¹¹² “... the myth has an ontological bearing: it points to the relation – that is to say, both the leap and the passage, the cut and the suture – between the essential being of man and his historical existence” (*Ibid.*, p. 163).

¹¹³ “... in recounting the *Beginning* and the *End* of fault, the myth confers upon this experience an orientation, a character, a tension. Experience is no longer reduced to a present experience; this present was only an instantaneous cross-section in an evolution stretching from an origin to a fulfillment, from a ‘Genesis’ to an ‘Apocalypse’” (*Ibid.*, p. 163).

¹¹⁴ “For us, moderns, a myth is *only* a myth because we can no longer connect that time with the time of history as we write it, employing the critical method, nor can we connect mythical places with our geographical space. This is why the myth can no

discovering and revealing the bond between man and what he considers sacred.”¹¹⁵ The myth is the place that man retreats when he is looking for answers about where he came from, what his values should be, how he should behave and what mortality means. In short, the myth is man’s ethical and moral playbook – a proverbial guide to human action, reaction and consequences.

Ricoeur distinguishes myth from fiction or a common narrative by relating myth to man’s cosmology and teleology, or rather his origins and his end (purpose). The myth is related to man in such a way that he uses it as a point of reference for how he should act instead of simply relating to the signs and references afforded him in the narrative. The purpose of the myth is to bring universality to mankind through the narrative, to give temporal orientation (the beginning and the end) and to answer questions of who man is. Ricoeur says, “By its triple function of concrete universality, temporal orientation, and finally ontological exploration, the myth has a way of *revealing* things that is not reducible to any translation from a language in cipher to a clear language.”¹¹⁶ Indeed, Ricoeur argues that the myth differs from the traditional narrative because it is a narrative that is revelatory – it is a retelling of the human story that is meant to give man a sense of self, of time and purpose.

Given that the function of the myth as a narrative is so intimately linked to man’s ontology and cosmology, the intentionality differs greatly from that of a traditional narrative in that the myth leaves little room for interpretation – the meaning of the myth is plain and not necessarily dependent on being understood in a context that needs to be deconstructed and reconstructed for understanding and interpretation to arise. Ricoeur succinctly says, “... myth is autonomous and immediate; it means what it says.”¹¹⁷ Therefore, meaning requires little hermeneutical exercise. The key to the myth being autonomous and immediate revolves around the way it escapes the clutches of the temporality of the narrative while conveying a temporal orientation. As Ricoeur states, “modern man... alone can recognize the myth as myth, because he alone has reached the point where

longer be an explanation; to exclude its etiological intention is the theme of all necessary demythologization” (*Ibid.*, p. 5).

¹¹⁵ *Ibid.*, p. 5.

¹¹⁶ *Ibid.*, p. 162.

¹¹⁷ *Ibid.*, p. 164.

history and myth become separate.”¹¹⁸ Likewise, he asserts that the myth evades the confines of any one geographical location.¹¹⁹ As a result, without the limitations of time and place, the references and signs, therefore, focus primarily on man and his actions as the subject of the narration.

If we take Ricoeur’s assessment of the myth as it relates to the narrative and time as a guide for discussing, gauging and evaluating human action so that its meaning endures as events continue to pass through time, then it is as a myth that man should examine his actions, but not only his actions – his intentionality and the ensuing consequences. The myth shakes off the relativizing weights of time and place to embrace the signs and references that are most related to the subjects of the narrative allowing any man to read the myth or hear it and appreciate its meaning. In appreciating the meaning of the myth, man does not understand and interpret the meaning but rather is able to readily incorporate the meaning into his own constitution as a man who is looking to understand his origins and his mortality, as a being who has a regard for his creator and as being who relates to the other who is like him but wholly different. Human action, therefore, must be recorded so that the superfluous details of time and space are stripped away and the intentionality of the interlocutors is laid bare and the meaning of the dialogue is plain.

Indeed the difficulty with this proposition lies in the *symbols* of the myth. Regardless of the function of myth, it still is a narrative of sorts myth-narration; therefore, it retains the innovative force of poetic composition (referring to Ricoeur’s discussion about symbols in *Time and Narrative*), which means that it is grounded in a preunderstanding of the world of human action. Its meaning is still up for interpretation as the reader will inevitably have to apply a certain level of understand and piecing together context in order to uncover the intentionality of the author, no matter how plain the author intends his meaning to be.

Instead of interpreting the entire meaning of the myth-narration, however, what ends up being interpreted are the elements in the myth-narration that are symbols in their own right. It is here that we take notice

¹¹⁸ *Ibid.*, p. 161.

¹¹⁹ “... mythical time can no longer be co-ordinated with the time of events that are ‘historical’ in the sense required by historical method and historical criticism, because mythical space can no longer be co-ordinated with the places of our geography...” (*Ibid.*, p. 162).

of the ritual act, mythical language and archetypes as symbols when Ricoeur alludes to it in this way: "... ritual action and mythical language, taken together, point beyond themselves to a model, an archetype, which they imitate or repeat; imitation in gestures and verbal repetition are only the broken expressions of a living participation in an original Act which is the common exemplar of the right and of the myth."¹²⁰ It is when all the symbols are understood together that there is a totality of meaning, the meaning that is still plain, autonomous and immediate. The symbols grasped as a whole point to an intentionality and meaning that are readily evident and understood thus relieving the reader of the need to interpret.

The myth is the narrative that lets go of time and place, embraces the universality of what makes man who and what he is and aims to convey a meaning that transcends the confines of the world of the author and that of the reader. The myth is the narrative that maintains a universal meaning from which man may extract wisdom as it applies to his own nature and intentionality. To give a brief example, Ricoeur refers the myth of the Original Sin with Adam as the protagonist. Adam is the archetype of all men, the sinner who cannot not fall.¹²¹ It does not matter where Adam is from or when he lived (or if he lived at all) because the point of the myth is to give man an orientation in his cosmology and his place in the world as he relates to God, the Creator.

Human life as an event (action, language and the relation between the I and the other) becomes the topic of discourse – there is no point in discourse if it is not about anything. Man's discourse will always be about himself because he is his own sole point of reference, and there is no discourse without an interlocutor (or reader). The event of human life or the series of events that comprise it either happen in time or it is the actual passing of the events that makes time manifest in man's world so that he experiences time thus giving way to a phenomenological quality to time regardless of its ontology or lack thereof. Man perception is that the events happen sequentially; the structure of the sequentiality of event (time) and the recalling of those events in a meaningful way bears us the fruit of the narrative. It is in the narrative that human action is conveyed into a text.

¹²⁰ *Ibid.*, pp. 166-167.

¹²¹ "By means of a time that represents all times, 'man' is manifested as a concrete universal; Adam signifies man. 'In' Adam, says Saint Paul, we have all sinned" (*Ibid.*, p. 162).

As a text, man is able to reflect upon his actions as well as his intentionality. Text also gives him the occasion to observe himself with the benefit of hindsight (looking at events he perceives to be in the past) in such a way that he can gain insight into his nature, his behavior, his relation with the other and the consequences of those elements.

The text that gives man the relatively clearer message or meaning is the myth-narration. It is stripped (again, relatively speaking) of any perceivable connection to historical time and place allowing man the freedom or relief from having to deconstruct the references, signs and indicators from the world of the author and reconstruct them relative to his own world so that he can understand them and thus be able to interpret the author's intentionality and meaning. Rather, the myth is recorded in such a way that it focuses on the universality of what it is to be human – man's ontology and cosmology.

As we proceed in the study towards developing an ethic for human action as it relates to the corporation, we will return to the myth as a normative narrative, a text that may be deconstructed in terms of its individual symbols, but always reconstructed as a whole with a pointed meaning. We will rely on the text of the myth to guide us in examining human action in such a way that the time and place are relative to the meaning insofar as it gives context to the sequence of events. It is as a text that we will observe human action studying the relation between the *I* and the other and gauging the face-to-face encounters to determine the *I*'s responsibility to respond to the call, the demand of the other. We will be vigilant to the emergence of the human face from the text in order to relate as closely as possible to the person whose intentionality and meaning we are interpreting. The importance of this is to recognize the humanity that lies at the basis and throughout the text. The corporate ethic that we shall develop cannot lose sight of the humanity that it is meant to protect and serve; this includes the humanity of those who comprise the corporation (senior management, staff and contractors) as well as those with whom they relate (clients, suppliers, partners and competitors).

CHAPTER V

Responsibility and Hermeneutics

We will now look at the dialectic of two concepts that are not seemingly related, but in the course of the discussion, their relation shall become apparent. Responsibility and hermeneutics, together, become a linchpin in the justification for regarding human action as text. It is in the determination of responsibility and hermeneutics, as we come to an understanding of these concepts beyond their obvious application in everyday usages that the dialectic emerges. And it is exactly this, the nature of responsibility and hermeneutics, that we will study so that we may discuss human action as it relates to justice, develop a system of ethics for corporations to follow and draw conclusions as to whether those ethics may be authentic [to the human interpersonal relation], applicable and render the corporation accountable considering the economic, political and moral paradigm in which we find ourselves.

1. Responsibility

Because we have already explored Levinas' teachings as they relate to responsibility and set the groundwork for establishing the ethical demand, our current investigation into responsibility [and hermeneutics] will not make explicit reference to his teachings. Instead, we will use Ricoeur's philosophy of responsibility to formulate the connection between hermeneutics (text), human action and justice. Without getting into a detailed comparison of Levinas' and Ricoeur's philosophies of responsibility and without getting into semantics, I submit that at the core of their respective philosophies, they are promoting a similar message: the *I*

is responsible for itself as well as the *other*. Furthermore, the central goal of our discussion as it pertains to responsibility will be to demonstrate that the dialectic as it relates to responsibility is not of responsibility but rather that responsibility is the dialectic of the just, respectful [and loving] relation between the *I* and the *other*.

While Levinas takes a more relational approach to his investigation into responsibility – the analysis revolving around the relation between the *I* and the *other* and the *ought* between the two – Ricoeur takes a linguistic approach. That is to say, he analyzes the language man uses to attribute action, motivation and justification. Ricoeur then scrutinizes the attribution of action to the agent for the appropriate, true and just responsible person. In other words, rather than looking at the relation between the *I* and the *other*, as Levinas does, Ricoeur looks at the problematic from another angle – that of the relation between the action and the agent using language as an objective point of departure.

Before we analyze the methodology of Ricoeur's study of what it is essentially the ontology of responsibility as such, let us refer to his essay "The Concept of Responsibility" found in *The Just*.¹ He writes:

The purely juridical idea of responsibility, understood as the obligation to compensate for damages or pay the penalty, can be considered as the conceptual outcome of this displacement. Two obligations remain: that of acting, which the infraction violates, and that of compensation or pay the penalty. Juridical responsibility thus proceeds from the intersection of these two obligations, the first justifying the second, the second sanctioning the first.²

Our discussion about responsibility will eventually be applied to society as a whole, but for the moment, I will focus on the relation between the *I* and the *other*. Once we gain an understanding of what that is, we can then explore a maxim that may impact society more fully as it relates to law, compensation and penalty. Therefore, we will simply keep note of Ricoeur's thoughts on juridical responsibility and return to this passage once we have finished our preliminary analysis of his methodology as he takes a linguistic approach to the ontological study of responsibility.

¹ P. RICOEUR, "The Concept of Responsibility." *The Just*. Originally published as *Le Juste* by Éditions Esprit in 1995. Translated by David Pellauer. University of Chicago Press. Chicago, Illinois. 2000.

² *Ibid.*, p. 19.

1.1 Responsibility and Imputability

In studying Ricoeur's methodology, we must take it one step at a time, so we will start with the metaphor of the account, which is where he starts his analysis of responsibility. He says,

“put [the action], so to speak, on his account” – is extraordinarily interesting. It is not at all external to the judgment of imputation inasmuch as the Latin verb *putare* implies calculation, *comput*, suggesting the idea of a kind of moral bookkeeping of merits and demerits, as in a double-entry ledger: receipts and expenses, credits and debits, with an eye to a sort of positive or negative balance...³

Ricoeur even cites the Robert⁴ dictionary to certify that to impute is indeed to attribute an action to someone so that you are putting it on their [moral] account.⁵ It is here that he begins to make the connection between language and morality, between what we do and how we express it and the resulting consequences. Giving credit where it is due, it must be noted that the idea of relating imputability to responsibility was not novel in Ricoeur's exploration of its implications.

Ricoeur refers to Immanuel Kant's *Critique of Pure Reason*⁶ where Kant introduces the idea of action and agent: “The force of the idea of imputation in Kant consists in the conjunction of two more primitive ideas: the attribution of an action to an agent, and the moral and generally negative qualification of that action.”⁷ But before delving into the relation between the action and its agent, let us consider the following:

This notion of imputability – in the sense of a (moral and juridical) “capacity of imputation” – constitutes an indispensable key for comprehending the ultimate concern of Kant to preserve the double cosmological and ethical articulation (for which, as we have seen ordinary language still bears the imprint) of the

³ *Ibid.*, p. 14.

⁴ Presumably Ricoeur is referring to Paul Charles Jules Robert's *Dictionnaire alphabétique et analogique de la langue française* published in 1953.

⁵ “The Robert dictionary cites in this regard an important text from 1771: ‘to impute an action to someone is to attribute it to him as its actual author, to put it, so to speak, on his account and to make him responsible for it’” (*Ibid.*, p. 14).

⁶ I. KANT, *Critique of Pure Reason*. Originally published as *Kritik der reinen Vernunft*. Translated by Paul Guyer and Allen W. Wood. 14th Edition. Cambridge University Press. New York, NY. 1998, 1999, 2008.

⁷ P. RICOEUR, *The Just* p. 16.

term imputation, as a judgment of attribution to someone, as to its actual author, of a blameworthy action.⁸

Ricoeur immediately brings together the question and subsequent study of man's origin (and arguably correlative teleology) with that of man's moral obligations. Before examining Kant's text by articulating the theme using Kant's words, Ricoeur allows his students and readers a gentle segue as he refers to the agent — the person to whom the action is attributed — as the author. This reference, in fact, follows his thematic of text and hermeneutics and creates a subtle connection between the two manners of speaking about man and his actions — agent and action, author and text.

1.2 *Freedom and Spontaneity*

Referring to Kant's third "Cosmological Antinomy" of the Transcendental Dialectic as the source for his methodology in his investigation into responsibility, Ricoeur says it is "where the notion of imputation is placed in an aporetic situation from which it will never really be dislodged."⁹ He starts by noting Kant's thesis and antithesis, which consider causality from the standpoint of two possibilities: that causality is "in accordance with laws of nature is not the only causality from which the appearances of the world can one and all be derived. To explain these appearances it is necessary to assume that there is also another causality, that of freedom,"¹⁰ and the other possibility, the antithesis, that "There is no freedom; everything in the world take place solely in accordance with the laws of nature."¹¹ So between freedom and no freedom, man is set to have the freedom to choose to act or that his actions are merely and solely reactions to the actions that have been set upon him by forces (causalities) other than him, that is to say, outside of himself, coming from the world around him.

Ricoeur borrows Kant's vocabulary when he uses the word *spontaneity* in reference to freedom as he considers these two possibilities: "Here is where we have to start, with these two ways for an event to happen – either by the effect of things or by the outpouring of a free spontaneity... the root: the originary capacity of initiative. The idea of imputability

⁸ *Ibid.*, p. 16.

⁹ *Ibid.*, p. 16-17.

¹⁰ I. KANT, *Critique of Pure Reason*, A444, B472.

¹¹ *Ibid.*, A445, B473.

(*Imputabilität*) introduced in the *Observation* flows from it.”¹² Ricoeur is using *spontaneity* as Kant intended, which is to demonstrate that the action truly belongs to man as its causality and that it may not be attributed to anything or anyone outside or beyond the man to whom the action itself is attributed.¹³

Along these same lines, Ricoeur is careful to point out that *spontaneity*, freedom and imputability have a determined radicality in the moral sense that may not be rectified with any other explanation of causality (since imputability applies to the thesis and not to the antithesis). Ricoeur says, “... the price for such radicalism is the confrontation with an ineluctably antinomic situation, where two kinds of causality, free causality and natural causality, are opposed to each other with no compromise possible.”¹⁴ It is in this metaphorical underbelly of Kant’s analysis that Ricoeur identifies the limitation of Kant’s *Critique* and begins to reveal his own philosophy of responsibility: “On the one side, the concept of transcendental freedom remains empty, waiting for its connection with the moral idea of a law. On the other, it is held in reserve as the cosmological root of the ethico-juridical idea of imputability.”¹⁵ In two concise sentences, Ricoeur calls into question the connection between transcendental freedom and the moral idea of law as legitimate arguments for imputability.

Ricoeur concedes that Kant rectifies this particular limitation in his second *Critique*, the *Critique of Practical Reason* where Kant introduces the freedom as *ratio essendi* of the law and law as *ratio cognoscendi* of freedom¹⁶ as he concludes, “Only now do freedom and imputability coincide.” But because Kant does not manage to bring these two together in a smooth and coherent way in the first *Critique*, Ricoeur is able to use this gap to introduce his own philosophy of responsibility while still using

¹² P. RICOEUR, *The Just* p. 17.

¹³ “The transcendental idea of freedom does not by any means constitute the whole continent of the psychological concept of that name which is mainly empirical. The transcendental idea stands only for the absolute spontaneity of an action, as the proper ground of its imputability. This, however, is, for philosophy, the real stumbling block; for there are insurmountable difficulties in the way of admitting any such type of unconditioned causality” (I. KANT, *Critique of Pure Reason*. A448, B476).

¹⁴ P. RICOEUR, *The Just*. p. 18.

¹⁵ “It is here that the second Critique introduces the decisive connection, that between freedom and law, a connection in virtue of which freedom constitutes the *ratio essendi* of the law, and the law constitutes the *ratio cognoscendi* of freedom” (*Ibid.*, p. 18).

¹⁶ *Ibid.*, p. 18.

imputability as a point of departure. Additionally, he inserts a contemporary slant to his proposal in that he uses Peter Strawson's theory of "ascription" detailed in the work *Individuals: An Essay in Descriptive Metaphysics*¹⁷ to make the connections that Kant struggles to make in his first *Critique*. It is here that we can start recalling Ricoeur's thoughts on the "purely juridical idea of responsibility," which we noted earlier in the discussion because it is here that imputability and ascription coincide in such a way that the nascent idea of juridical responsibility emerges.

1.3 *Imputability and Ascription*

Not only does Ricoeur reference Strawson, but he recalls H.L.A. Hart's article "The Ascription of Responsibility and Rights"¹⁸ to explore this facet of responsibility. Unlike assigning blame as is the ultimate connotation when using imputability, Ricoeur points out that Strawson uses ascription differently to mean designating a predicative¹⁹ operation to an agent, or in other words, "attributing an action to someone."²⁰ He then takes account of the three rules of ascription that Strawson identifies in his own work: (1) to ourselves we attribute physical and mental/psychic predicates; (2) to another we attribute the predicates body and mind together; and (3) the psychic predicates keep the same meaning regardless of what they predicating or to what they are being attributed.²¹

¹⁷ P. STRAWSON, *Individuals: An Essay in Descriptive Metaphysics*. Originally published in 1959. Taylor & Francis Group. 2003.

¹⁸ H.L.A. HART, "The Ascription of Responsibility and Rights." *Proceedings of the Aristotelian Society, New Series*. Vol. 49 (1948-1949). pp. 171-194.

¹⁹ To understand what Ricoeur means when using the term "predicate" beyond its grammatical usage, we must refer to a question and answer that he proposes that will lead us to the series of three predicates that will soon follow in the body of the text. He says, "What predicates do we attribute to ourselves as persons? To answer this question is to define 'ascription,'" (P. RICOEUR, *The Just*. p. 21). In general terms, when used in grammar, the predicate modifies (describes or provides particular information) the noun (usually the subject); similarly, in a metaphysical investigations such as this, the predicate acts as a means of providing particular information about the mind and/or body of the person.

²⁰ "Strawson makes use of the term ascription to designate the predicative operation that belongs to a unique genre consisting of attributing an action to someone" (*Ibid.*, pp. 20-21).

²¹ "According to Strawson, there are only two such types: spatiotemporal 'bodies' and 'persons.' What predicates do we attribute to ourselves as persons? To answer this question is to define 'ascription.' Three answers are given: (1) we attribute to ourselves two sorts of predicates, physical predicates and mental/psychic predicates...; (2) it is to a

Ricoeur uses Strawson's approach to the person as a "basic particular," which he defines as a subject "of attribution of irreducible to any other, therefore presupposed in every attempt at derivation starting from individuals of an allegedly more fundamental kind."²² Ricoeur observes that the rules of ascription "conjointly define the person as a 'basic particular,' both entangled with bodies and distinct from them."²³ In this one statement he recognizes the complexity of the human person, a being that is both mind and body, a being that cannot exist without the either one. (Later in his collection of essays in *The Just*, he will make observations and reflections that are reminiscent of Levinas' teachings on the face.) Therefore, in this acknowledgement, he concludes that "There is no need, as regards what is essential, to attach this *sui generis* manner of attribution to a metaphysics of substances,"²⁴ so it will be sufficient for him and his students/readers to follow the linguistic route that he has identified because he believes that is the way to go for what he has in mind.²⁵

Ricoeur's interest in the linguistic value of this investigation becomes apparent in the following statement as he subtly juxtaposes the moral implications of the words ascription and imputation:

The theory of ascription is of interest to us at this stage of our investigation in that among predicates it is those designated by the term *action* that are in fact placed at the center of the theory of ascription. The relation between the action and the agent is thereby covered by such a theory of ascription, that is, the attribution of specific predicates to specific basic particulars, with no consideration of any relation to moral obligation and from the single point of view of the identifying reference to basic particulars. This is why I place the theory of ascription among those attempts that seek to demoralize the notion of imputation.²⁶

By removing the immediate implication of moral obligation to attribute to whom the act belongs or from whom the act originated, the discussion

single entity, the person, not two distinct entities, say body and mind, that we predicate these two kinds of properties; (3) the psychic predicates are such that they keep the same meaning whether they are attributed to oneself or to another than oneself (I understand jealousy, whether it is said of Peter, Paul, or myself)" (*Ibid.*, p. 21).

²² *Ibid.*, p. 21.

²³ *Ibid.*, p. 21.

²⁴ *Ibid.*, p. 21.

²⁵ "It suffices that we attend to the linguistic rules of identification by 'ascription' that cannot be ignored" (*Ibid.*, 21).

²⁶ *Ibid.*, p. 21.

begins to open up, and the focus shifts from assigning blame to truly understanding the causality of the action. Ricoeur then takes us through the paces of applying the theory of ascription to the speaking subject, using the promise as an example of the speech act²⁷ and distinguishing between the semantic phase (the examination of an action sentence) and the pragmatic phase (the examination of the motivation for acting).²⁸

He contends that “it is a question of turning to action as a public event, to its intentions and its motives as private events, and from there to the agent as the one who can – that we discover unexpected conjunctions and overlapping between analytic philosophy and phenomenological and hermeneutical philosophy.”²⁹ Without getting too far ahead of ourselves in this discussion, it may be appropriate to note the phenomenological implication of ascription. This is to say, beyond considering the simpler examples of ascription, “Brutus killed Caesar,” and “I promise,” we must also consider all of the other elements that contribute to the ascription model, which make the paradigm a complex one. Ricoeur sums up the other elements to the problematic and the complexities that we just mentioned quite succinctly:

It is a question of the meaning attached to answers to the question “who?” (who speaks? who acts? who recounts his life? who designates herself as the morally responsible author of her acts?). The relation of an action to its agent is thus just one particular case, in fact, a highly significant one, of the relation of the self to the ensemble of its acts, whether these be thoughts, words, or actions.³⁰

Ricoeur’s point is that, in asking “Who acts?” we are either asking too feeble a question to handle the many [complex] answers that may abound or we are underestimating the complexity of the question itself.

The complexity becomes more discernible when he makes the analogy between the action and its agent that produces it, and the child and its

²⁷ “We can then catch hold of the act of self-designation of the speaking subject and the acting subject and make the theory of ascription, which speaks of the person from the outside, combine with a theory of the speaker where the person designates him – or herself as the one who speaks or acts, or even acts in speaking, as is the case in the example of promising, taken as the model for every speech act” (*Ibid.*, p. 22).

²⁸ “What it comes down to is that the theory of action has a semantic phase, with its examination of action sentences (Brutus killed Caesar), and a pragmatic phase, with its examination of the ideas of “reasons for acting” and “agency”” (*Ibid.*, p. 22).

²⁹ *Ibid.*, p. 22.

³⁰ *Ibid.*, p. 23.

parent, based on a viewpoint of dependency when he says, “Actions that ‘depend on us’ are to their agent what children are to their ‘parents’ or what instruments, organs, and slaves are to their ‘masters.’”³¹ At this point we begin to broach a clearer distinction between *imputation* and *ascription* insofar as there is not the sense of moral obligation or casting blame. Instead, there is a sense of ownership in terms of the agent who acknowledges that he or she is the source or causality of the action. Ricoeur writes:

Ever since Locke, modern thinkers have added only one new metaphor, as can be seen in Strawson’s theory of ascription when he declares that the physical and psychic predicates of the person “belong to him,” that he “possesses” them, that they are “his.” This “mineness” of the ability to act does indeed seem to designate a primitive fact, the well-known “I can” so strikingly emphasized, for example, by Merleau-Ponty.³²

Interestingly, Ricoeur brings the reader back to the Kantian themes of natural and free causality when he addresses the need to recognize an intermediate causality – a causality that results from the human person, as the agent of his action, being one cause. He designates this as an *initiative* and causality of the world around him of which he has no control to which he refers as the *intervention* or even the interference.³³ His point here, which he will carry throughout his discussion on juridical responsibility, is that even once the causality of a single action has been identified, the residual consequences of that single action may not be attributable, imputable or ascribable to the agent of the initial action.

As we move forward in our analysis of Ricoeur’s study of responsibility, we must note the clear distinction he makes between a juridical concept of responsibility versus a concept of responsibility that may be applied to the subject/object paradigm, which may even extend to the object as the other *others* from Levinas’ model. He makes this distinction in order that we not apply the juridical concept to the subject/object paradigm:

³¹ *Ibid.*, p. 23.

³² *Ibid.*, p. 23.

³³ “For us, the continuity between natural and free causality is broken. We must pass through the clash of causalities and attempt a phenomenology of their interweaving. What then has to be thought through are the phenomena of initiative and intervention wherein we can catch sight of the interference of the agent on the course of the world, an interference that effectively causes changes in the world” (*Ibid.*, p. 23).

The civil code continues to speak of faults in order to preserve, it seems, three ideas – namely, that an infraction has been committed, that the author knows the rule, and finally that he is in control of his acts to the point of having been able to have acted differently. In this way, in classic civil law, the idea of a fault is seen as dissociated from that of punishment, yet it remains attached to that of an obligation to give compensation.³⁴

The juridical concept of responsibility, which is managed by civil code, does not take into account an authentic consideration of causality, whether it be natural or free. Juridical responsibility, supported by civil code, focuses on the harm that has been committed, whether or not the knowledge that the action being done would cause harm and how to make recompense for the harm that was done. This concept of responsibility takes us a long way from what Kant or Levinas had in mind when they were making their cases for an ontology of responsibility. In fact, the point of juridical responsibility is not the relation between persons, but rather managing or codifying compensation and punishment for actions that may have caused damage to a person's property or harm to their body. In short, juridical responsibility is looking to pinpoint the fault in regard to a certain matter.

This approach also gives rise to issues of risk, indemnification and displacement [of responsibility]. Ricoeur observes that “today's crisis in the law of responsibility has its starting point in a shift from the accent previously placed on the presumed author of the damage to a preference for the victim who is placed in a position of demanding compensation for the wrong suffered, which is to say, most often, indemnification.”³⁵ This is of particular interest because the concept of responsibility moves further and further away from where we started with Kant's causalities – that is to say, free and natural causality – the thesis and antithesis that he proposes in the *Critique of Pure Reason*.

Ricoeur's assessment of the juridical model of responsibility is even bleaker: “The objective evaluation of harm thus tends to obliterate the evaluation of the subjective link between an action and its author. From this is born the idea of responsibility without fault.”³⁶ So here we encounter yet another facet of the juridical responsibility that seems to contradict itself insofar as we previously observed that the point was to find fault and assign

³⁴ *Ibid.*, p. 24.

³⁵ *Ibid.*, p. 25.

³⁶ *Ibid.*, p. 25.

blame; at this point the concept of responsibility, in this paradigm, has evolved in such a way that fault becomes more an issue of maintaining a sense of solidarity (community), security (insuring against danger/harm) and managing risk³⁷ because the responsibility for an act becomes stretched beyond the realms of immediate time and space in which the act was done – this is the displacement of the responsibility.³⁸ We now begin to glean an understanding of what he intends when referring to risk and indemnity. Ricoeur says,

At the limit, an acquired incapacity, perceived as a suffered harm, can open to a right to reparation in the absence of any proven fault. The perverse effect consists in the fact that, the more we extend the sphere of risks, the more pressing and urgent is the search for someone responsible, that is, someone, whether a physical or a legal person, capable or indemnifying and making reparation. It is as though the multiplication of instances of victimization gives rise to a proportional increase in what we might well call a social resurgence of accusation.³⁹

Given this explanation and the context in which indemnity trumps the idea of personal responsibility for a single action, we have further evidence as to why contemporary notions and application of juridical responsibility may not be used on the subject/object relation. The relation, if put under the authority of a juridical concept of responsibility, would then be reduced to collateral damage from the effects of assigning culpability, gauging injury or harm inflicted and determining a means of recompense and eventually indemnification for any future consequences attributed to the original act not yet realized.

In regard to solidarity, Ricoeur indicates a particular paradox and observes that “in a society that speaks of solidarity, out of a deliberate concern to reinforce a philosophy of risk, the vindictive search for whoever is responsible becomes equivalent to a reintroduction of the culpability of

³⁷ “The recent history of what is called the law of responsibility, in the technical sense of the term, has tended to make room for the idea of a responsibility without any fault, under the pressure of concepts such as solidarity, security, and risk, which have tended to take the place of the idea of fault. It is as though the depenalization of civil responsibility must also imply the complete loss of the sense of culpability” (*Ibid.*, p. 25).

³⁸ “... the perverse effects of this displacement ought to put us on guard. They are encouraged by the incredible extension of the sphere of risks and how those risks have changed in terms of space and time” (*Ibid.*, p. 26).

³⁹ *Ibid.*, p. 26.

those identified as the authors of any harm done.”⁴⁰ In this paradigm, juridical responsibility, or law of responsibility as it is also called, is a means by which we redefine how man relates with the other. Instead of the *I* and *other* or subject/object relation, it becomes he/she or they who are impuned, ascribed or attributed culpability versus society, and this is evident in the American judicial system when you look at how cases are labeled, for example: Smith v. the State of Texas.

Ricoeur explains without equivocation that this approach becomes a relationship based on contract rather than the persons participating in the contract⁴¹, and this is where the risk and the perceived need for indemnification arise. He writes,

It is in light of these perverse effects that voices are raised today in favor of a more balanced problematic ... wherein the imputation of responsibility and the claim for indemnification would be first clearly dissociated in view of being subsequently better coordinated, the idea of indemnification withdrawing to the rank of a management technique aimed at the risk dimension of human interactions. This would make clear the residual enigma of a fault that, kept as part of the background of the idea of responsibility, would not be once more recaptured by the idea of punishment.⁴²

He refers to the phenomenon of contractual relation as a perversion because it does not leave room for the very beings that are central to the relation itself, for the beings that may be impuned, blamed, found culpable or victimized to be fully actualized or represented. Furthermore, the perversion is also a subtle commentary on the claim for indemnification, which, again, is the idea that someone, anyone is to be held responsible for a perceived harm and reparations be made no matter how far reaching that responsibility may be judged to be.⁴³

⁴⁰ *Ibid.*, p. 26.

⁴¹ “To the extent that, in the trial leading to indemnification, it is contractual relations that are at stake in a majority of cases, the suspicion and mistrust that accompany the hunt for whoever is responsible corrupt the capital of confidence upon which rest all the fiduciary systems underlying contractual relations” (*Ibid.*, p. 26).

⁴² *Ibid.*, p. 27.

⁴³ A good example of this may be found in the insurance industry: if an ABC Insurance Broker buys the insurance policy of a person from XYZ Insurance Broker, and that person is healthy at the time the policy is purchased, then ABC Insurance will want an indemnification clause from XYZ Insurance in case the person falls ill and costs the company a lot of money. The same principle can be applied to a similar situation involving more brokers in the chain. If there were five insurance brokers who

After exposing the perversions, as Ricoeur calls them, he begins to demonstrate their limitations in an effort to reconcile the moral concept of responsibility with the juridical concept of responsibility. He sets out to “redraw” the “landscape” of juridical responsibility so that “solidarity and risk responsibility would find their just place.”⁴⁴ This is an important statement as Ricoeur asserts that juridical responsibility does have a particular function in society, but it must not be mistaken for the only way of defining responsibility (or means by which man may relate to the other). He leads into this endeavor by questioning the evolutions, displacements and transformation that have also occurred in respect to morality (as it relates to the person to person relation), which can help us to reshape how we conceive of responsibility [and even codify it for social purposes].⁴⁵

In attempting to reconcile the two, he suggests that we have given the juridical plane of responsibility too much consideration⁴⁶ and perhaps “inflated” its own predicates and induced the moments of evolution, transformation and displacement. Ricoeur lists the inflation and displacement in three distinct stages:

1. The first inflation to consider is produced on the juridical plane itself. It affects the extension of the domain of risks, accidents, and hazards invoked by victims in a society where every form of harm seems to call for indemnification. ... it is this same inflation that pushes public opinion in the direction of a search for responsible parties capable of making reparation and indemnifying the victims. ... whether the presumed inflation of the moral concept of responsibility must not be set in relation to a displacement that finds its origin in juridical responsibility, which places it above an action and its harmful effects, and pushes it more in the

purchased and sold the policy throughout the lifetime of the insurance policy, each one would probably request an indemnification clause from the first broker if not the preceding broker. The concept is that they perceive the responsibility having been with the first broker or the previous broker to ensure that the person was 100% healthy and, therefore, worthy of that policy and coverage.

⁴⁴ *Ibid.*, p. 27.

⁴⁵ “The question now is whether other evolutions, transformations, and displacements that have occurred on the moral plane can contribute to this realignment of the concept of responsibility” (*Ibid.*, p. 27).

⁴⁶ “What first strikes our eyes is the contrast between the withdrawal on the juridical plane of the idea of imputation, under the pressure of those competing concepts about which I have spoken, and the astonishing proliferation and dispersion of uses of the term responsibility on the moral plan. It is as though the shrinkage of the juridical field were compensated for by an extension of the moral field of responsibility” (*Ibid.*, p. 27).

direction of required precautions, and prudence meant to prevent any harm;⁴⁷

2. The displacement then becomes a reversal: one becomes responsible for harm because, first of all, one is responsible for others;⁴⁸ and
3. Another displacement, which gives a new inflection, is added to this displacement of the object of responsibility, henceforth directed toward vulnerable others, and, through generalization, toward the very condition of vulnerability itself. We can speak here of an unlimited extension in the scope of responsibility, the future vulnerability of humanity and its environment becoming the focal point of responsible concern.⁴⁹

The path through these instances of inflation and displacement is not direct or even intuitive. After explaining the first inflation, Ricoeur questions if it is possible for a person to insure himself or herself against every possible risk as it relates to the law of responsibility and the ability to indemnify and make reparations.⁵⁰ Mathematically, the possible risks associated with any one action may be multiplied infinitely, especially when the variety of natural causalities are taken into consideration; therefore, Ricoeur's question is rhetorical and makes the point that this approach (indemnification and reparation for every perceived wrong) is absurd and impossible to safeguard against every eventuality.

Returning to the linguistic approach of his study, Ricoeur makes an observation about the grammatical expression of responsibility on the juridical plane versus the moral plane. He says, "On the juridical plane, one declares the author responsible for the *effects* of his or her action and, among them, any harm caused. On the moral plane, it is the *other person, other people* who are held responsible."⁵¹ Now this may take his readers by surprise or even confuse some because it seems to be counter intuitive, right? In fact, the observation has merit because he is returning us to the subject/object relationship and evoking principles of the *I* and *other* paradigm of responsibility of which Levinas writes. What Ricoeur means

⁴⁷ *Ibid.*, pp. 27-28.

⁴⁸ *Ibid.*, p. 29.

⁴⁹ *Ibid.*, p. 29.

⁵⁰ "At the limit, we might ask whether there remains, at the end of an evolution where the idea of risk would have conquered the whole space of the law of responsibility, only a single obligation, that of insuring oneself against every risk! ... This is what the unfolding evolution of the moral idea of responsibility seems to suggest" (*Ibid.*, p. 28).

⁵¹ *Ibid.*, p. 28.

by his grammatical study is this: on the juridical plane, the author is indeed held responsible for the effects of his action while on the moral plane, the *I* is held accountable for the actions of the *other* because it is the *I* who is to be held accountable to and for the *other*.⁵² Furthermore, the *I* is not only held accountable for his own actions, he is indeed accountable for the actions of the *other* because there is what Ricoeur refers to as a “moral injunction” in which the other mandates the *I* be responsible for him as a being that is to be cared for or as Ricoeur calls it an “object of concern.”⁵³

He explains it in this way:

It extends to the relation between the agent and the patient (or receiver) of an action. The idea of a person for whom one has responsibility, joined with that of the thing one has under one’s control, leads in this way to a quite remarkable broadening that makes the direct object of one’s responsibility vulnerable and fragile insofar as it is something handed over to the care of an agent.⁵⁴

Ricoeur is telling us that regardless of the tenants of juridical responsibility or the displacement that occurs as a result of imputability and ascription, which consequently do have a place in society on a larger, penal scale, the crux of the personal relation will always come back to responsibility that one person has for the other.

Taking a step back and relating this to the paradigm of juridical responsibility, we have to ask ourselves how far an individual person may be held responsible for their actions. How far does that ripple effect go in terms of time and space; how far and how long should they be held responsible? Where does it end? On that very point Ricoeur says:

Stated in terms of its scope, responsibility extends as far as our powers do in space and time. The nuisances attached to the exercise of these powers, whether foreseeable, probable, or simply possible, extend just as far as these powers do. Hence a trilogy: powers-nuisances-responsibility. In other words, our responsibility for harm done extends as far as does our capacity to do harm.⁵⁵

⁵² “It is the other *of whom I am in charge* for whom I am responsible” (*Ibid.*, p. 28).

⁵³ “... it is from others rather than from our inner conscience or heart of hearts that the moral injunction is said to proceed. By becoming the source of morality, other people are promoted to the rank of the object of concern, in respect of the fragility and vulnerability of the very source of the injunction” (*Ibid.*, p. 29).

⁵⁴ *Ibid.*, pp. 28-29.

⁵⁵ *Ibid.*, p. 29-30.

Can an individual be held responsible for harms done that are so unforeseen that would otherwise be covered by an indemnity clause for a corporation in a contract or insurance policy? Why is responsibility mentioned only when it comes to harm?

The following observation can be related to the questions just posed:

The idea of persons for whom one must answer certainly remains subordinated, in civil law, to that of objective damage or harm. Nonetheless, the transference in virtue of which the vulnerable other person or persons tends to replace the harm done as the object of responsibility is facilitated by the intermediary idea of an entrusted responsibility.⁵⁶

In other words, we cannot mistake the point of responsibility to that of assigning blame and seeking recompense. Rather, the point of responsibility as it relates to the interpersonal relation takes us back to defining responsibility as the dialectic of the just relation between the *I* and the other. To further our assertion, let us turn to Ricoeur when he says, “It is the other *of whom I am in charge* for whom I am responsible.”⁵⁷ As we anticipated in the beginning of our discussion about responsibility, we have come to a point where Ricoeur’s philosophy of responsibility is similar in sentiment if not in syntax to that of Levinas. The *I* is responsible for the *other*, the *I* is responsible for the *other* of whom the *I* is in charge.

2. Hermeneutics

In studying Levinas’ philosophy of the ethical demand and its relation to responsibility and Ricoeur’s philosophy of action as text and the dialectic of responsibility, we must make a critical examination of the notion of interpretation in the face of the prospect of our ultimate goal of establishing a new code of ethics that may be applied to for-profit corporations. We want to ensure that when we consider human action and the relation between the *I* and the *other* or the *I* and other *others*, in effect we consider the contexts in which the actions take place, which include place, time, motivation and the phenomena that we may not yet perceive. Life does not happen in a vacuum where the circumstances are finite, predictable and determined. Quite to the contrary, as we discussed in the previous section about responsibility with Ricoeur, there is no way to predict or calculate the outcome of human action

⁵⁶ *Ibid.*, p. 28.

⁵⁷ *Ibid.*, p. 28.

because of the many variables that may intervene or interfere with that action.

2.1 *Historical & Philosophical Development*

Jean Grondin published a concise survey of the history of hermeneutics in which he gives a succinct account of its origins. In his book entitled *L'herméneutique*⁵⁸, he explains that the term *hermeneutic* was not conceived until the 17th century when Johann Conrad Dannhauer coined it to refer to the art of interpretation, in German the *Auslegungslehre* (*Auslegungskunst*).⁵⁹ According to Grondin, it was Dannhauer who first used the term *hermeneutic* in the title of his work *Hermeneutica sacra sive methodus exponendarum sacrarum litterarum* from 1654, which made use of the method of interpretation applied to the Sacred Scriptures⁶⁰ as the meaning of the scriptures is not always readily discernible or clear.⁶¹

Even after we understand that hermeneutics is the result of a German theologian coining the term for a methodological approach to scriptural interpretation, we only understand what the purpose of the term was; we still need to understand where the need came from and how the word itself came to be, *i.e.* its etymology.

Grondin explains that the term *hermeneutics* comes from the Greek verb *hermēnéuein*, which has two meanings: one is the process of speech or dialogue and the other is interpretation or even translation.⁶² He continues by explaining that in both cases there is a transmission of meaning in two directions, one from thought to the discourse and the other coming from the

⁵⁸ J. GRONDIN, *L'Ermeneutica*. Originally published as *L'herméneutique* in 2006. Editrice Queriniana, Brescia. 2012.

⁵⁹ “Il termine ermeneutica non ha visto la luce che nel XVII secolo, quando il teologo di Stasburgo Sohann Conrad Dannhauer lo ha creato per designare ciò che prima di lui si chiamava l’Auslegungslehre (Auslegekunst) o l’arte dell’interpretazione” (*Ibid.*, p. 13).

⁶⁰ “Dannhauer fu anche il primo a utilizzare il termine nel titolo di un’opera, nel suo *Hermeneutica sacra sive methodus exponendarum sacrarum litterarum, del 1654, titolo che riassume da solo il senso classico della disciplina: l’ermeneutica sacra, intendendo il metodo per interpretare (exponere: esporre, spiegare) i testi sacri*” (*Ibid.*, p. 13).

⁶¹ “Se c’è bisogno di un tale metodo, è perché il senso delle Scritture non è sempre chiaro come il giorno, L’interpretazione (exponere, interpretari) è qui il metodo o l’operazione che permette di accedere alla comprensione del senso, all’‘intelligere’” (*Ibid.*, p. 13).

⁶² “Il termine interpretazione viene dal verbo greco hermēnéuein, che ha due significati importanti: il termine designa sia il processo di elocuzione (enunciare, dire, affermare qualche cosa) sia quello dell’interpretazione (o di traduzione)” (*Ibid.*, p. 14).

discourse back to thought.⁶³ The dynamic is significant because it begins to establish the paradigm for the understanding (and perhaps misunderstanding as well) between interlocutors, those who are engaged in discourse, and even the speaker and the hearer, the writer and the reader. If there is meaning between thought and discourse and meaning between discourse and thought, who is to say that the two meanings are identical? Who is to say that the hearer gleans the same meaning as what the speaker intends to convey? In Grondin's estimation, this is precisely the work of hermeneutics – the process of hermeneutics is the mediation of meaning that designates expression or translates thoughts into words.⁶⁴ This is indeed an example of hermeneutics understood as a dialectic of understanding and interpretation.

There is an important historical transition from exegesis to hermeneutics, something Ricoeur explains very well in his essay "Existence and Hermeneutics" found in *The Conflict of Interpretation, Essays in Hermeneutics*.⁶⁵ Ricoeur explains the historic (and ideological) passage from exegesis to hermeneutics in this way: "... the hermeneutic problem was first raised within the limits of *exegesis*, that is, with the framework of a discipline which proposes to understand a text – to understand it beginning with its intention, on the basis of what it attempts to say."⁶⁶ The "it" to which Ricoeur refers in terms of the text is the scripture – exegesis was generally applied to the scriptures.

Several elements can be attached to the problem: the text, understanding, intention and meaning; other factors that are implicit begin to render themselves more apparent as we continue to look closely and critically at the exegetical problem. With text necessarily comes context; explanation presupposes understanding (and interpretation); intention necessarily comes from the author and meaning is conveyed (and

⁶³ "Nei due casi si ha a che fare con la trasmissione di senso, la quale può avvenire in due direzioni: può 1) andare dal pensiero al discorso, oppure 2) risalire dal discorso al pensiero" (*Ibid.*, p. 14).

⁶⁴ "Oggi noi parliamo di interpretazione solo per caratterizzare il secondo processo, il quale risale dal discorso al pensiero che si trova dietro, ma i greci pensavano già l'elocuzione come un processo 'ermeneutico' di mediazione di senso, che designa allora l'espressione o la traduzione del pensiero in parole" (*Ibid.*, p. 14).

⁶⁵ P. RICOEUR, *The Conflict of Interpretation, Essays in Hermeneutics*. Originally published as *Le Confit des interprétations: Essais d'hérmenéutique* in 1969. Translation copywrited by Northwestern University Press. 2007.

⁶⁶ *Ibid.*, p. 3.

received/interpreted) to an audience. So within Ricoeur's identification of the hermeneutical problem as seen based on the limits of the exegesis, we have already been able to extract four elements and another four implications or complements based on those elements.

Our author recognizes the problem of interpretation immediately, beginning with the exegetical context and how it becomes a hermeneutical problem:

If exegesis raised a hermeneutic problem, that is, a problem of interpretation, it is because every reading of a text always takes place within a community, a tradition, or a living current of thought, all of which display presuppositions and exigencies – regardless of how closely a reading may be tied to the *quid*, to 'that in view of which' the text was written.⁶⁷

Ricoeur is outlining the conditions under which a hermeneutical study may take place, that is to say, he is defining context. What are the conditions in which the text was written; what are the conditions in which the words are spoken or recorded? Likewise, what are the conditions in which the text is being read? How do these contexts contribute to the writer and reader's interpretation of the text; how does the context affect the meaning that is put into the text and gleaned from it respectively? We shall discuss this more as we understand the relation between hermeneutics and phenomenology.

For the time being, let us continue to focus on the historic (and philosophical) aspects of what brought hermeneutics to the foreground of ontological studies in the 20th and 21st centuries. Ricoeur, in addition to being a philosopher, was an accomplished theologian familiar with both Hebrew and Christian scriptures as well as the ancient, mystic texts of the Jewish People. He was also an historian knowledgeable in classical Greek texts; as such he was able to draw insightful conclusions about hermeneutics as it relates to the exegesis of those texts. The following observation gives us some insight into the expertise that he has in Hebrew and Christian scriptures and Greek culture and mythology; the observation also provides examples of what he means by having to interpret a text based on the context in which it was written and the context in which it is being read:

Thus based on philosophical principles in physics and in ethics, the reading of Greek myths in the Stoic school implies a hermeneutics very different from

⁶⁷ *Ibid.*, p. 3.

the rabbinical interpretation of the Torah in the Halakah or the Haggadah. In its turn, the apostolic generation's interpretation of the Old Testament in the light of the Christic event gives quite another reading of the events, institutions, and personages of the Bible than the rabbinical interpretation.⁶⁸

Ricoeur goes on to explain that when a text has more than one way in which it may be interpreted, perhaps a more historical or spiritual meaning versus taking the text at face value, he advises his reader not to settle and try for the more complex interpretation. He instructs us to seek or be open to the possibility for greater meaning in a text rather than falling for the simple version of the text, putting no more thought or effort into gleaning a deeper significance.⁶⁹

For Ricoeur, comprehension begets interpretation insofar as it is the first step to interpretation. He writes:

This connection between interpretation and comprehension, the former taken in the sense of textual exegesis and the latter in the broad sense of the clear understanding of signs, is manifested in one of the traditional senses of the word "hermeneutics" – the one given in Aristotle's *Peri hermēneias*. It is indeed remarkable that, in Aristotle, *hermēneia* is not limited to allegory but concerns every meaningful discourse. In fact, meaningful discourse is *hermēneia*, "interprets" reality, precisely to the degree that it says "something of something."⁷⁰

So if *hermēneia* is not limited to allegory and may be applied to interpreting reality, then there must be meaning in reality that is not necessarily universal or univocal. Taking it a step further, if the meaning of reality is not univocal and the interlocutors must convey messages that contain meaning to each other, then there has to be a point at which they are able to clearly understand each other and be able to interpret the meaning of each others' messages, otherwise, the point to their interlocution and their relation for that matter is not fulfilled or is missed completely.

However, we know that the human relation is satiated by meaningful and intelligible interlocution; Ricoeur clarifies by saying, "discourse is

⁶⁸ *Ibid.*, pp. 3-4.

⁶⁹ "More precise, if a text can have several meanings, for example a historical meaning and a spiritual meaning, we must appeal to a notion of signification that is much more complex than the system of so-called univocal signs required by the logic of argumentation" (*Ibid.*, p. 4).

⁷⁰ *Ibid.*, p. 4.

hermēneia because a discursive statement is a grasp of the real by meaningful expressions, not a selection of so-called impressions coming from the things themselves.”⁷¹ Notice that Ricoeur uses the word *grasp*; in the original French, in this context, *saisie* can be translated as grasp, seize or to take hold of. This is an interesting and important choice of words as it goes directly to the way in which we take significance within ourselves, the meaning itself. We shall discuss this in greater depth later in the chapter, but suffice it to say in this moment, that in grasping the meaning and bringing it into ourselves, we are able to make a part of our being, incorporate it into that which we understand ourselves to be – *appropriation*.

Ricoeur also considers that “the first and most primordial relation between the concept of interpretation and that of comprehension” is primarily related to the articulation of the “technical problems of textual exegesis” with the “more general problems of meaning and language.”⁷² In this statement, he pinpoints a weakness intrinsic to exegesis: it does not address the gap between meaning and language. This is exactly what Dannhauer was aiming to do when he made a philological return to the classics (Greek philosophy and language) in his attempt to describe the art of interpretation in one word. However, without explicitly referring to Dannhauer, Ricoeur indeed makes reference to the return to the classical philology and historical sciences in moving from an exegetical study to a hermeneutical one, and he then recognizes the philosophic weaknesses that became apparent during the 18th and 19th centuries as Friedrich Schleiermacher (1768–1834) and Wilhelm Dilthey (1833–1911) employed hermeneutics in their philosophical endeavors and investigations.⁷³ Ricoeur focuses on Dilthey’s application of hermeneutics in the age of positivistic philosophy as he explains that it was epistemological⁷⁴ because he was giving the “*Geisteswissenschaften* a validity comparable to that of the natural sciences.”⁷⁵ In Ricoeur’s estimation,

⁷¹ *Ibid.*, p. 4.

⁷² *Ibid.*, p. 4.

⁷³ “But exegesis could lead to a general hermeneutics only by means of a second development, the development of classical philology and the historical sciences that took place at the end of the eighteenth century and the start of the nineteenth century. It is with Schleiermacher and Dilthey that the hermeneutic problem becomes a philosophic problem,” (*Ibid.*, p. 5).

⁷⁴ “Posed in these terms, the problem was epistemological” (*Ibid.*, p. 5).

⁷⁵ *Ibid.*, p. 5.

...it was a question of elaborating a critique of historical knowledge as solid as the Kantian critique of the knowledge of nature and of subordinating to this critique the diverse procedures of classical hermeneutics: the laws of internal textual connection, of context, of geographic, ethnic, and social environments, etc.⁷⁶

Consequently, the resolution to this problem went beyond the capacity of epistemology⁷⁷ because “an interpretation, like Dilthey's, bound to information fixed by writing is only a province of the much vaster domain of understanding, extending from one psychic life to another psychic life.”⁷⁸ In other words, Dilthey's application of hermeneutics was limited in the way in which he approached the object of interpretation. Observing the object in such scientific contexts did not allow Dilthey to appreciate the possibility of an interpretation that went beyond the scientific method.

Instead of taking a philosophical approach to the application of hermeneutics, which requires a critical consideration and examination of all conceivable possibilities, Dilthey mistook an open philosophical approach for the exacting and, more often than not, limited approach of the sciences which presupposes the preliminary philosophical scrutiny; Dilthey mistook psychology for philosophy, so as Ricoeur says: “The hermeneutic problem is thus seen from the perspective of psychology: to understand, for a finite being, is to be transported into another life.”⁷⁹ Dilthey attempts to understand the meaning of the message by deconstructing the speaker/writer's psyche rather than doing what Ricoeur considers essential, which is to overcome the boundaries or obstacles of the context by deconstructing it.

2.2 *Hermeneutics & Phenomenology*

Hermeneutics & the Human Sciences is a collection of essays edited and translated by John B. Thompson that maintains a certain peculiarity, namely that the essays are indeed translations, but Ricoeur has approved of them.⁸⁰ Additionally, Ricoeur offers his endorsement of the translation that

⁷⁶ *Ibid.*, p. 5.

⁷⁷ “But the resolution of the problem exceeded the resources of mere epistemology” (*Ibid.*, p. 5).

⁷⁸ *Ibid.*, p. 5.

⁷⁹ *Ibid.*, p. 5.

⁸⁰ “The essays in this volume differ in minor respects from the form in which they first appeared. With Professor Ricoeur's approval, I have corrected the text at several

Thompson did.⁸¹ The author talks here about the inpenetration of hermeneutics and phenomenology and refers to them as “mutually belonging”⁸² to each other. In the essay “Phenomenology and Hermeneutics,”⁸³ Ricoeur explains:

On the one hand, hermeneutics is erected on the basis of phenomenology and thus preserves something of the philosophy from which it nevertheless differs: *phenomenology remains the unsurpassable presupposition of hermeneutics*. On the other hand, phenomenology cannot constitute itself without a *hermeneutical presupposition*.⁸⁴

But why should hermeneutics and phenomenology mutually belong to each other? In order to answer, let us start with Ricoeur’s teachings on phenomenology. He writes: “The strangeness of phenomenology lies entirely therein: from the outset, the principle is a ‘field’ and the first truth an ‘experience’. In contrast to all ‘speculative constructions’, every question of principle is resolved through vision.”⁸⁵ “Field,” “experience,” “speculative constructions” – what do these terms mean as they relate to Ricoeur’s explanation on phenomenology? He goes on to say, “... phenomenology is not situated elsewhere, in another world, but rather is concerned with natural experience itself, insofar as the latter is unaware of its meaning.”⁸⁶ Ricoeur is relating these terms directly to the Heideggerian concept of the *Dasein*, Being-in-the-World. For Heidegger,

points. I have also deleted some material in order to reduce repetition. All such deletions are indicated in the text by ellipses in square brackets” (P. RICOEUR, “The model of the text: meaningful action considered as a text,” *Hermeneutics & the Human Sciences*. p. 27).

⁸¹ “I should like, in this brief foreword, to express my gratitude to John Thompson for the considerable work which the translation of my essays represents. I am in complete agreement with his choice of terms for rendering French or German expressions that have no equivalent either in the British philosophical tradition or even in the English language. Of course, there is always a point at which a translation becomes an interpretation; but Thompson has ensured continuity and coherence in his choices. He has thus provided an English translation of my essays which is as readable as it is exact” (*Ibid.*, p. 32).

⁸² P. RICOEUR, *Hermeneutics & the Human Sciences*. “Phenomenology and Hermeneutics.” p. 101.

⁸³ *Ibid.*, pp. 101-128.

⁸⁴ *Ibid.*, p. 101.

⁸⁵ *Ibid.*, p. 103.

⁸⁶ *Ibid.*, p. 103.

The phenomenology of Dasein is a *hermeneutic* in the primordial signification of this word, where it designates this business of interpreting. But to the extent that by uncovering the meaning of Being and the basic structures of Dasein in general we may exhibit the horizon for any further ontological study of those entities which do not have the character of Dasein, this hermeneutic also becomes a “hermeneutic” in the sense of working out the conditions on which the possibility of any ontological investigation depends.⁸⁷

Here we see that phenomenology and hermeneutics together may allow Dasein to glean the meaning of being. According to Heidegger, there is a certain redundancy in using the phrase “descriptive phenomenology” since according to his definition of the science of phenomena, phenomenology is intrinsically descriptive⁸⁸ – indeed, if it is not descriptive, it is not phenomenology. And he continues:

Here “description” does not signify such a procedure as we find, let us say, in botanical morphology; the term has rather the sense of a prohibition – the avoidance of characterizing anything without such demonstration. The character of this description itself, the specific meaning of the *λόγος*, can be established first of all in terms of the “thinghood” [“Sachheit”] of what is to be “described” – that is to say, of what is to be given scientific definiteness as we encounter it phenomenally.⁸⁹

Description, therefore, is more than just a cataloguing of things; it is an appraisal of a being that is in the world in such a way that scientific objectivity may be applied to confirm certain characteristics and qualities that make its existence evident in this world experience. It is worth noting, if only briefly, that Heidegger dedicates much attention to ensuring that his reader understands what he means when using the term *λόγος*. He refers to *λόγος* as discourse and explains it as “to make manifest what one is ‘talking about’ in one’s discourse,”⁹⁰ and “[t]he *λόγος* lets something be seen (*φαίνεσθαι*), namely, what the discourse is about; and it does so either *for* the one who is doing the talking (the *medium*) or for the persons who are talking with one another, as the case may be.”⁹¹ *Λόγος* relates to discourse but it is more since it is the part of discourse that is manifested in such a

⁸⁷ M. HEIDEGGER, *Being and Time*. p. 62.

⁸⁸ “The expression ‘descriptive phenomenology’, which is at bottom tautological, has the same meaning” (*Ibid.*, p. 59).

⁸⁹ *Ibid.*, p. 59.

⁹⁰ *Ibid.*, p. 56.

⁹¹ *Ibid.*, p. 56.

way that it becomes evident, or in Heidegger's words *seen*, by the interlocutors.

The phenomena, however, does not depend on the articulation or description of Being-in-the-world. Heidegger points out that "The signification of 'phenomenon', as conceived both formally and in the ordinary manner, is such that any exhibiting of an entity as it shows itself in itself, may be called 'phenomenology' with formal justification."⁹² In other words, in recognizing the phenomena as such and studying it as it relates to the world, Dasein engages in the science of phenomenology; however, the phenomena is as such intrinsically independent of Dasein.

According to Heidegger,

... [phenomenology] is something that proximally and for the most part does not show itself at all: it is something that lies *hidden*, in contrast to that which proximally and for the most part does show itself; but at the same time it is something that belongs to what thus shows itself, and it belongs to it so essentially as to constitute its meaning and its ground.⁹³

So if phenomenology does not show itself, what exactly is it? It is, if we are to understand Heidegger's explanation, the manifestation of the thing itself, the appearance, the being that is realized in this world as such. Phenomenology is the experience of the being itself – it is not the being *qua* being rather it is the manifestation of being in the world.

According to Heidegger,

... that which remains *hidden* in an egregious sense, or which relapses and gets *covered up* again, or which shows itself only "*in disguise*", is not just this entity or that, but rather the *Being* of entities, as our previous observations have shown. This Being can be covered up so extensively that it becomes forgotten and no question arises about it or about its meaning. Thus that which demands that it become a phenomenon, and which demands this in a distinctive sense and in terms of its ownmost content as a thing, is what phenomenology has taken into its grasp thematically as its object.⁹⁴

The phenomena of being does not hide being as such, and being as such does not seek to be hidden – rather one may argue that it is through the phenomena (as in Levinas' philosophy of the face) that being reveals itself as being-in-the-world or that which would perceive its being. The point of studying the phenomena as it relates to being in the world, according to

⁹² *Ibid.*, p. 59.

⁹³ *Ibid.*, p. 59.

⁹⁴ *Ibid.*, p. 59.

Heidegger, is to discover the meaning attached to the notion of being.⁹⁵ In other words, Dasein attempts to find meaning in its existence by reflecting on the existence of other beings based on the phenomena through which it reveals itself.

Even in the way that Heidegger explains it, the “authentic meaning of Being” is more than meaning in terms of the common musing found in 20th century literature “What does my life mean?” The authentic meaning of Being refers to an orientation towards an understanding or knowledge of being as such; when Heidegger says, “made known to Dasein’s understanding of Being,” the subtext is a reference to an appropriation of being as such. As Being-in-the-world experiences the phenomena and studies the being that is revealed through the phenomena itself, Being-in-the-world is attempting to draw out the thing that is most like itself – the being *qua* being – and understand it, glean knowledge from it, and [re]incorporate it into itself.

Yet if meaning depends on Dasein as being-in-the-world and its relation with the phenomena, then we can also conclude that there is no universal meaning, and that meanings may shift or change or lose or gain relevance depending on where Dasein is.

Ricoeur understands meaning from different paradigms of phenomenology as it relates to hermeneutics and the relation between being and the world. He traces meaning to what he calls the pregiven, the existing and the being. More precisely, he refers to it all as a paradox:

The paradox is that it is only through this loss that the world is revealed as “pregiven”, the body as “existing”, and nature as “being” [*étant*]. So the reduction does not take place between me and the world, between the soul and the body, between the spirit and nature, but through the pregiven, the existing and the being, which cease to be self-evident and to be assumed in the blind and opaque *Seinsglaube* [belief in being], becoming instead *meaning: meaning* of the pregiven, *meaning* of the existing, *meaning* of the being.⁹⁶

In giving this explanation, Ricoeur actually describes the phenomenological paradigm, shows how Dasein relates with the

⁹⁵ “In explaining the tasks of ontology we found it necessary that there should be a fundamental ontology taking as its theme that entity which is ontologico-ontically distinctive, Dasein, in order to confront the cardinal problem – the question of the meaning of Being in general” (*Ibid.*, p. 61).

⁹⁶ P. RICOEUR, *Hermeneutics & the Human Sciences*. “Phenomenology and Hermeneutics.” p. 104.

phenomena and, finally, demonstrates how meaning develops in relation to Dasein. Firstly, he explains that the phenomenological study has ethical implications because the very exercise of studying the phenomena and attempting to understand its being based on its relation with Dasein requires self-reflection – Ricoeur calls this “a self-responsible act.”⁹⁷ Having established an ethical element to phenomenology, he refers to the teachings of Husserl in order to coax out the nuances of the subject-object relationship: “The aspect of Husserlian idealism which hermeneutics questions first is the way in which the immense and unsurpassable discovery of intentionality is couched in a conceptuality which weakens its scope, namely the conceptuality of the subject-object relation.”⁹⁸ But without getting too far ahead of ourselves in the development of ideas, let us understand how the ethical implications relate to the subject-object relation.

Interestingly, Ricoeur explains the subject-object relation while exploring the interplay of interpretation and understanding. He begins by proclaiming that “[T]he first declaration of hermeneutics is to say that the problematic of objectivity presupposes a prior relation of inclusion which encompasses the allegedly autonomous subject and the allegedly adverse object.”⁹⁹ While he does not explain why he characterizes the subject as “allegedly autonomous” and the object as “allegedly adverse” we can speculate that it has everything to do with the subject. The subject, being, as Heidegger teaches, Being-in-the-world, is aware of itself and aware of its self-reflection and search for being *qua* being. The subject supposes itself to be autonomous in its quest for knowledge whereas the object, being a phenomena that is to be understood and known by the subject can only be understood and known in a relative approximation, and, therefore, remains adverse to being known in its entirety as being *qua* being.

Ricoeur argues against Husserlian idealism as it relates to hermeneutics because “it designates, in negative terms, an entirely positive condition which would be better expressed by the concept of belonging.”¹⁰⁰ And he explains his endorsement of the term *belonging* inasmuch as it “directly designates the unsurpassable condition of any enterprise of justification and

⁹⁷ “The awareness which sustains the work of reflection develops its own ethical implications: reflection is thus the immediately self-responsible act” (*Ibid.*, p. 104).

⁹⁸ *Ibid.*, p. 105.

⁹⁹ *Ibid.*, p. 105.

¹⁰⁰ *Ibid.*, p. 105.

foundation, namely that it is always preceded by a relation which supports it.”¹⁰¹

2.3 *Interpretation: Understanding and Explanation*

As seen before, Ricoeur defines hermeneutics as a study of the interpretation of text and discourse, and he even goes so far as to define it as the art of interpretation. Fundamental to hermeneutics and necessarily interpretation under these definitions as Ricoeur has designated it, is understanding and explanation. We have already admitted that there can be no understanding without explanation; in other words, if there is not proper explanation of the message being conveyed by the speaker, then the hearer, in an interlocutionary paradigm, will not arrive to a point of understanding, and the interpretation will be a feat that the hearer will never reach. Therefore, proper explanation has to be at the basis of the message.

In his essay “The hermeneutical function of distancing,”¹⁰² Ricoeur begins by saying that “Hermeneutics...remains the art of discerning the discourse in the work; but this discourse is only given in and through the structures of the work.”¹⁰³ Implicitly at least, Ricoeur is instructing the readers to examine the structure of the work (text), to deconstruct it objectively and to take it as an entity that may stand on its own.

For him, “distancing is not the product of methodology and hence something superfluous and parasitical; rather it is constitutive of the phenomenon of the text as writing.”¹⁰⁴ The term *distanciation* signifies here that man must recognize that the text constitutes an entity that has an intrinsic being that must be related to as a being unto itself but in relation to the speaker/writer and hearer/reader. Distancing is the reminder man needs in the face of the phenomenon of the text.

Ricoeur then proceeds by adding that “to interpret is to explicate the type of being-in-the-world unfolded *in front of* the text.”¹⁰⁵ Here, he returns to Heidegger’s terminology “being-in-the-world” in order to drive home the point that the experience with the text is always a phenomenological one; therefore, we have to consider the text in relation to “being-in-the-world”

¹⁰¹ *Ibid.*, p. 105.

¹⁰² P. RICOEUR, *Hermeneutics & the Human Sciences*. “The hermeneutical function of distancing.” p. 131-144.

¹⁰³ *Ibid.*, p. 138.

¹⁰⁴ *Ibid.*, p. 139.

¹⁰⁵ *Ibid.*, p. 141.

and *λόγος* as the discourse, which is revealed by it. In doing so, Ricoeur explains, “A work opens up its readers and thus creates its own subjective *vis-à-vis*.”¹⁰⁶ It is only then that the text may be understood, that it may be known or appropriated by Dasein.

Ricoeur is careful to point out that “To begin with, appropriation is dialectically linked to distancing characteristic of *writing*. Distancing is not abolished by appropriation, but is rather the counterpart of it.”¹⁰⁷ This is important because it must never be mistaken, forgotten or assumed that the text is ever anything other than autonomous and is, therefore, always its own being in the world. (Remembering Hegel’s definition of the dialectic, we understand Ricoeur’s reference to *writing* as the dialectic of the text insofar as it is the medium by which it is uttered or how it is manifested.)

Rather than abolishing distancing, appropriation is “understanding at and through distance.”¹⁰⁸ What does this mean? Just as in relating to any other being, the subject cannot appropriate or know being intrinsically, but the subject can come into *relation* with another being (the *other* or object) in which the other may be *known* by approximation and *in relation to*.

Besides the importance of appropriation in the dynamic of interpretation, Ricoeur also tells us about the dialectic of explanation and understanding:

... to understand is to *understand oneself in front of the text*. It is not a question of imposing upon the text our finite capacity of understanding, but of exposing ourselves to the text and receiving from it an enlarged self, which would be the proposed existence corresponding in the most suitable way to the world proposed. So understanding is quite different from a constitution of which the subject would possess the key. In this respect, it would be more correct to say that the *self* is constituted by the “matter” of the text.¹⁰⁹

In “What is a text?” Ricoeur continues his discussion on appropriation (and by implication, distancing too), and expounds on the concept of self-understanding in the face of understanding the text. He says, “By ‘appropriation’, I understand this: that the interpretation of a text culminates in the self-interpretation of a subject who thenceforth understands himself better, understands himself differently, or simply

¹⁰⁶ *Ibid.*, p. 143.

¹⁰⁷ *Ibid.*, p. 143.

¹⁰⁸ *Ibid.*, p. 143.

¹⁰⁹ *Ibid.*, pp. 143-144.

begins to understand himself.”¹¹⁰ It is in this instance of appropriation that the text as a proposed world becomes a mirror in which subject, or Heidegger’s Being-in-the-world, may *see* itself and truly understand its own being in relation to the proposed world. The understanding that it gains of itself in relation to the proposed world may then give it an insight and understanding of its being in relation to the world in which it finds itself.

According to Ricoeur, the distinguishing characteristic of explanation is methodological and the structure is linguistic as they necessarily pertain to the rules of language, text and speech. Explanation will never be entirely excluded from the human sciences because of its methodology, but it can never be fully accepted because it is not entirely objective. The experience of language, even in the methodological phase of explanation is never an entirely objective experience.

The subject attempts objectivity in the exercises of distanciation and appropriation in order to understand the text, but because the subject approaches the text from his own worldview, the attempt at objectivity is already a failure from the perspective of the human sciences.

We have journeyed with Ricoeur on the path of hermeneutics, “the art of discerning the discourse in the work,” which may also be understood as the art of interpretation [of text]. This path includes gaining a comprehensive view of what he means when he uses the terms *understanding*, *distanciation*, *appropriation* and *explanation*. But we have not asked the more pressing questions: why must we interpret; what purpose does interpretation serve; and where can it take us?

Referring to his essay “Appropriation,”¹¹¹ we shall answer these very questions. Ricoeur is careful to identify the relation between reader and the text and how that relation plays out when he says, “If it is true that interpretation concerns essentially the power of the work to disclose a world, then the relation of the reader to the text is essentially his relation to the kind of world which the text presents.”¹¹² The relation between the reader and the text plays out in the act of reading and in the place of the proposed world. More specifically, regarding interpretation, Ricoeur says, “Interpretation brings together, equalises, renders contemporary and similar. This goal is attained only insofar as interpretation actualises the

¹¹⁰ P. RICOEUR, *Hermeneutics & the Human Sciences*. “What is a text?” p. 158.

¹¹¹ P. RICOEUR, *Hermeneutics & the Human Sciences*. “Appropriation.” pp. 182-193.

¹¹² *Ibid.*, p. 182.

meaning of the text for the present reader.”¹¹³ The text is the only place where the reader and the text can relate, so it is there where they can relate; as such, according to Ricoeur, it is through the reader understanding himself *in front of* the text that relation takes place.

He goes on to say, “The interpretation is complete when the reading releases something like an event, an event of discourse, an event in the present time. As appropriation, the interpretation becomes an event.”¹¹⁴ If we accept Ricoeur’s teachings, then, of course, the interpretation becomes an event because the entire experience of reading and understanding, distanciation and appropriation, are events intrinsic to the phenomenology of the text. In this way, the text is not just an autonomous being, but it is an event in which the reader is participatory.

In “The model of the text: meaningful action considered as a text”¹¹⁵ Ricoeur is even more explicit in his description of interpretation when he says, “The disjunction of the meaning and the intention creates an absolutely original situation which engenders the dialectic of *erklären* and *verstehen*. If the objective meaning is something other than the subjective intention of the author, it may be construed in various ways.”¹¹⁶ We may infer from this passage that the very purpose of interpretation is the dialectic of *erklären* and *verstehen* – it construes a relation between the intention of the author and the objective meaning of the text. So why do we need interpretation? Let us refer to the following concise citation as an answer: “The problem of the right understanding can no longer be solved by a simple return to the alleged intention of the author.”¹¹⁷ We need interpretation because we cannot be guaranteed a precise understanding of the author’s intentions to glean a pristine meaning of the text, so interpretation is the best dialogical device we have at our disposal.

2.4 *Hermeneutic Circle*

¹¹³ *Ibid.*, p. 185.

¹¹⁴ *Ibid.*, p. 185.

¹¹⁵ P. RICOEUR, *Hermeneutics & the Human Sciences*. “The model of the text: meaningful action considered as a text.” p. 197-221.

¹¹⁶ *Ibid.*, p. 210.

¹¹⁷ *Ibid.*, p. 211.

In “Metaphor and the central problem of hermeneutics,”¹¹⁸ Ricoeur notes that the concept of interpretation seems to oppose the explanation on an epistemological level, but he gives his reasoning “... interpretation has certain subjective connotations, such as the implication of the reader in the processes of understanding and the reciprocity between interpretation of the text and self-interpretation.”¹¹⁹ This is to say that while interpretation is deemed subjective, explanation may also be seen or understood as subjective because what it is ultimately leading to is self-interpretation, despite its characteristic of objective methodology. Ricoeur goes on to call this reciprocity the hermeneutic circle and says, “it entails a sharp opposition to the sort of objectivity and non-implication which is supposed to characterise the scientific explanation of things.”¹²⁰ The reciprocity that is the hermeneutic circle is the interplay or relation between the text and the reader in terms of being in the world.

Ricoeur uses the term *hermeneutic circle* to describe other features of the complexity and ambiguity of hermeneutics. As we observed in the previous section, it is impossible to define or describe hermeneutics without using interpretation and understanding in a cyclical or back-and-forth articulated motion. Ricoeur does not ignore this circular motion between interpretation and understanding within the construct of hermeneutics. But instead of referring to it strictly in terms of *understanding* and *interpretation* he also uses the term *belief* and its derivatives.

In order to understand his references, let us first note this: Ricoeur’s application of hermeneutics is not limited to the realm of text or the spoken word. Instead, he applies hermeneutics to all signs and symbols (of which the text and the spoken word are but one particular representation). Simply stated, “For every symbol gives birth to understanding by means of an interpretation,”¹²¹ and “in multiple ways, the phenomenology of symbols brings to light an internal coherence, something like a symbolic system. On this level, to interpret is to bring out a coherence.”¹²² Ricoeur contends that hermeneutics may be applied to anything that can be experienced – this is the way in which phenomenology and hermeneutics complement each

¹¹⁸ P. RICOEUR, *Hermeneutics & the Human Sciences*. “Metaphor and the central problem of hermeneutics.” pp. 165-181.

¹¹⁹ *Ibid.*, p. 165.

¹²⁰ *Ibid.*, p. 165.

¹²¹ P. RICOEUR, *The Conflict of Interpretation, Essays in Hermeneutics*. p. 296.

¹²² *Ibid.*, p. 297.

other as Being-in-the-world attempts to *see* himself and know himself in the world.

Ricoeur mentions the following peculiarity of the hermeneutic circle: “we can only believe by interpreting.”¹²³ If we take the entire structure of hermeneutics and interpretation that Ricoeur proposes to be true, then this does not come as a surprise. Rather, the following explanation seems to be a natural conclusion: “This is the ‘modern’ modality of belief in symbols; expression of modernity’s distress and cure for this distress. Such is the circle: hermeneutics proceeds from the preunderstanding of the very matter which through interpretation it is trying to understand.”¹²⁴ So what Ricoeur is suggesting is that from the very beginning we are always approaching the phenomena, whether it is text, speech, symbol or act, with an attitude of pre-understanding and an intention of interpretation. But let us question the logic of that statement: if we can only believe by interpreting, does that mean we must believe everything we interpret? Does that belief change with the shift in understanding and interpretation?

Returning to the teachings of Heidegger, we must remember that the desire of Dasein is to explain being as such and that explanation requires interpretation, understanding, distanciation and appropriation. But along with that comes the need for Dasein to believe that which it understands; this is necessary so that the knowledge that Dasein acquires or apprehends stands out in full relief in the world that it believe it knows. In other words, understanding and belief are the cornerstones for Dasein’s meaningful experience in the world.

Heidegger articulates the hermeneutic circle in this way: “The ‘circle’ in understanding belongs to the structure of meaning, and the latter phenomenon is rooted in the existential constitution of Dasein – that is, in the understanding which interprets. An entity for which, as Being-in-the-world, its Being is itself an issue, has, ontologically, a circular structure.”¹²⁵ If we think about what Ricoeur teaches about the structure of interpretation and understanding, then the circle of in understanding belonging to the structure of meaning is not a foreign concept, rather it makes sense. The process of understanding is the event of interpretation, belief and understanding that happens when Being-in-the-world put itself *in front of*

¹²³ *Ibid.*, p. 298.

¹²⁴ *Ibid.*, p. 298.

¹²⁵ *Ibid.*, p. 153.

the thing that is being interpreted, when Being-in-the-world reflects on itself in the proposed world that the thing inspires.

Heidegger clarifies that being in the world is not caught up in the hermeneutic circle but rather that the circle itself constitutes an event: “If, however, we note that ‘circularity’ belongs ontologically to a kind of Being which is present-at-hand (namely, to subsistence [Bestand]), we must altogether avoid using this phenomenon to characterize anything like Dasein ontologically.”¹²⁶ Being-in-the-world may not be described or classified as “circularity” because it is not a being that is present-at-hand – it is a being that is aware of itself, aware of its surroundings and other beings; therefore, the circularity is an event, which Dasein may witness or experience but may not be a “victim” of, nor can the hermeneutic circle “happen” to Dasein.

3. The Dialectics of Responsibility and Hermeneutics

As Dasein seeks relationship, it does so in a paradigm of responsibility. In addition to considering the responsibility, Dasein also encounters the other in discourse and text; therefore, the hermeneutical study can be applied to enrich its experience of itself as well as its experience of (and relation with) the other. Indeed, relationship is exactly what hermeneutics is about: the work that Dasein does to understand the text (sign, symbol, etc) – put distance between itself and the text in order to recognize the autonomy of the being of the text, and appropriate knowledge, not of the text, but of itself in light of the phenomenon of the proposed world of the text.

While the encounter between Dasein and another Dasein does not necessarily reflect the *I* and *other* relation outlined by Levinas, it does constitute a relationship. This is relationship insofar as Dasein is relating with other beings – the limit on what constitutes an authentic relationship for Being-in-the-world is that he may relate to it (being), that he may be able to impose his ontological curiosity on that being.

Having said this, we still have to clearly establish what responsibility and hermeneutics have to do with each other because until now, they do not have any intuitive connection. I submit that it is through hermeneutics that the subject or the *I* as being in the world has greater latitude to explore his relation with the other; to be more specific, in using the structure of

¹²⁶ *Ibid.*, p. 153.

hermeneutics and interpretation outlined by Ricoeur and applying it to the interpersonal relation, the subject has a better chance of *seeing* the other or other Beings-in-the-world as autonomous beings in their own right. The subject will be able to interpret their discourse, including speech, gestures, signs and symbols according to a proposed world that he appropriates from the text he receives in the discourse. That proposed world is the worldview of the other whom the subject encounters – through hermeneutics, the subject is able to understand, interpret and relate by allowing the *other* to share the world as they *see* it with him.

Hermeneutics allows the *I* to appreciate the *other* on the terms of the *other* rather than on the terms imposed by the *I*; and because hermeneutics is constantly considering various contingencies of text, the way in which the *I* may relate to the *other* is never fixed. Similar to Ricoeur's explanation of indemnification and reparations as it pertains to responsibility, it is impossible to insure against every possibility, it is also impossible to say that there is a certain determined relation between two Beings-in-the-world that may offer each other two very different proposed worlds (world views) as they attempt to understand, get in front of, appropriate and interpret each others' text.

In this way, hermeneutics has a strong implication on responsibility, or if we were to put it in terms of the dialectics: Hermeneutics as the dialectic of what is read has strong implications on responsibility which is the dialectic of the just, respectful [and loving] relation between the *I* and the *other*. Breaking this down even further, we could say that the art of interpretation affects the way in which the *I* and the *other* relate to each other, encouraging a just, respectful [and loving] relation between the two. This is because as the subject relates with the other, he is coming to a better understanding of himself as being *qua* being as well as being in the world.

The task will be to apply the dialectics of responsibility and hermeneutics to the corporation, but first we must study the agent and his actions, the actions of the subject, which necessarily includes his motivation. Recalling our discussion on responsibility, we will have to establish the difference between social justice and juridical justice. In doing so, we shall have a strong basis for our criticism of current corporate action and a proposal for corporate responsibility.

CHAPTER VI

Human Action and Justice

To complete the final part of our investigation before we begin to draw conclusions and synthesize a system of corporate responsibility, we shall proceed with confronting the ideas of human action and justice. We do this having just explored the dialectics of text and action as well as those of hermeneutics and responsibility and come to an understanding of how they contribute to the constitution of the inter-personal, face-to-face relation as Paul Ricoeur proposes based on his study of the text and the self. The purpose is to use our preliminary study to guide others in determining whether their human action in the context of the corporation is responsible and just.

The central thesis of this chapter is that discourse is the dialectic of just human action, and we shall refer to some of Ricoeur's texts that we have already used in the previous chapters, including *Hermeneutics & the Human Sciences*, *The Just*, *Interpretation Theory: Discourse and the Surplus of Meaning*, and *Oneself as Another*. We shall also use the Italian translation of his *Amour et Justice*.¹

1. Meaningful Action

Before exploring *meaningful action* and considering its significance in relation to text and the greater scheme of our endeavor to establish a connection between corporate action and the responsibility that the

¹ P. RICOEUR, *Amore e giustizia*. Originally published as *Amor et Justice* in 1990. Translated by Ilario Bertolotti. Editrice Morcelliana. 2007.

corporation has toward itself and its stakeholders, let us first look at Ricoeur's analysis of the *agent* as in his *Oneself as Another*.²

1.1 *The Agent*

Ricoeur approaches this endeavor by way of the semantics and analyzing how words are used to identify relationships that may reveal more about a being's ontology. However, it is worth noting that Ricoeur relies on Aristotle's classic wisdom and credits the Greek Philosopher with making it "apparent that action *depends* on the agent, in a specific sense of the relation of dependence."³ He hails Aristotle as one of the first to "verify and codify the relevance of the linguistic choices made by orators, tragic poets, and magistrates, and also those made in ordinary usage, whenever it is a matter of submitting action and the agent to a moral judgment."⁴ Aristotle's philosophy lends itself nicely to Ricoeur's method of investigation and study, particularly in terms of codification (semantics and the study of linguistics).

Ricoeur further justifies his choice in using Aristotle and the *Nicomachean Ethics*⁵ in particular as a foundation for his research when he says,

... in order to have a point of anchorage on the level of action for his detailed study of virtue, that is, of the features of excellence belonging to action, he undertakes in book 3 of the *Nicomachean Ethics* an initial distinction pairing actions performed despite oneself (*arkōn, akousios*) with those performed freely (*hekōn, hekousios*), then makes a finer distinction within this first circle of those actions expressing a choice – more precisely a preferential choice (*proairesis*), which is priorly determined through deliberation (*bouleusis*).⁶

So for the sake of the argument at hand, we shall restrict our discussion to the parameters of voluntary action readily conceding that there is a whole other side of the action that requires attention and analysis; however, involuntary human action does not contribute an added value to our

² P. RICOEUR, "Fourth Study: From Action to the Agent." *Oneself as Another*. Translated by Kathleen Blamey. Originally published as *Soi-même comme un autre*. The University of Chicago Press. Chicago, Illinois. 1992.

³ *Ibid.*, p. 89.

⁴ *Ibid.*, p. 89.

⁵ ARISTOTLE., *Nicomachean Ethics*. Translated by Terence Irwin. Hackett Publishing Company, Inc. Indiana, IN. 1999.

⁶ P. RICOEUR, *Oneself as Another*. p. 89.

investigation insofar as we are studying how deliberate human action may be formed by responsible human relation – an involuntary action committed by Dasein does not qualify.⁷

To wit, Ricoeur recalls this very argument as he discusses the relation of the agent as the principle cause of the action using the Greek term *arkhē*, which is to say he regards the agent as the source of action when he says, “The most concise expression of this relation is found in a formula that makes the agent the principle (*arkhē*) of his actions, but in a sense of *arkhē* that authorizes us to say that the actions depend on (preposition *epi*) the agent himself (*autō*).”⁸ Therefore, if the act depends on the agent, then there is an ethical implication to the act insofar as the agent makes a deliberate decision to *act* towards someone or something for a purpose (*telos*). We will submit for consideration that, it may be argued that for every source there is a purpose or end, and along these same lines, the act, originating from the agent is meant for something.

Now we shall not get ahead of ourselves, but the point that we shall focus on at the moment is that the agent is acting with an end in mind, the agent has a motive and there is intentionality that forms the being that is the act (using Aristotelian vocabulary). But beyond the question of intentionality, the ethical implication is evident in the agent as subject or Being-in-the-world in Heideggerian terms. The agent is not just a source of action; the agent is a source of action who is aware of himself, his being, his awareness of being aware of being and all the intricacies that we have already explored with Heidegger’s help when we discussed Dasein.

What we want to bring to the fore as it relates to Dasein, therefore, is that the agent is Dasein; the agent is the *I* among others, the agent is the human person who is aware of himself. There is a *self* to consider when discussing the agent. Ricoeur asks and proposes the following, “Does not ethics, in fact, demand that we ‘see’ the principle ‘as’ self and the self ‘as’ principle? In this sense the explicit metaphors of paternity and of mastery would be the only way of putting linguistic form the tie arising out of the short circuit between principle of self.”⁹ The self is the principle from which the action originates – the self is the agent. Beginning with this principle, the *I* among others, Dasein

⁷ “Hence actions of this sort are voluntary, though presumably the actions without [the appropriate] qualification are involuntary, since no one would choose such an action in its own right” (ARISTOTLE, *Nicomachean Ethics*. 3.1.1110a17).

⁸ P. RICOEUR, *Oneself as Another*. p. 90.

⁹ *Ibid.*, p. 94.

among other Beings-in-the-world, the agent becomes the *arkhē* of the action; coupling this understanding of agent as the source of action with the question of motivation and intentionality, the *telos* of action takes on ethical implications.

Human action is only meaningful if it is done willfully and with deliberation as Ricoeur explains when he uses the term *ascription* to describe the agent taking responsibility for their actions: “Ascription consists precisely in this reappropriation by the agent of his or her own deliberation: making up one’s mind is cutting short the debate by making one of the options contemplated one’s own.”¹⁰ At this point Ricoeur has been able to insert ascription within the structure of the agent’s deliberation in committing an act thus assigning responsibility, but we must also determine the motivation and intentionality, the *telos*, of the action.

We have been referring to motivation and intentionality together, not because they are synonymous, but because as Ricoeur explains, “As concerns the notion of *motive*, to the extent that it is distinguished from the intention with which one acts, principally as a retrospective motive, the fact of its belonging to an agent is just as much a part of the meaning of this motive as its logical tie to the action of which it is the cause.”¹¹ The motivation and intentionality, while they may share similar characteristics, are not the same because the motivation comes from the needs, wants and desires of the agent and the intentionality is related to the end result of the act; the motivation may be more closely related to the *why* of the agent needs, wants or desires to commit the act while the intentionality has more to do with the *purpose* for the act being committed.

There are two facets to ascription that Ricoeur explores: that of simply naming the agent who committed the act (or the agent taking responsibility himself), and that of tracing the act back to its principle or agent based on the motivation and intentionality. Ricoeur designates these two ways in which one may go about ascribing the act to an agent as the *terminable* and *interminable* investigations:

On the one hand, searching for the author is a *terminable* investigation which stops with the designation of the agent, usually by citing his or her name: “Who did that? So and so.” On the other hand, searching for the motives of an action is an *interminable* investigation, the chain of motivations losing itself in

¹⁰ *Ibid.*, p. 95.

¹¹ *Ibid.*, p. 95.

the unfathomable haze of internal and external influences: psychoanalysis has a direct relation to this situation.¹²

Motivation and intentionality become key factors in efforts to determine what agent committed which act, that is to say, when we say, “Who did that?” Unlike the determining the author of a text, determining the agent of an action unseen can become problematic. The author of the text is ever present within the text even though the text is immediately independent of the author as soon as it is written.

But, as Ricoeur points out, “[it] does not keep us from tying the interminable investigation of motives to the terminable investigation of the agent; this strange relation is part and parcel of our concept of ascription.”¹³ It is within these parameters of ascription that the difficulties begin to appear because in ascription, we tend to refer to the agent as another object or a thing. Ricoeur makes the following observation:

The person, as a referential term, remains one of the “things” about which we speak. In this sense the theory of basic particulars finally remains captive to an ontology of “something in general” which, faced with the demand for recognition of the *ipse*, develops a force of resistance comparable, although set forth in a somewhat different way, to that of the ontology of events.¹⁴

The very nature of the agent (who is subject or even Dasein) refuses to be relegated to a thing among other things in the world in which the event takes place and the action is committed; the agent’s refusal is the resistance to which Ricoeur refers, and it presents a difficulty insofar as in it there is a proclamation of *selfhood* and a demand for recognition. The event, then, becomes a quagmire of beings through which one must sift to determine where the motivation and intentionality originate in order to identify the subject to whom the action may be ascribed.

1.2 Action

According to Ricoeur, meaningful action is equivalent to the fixation of discourse by writing under the condition of the objectification of the sciences, but why? What about the objectification of the sciences puts

¹² *Ibid.*, p. 95.

¹³ *Ibid.*, p. 95.

¹⁴ *Ibid.*, p. 96.

meaningful action and the fixation of discourse by writing on the same field of objectification?¹⁵

In a partial response to our inquiries that will allow us to glean a fuller answer later, Ricoeur writes: “action itself, action as meaningful, may become an object of science, without losing its character of meaningfulness, through a kind of objectification similar to the fixation which occurs in writing.”¹⁶

Meaningfulness emerges when the action is directed at something or someone for an end; there is an intentionality in the agent committing the action, and that intentionality is made evident by the fixation as in the instance with the discourse to writing and objectification when submitting action to scientific scrutiny. Ricoeur explains this dynamic in terms of a dialectic of intentional exteriorization, which places action within the paradigm or context of an event from which the meaning may be made plain. He says,

This objectification is made *possible* by some inner traits of the action which are similar to the structure of the speech-act and which make doing a kind of utterance. In the same way as the fixation by writing is made possible by a dialectic of intentional exteriorisation immanent to the speech-act itself, a similar dialectic within the process of transaction prepares the detachment of the *meaning* of the action from the *event* of the action.¹⁷

So according to Ricoeur, meaningful action is made an object of science or an object for our consideration and scrutiny because, like the speech-act, it is an intentional exteriorization immanent of the act itself. But he does not specify where the intention originates, and the question lingers: where does the intentional exteriorization come from in terms of the subject’s constitution of being?

For the purposes of this discussion, I submit a bandage of sorts, which is this: the intention that is exteriorized comes from our inner volition and will, the needs, wants and desires of the person, the subject, the *I*. If we accept, even for the moment, that the inner volition and will are the intention that is exteriorized, then perhaps we can move forward with the exploration without leaving too much in doubt.

Ricoeur continues the comparison between meaningful action and text as fixed discourse when he says, “In the same way that a text is detached from

¹⁵ *Ibid.*, p. 203.

¹⁶ *Ibid.*, p. 203.

¹⁷ *Ibid.*, p. 204.

its author, an action is detached from its agent and develops consequences of its own.”¹⁸ We shall make two points from this citation: firstly, Ricoeur is able to make the connection or point out similarities between text and meaningful action because text is the very result of a meaningful action; the text is the result of the inner volition and will being that has purpose and is directed at someone (intentionality) is exteriorized by the *act* of fixation, the act of writing. The second point brings us back to our discussion from “Chapter V: Responsibility and Hermeneutics” when we explored distanciation and appropriation as it relates to understanding and interpretation: as soon as the agent has committed the act, as in the case of the author and the text or the speaker and the speech, the act becomes autonomous and independent of the agent from which it originated. The act, then, may be considered and scrutinized as a being in and of itself independent of the agent. However, like the text, in order to interpret the act and glean meaning from it, the agent *should* be taken into consideration when going through the process of understanding and interpretation.

The philosopher supports this last assertion when he says, “An action is a social phenomenon not only because it is done by several agents in such a way that the role of each of them cannot be distinguished from the role of the others, but also because our deeds escape us and have effects which we did not intend.”¹⁹ In what way does this citation support our assertion? While action is its own being as soon as the agent commits it, due to the intentionality or the volition and will that motivate the commission of that action thus giving it meaning in the first place, it is indeed a social phenomenon; therefore, in order to understand its meaning, the agents involved *should* be taken into consideration and their motivations, volition and intentionality examined.

For the sake of clarity, Ricoeur confirms for us that the phenomenon of the action is indeed separate from its agent with the same distance as that of the speaker or author from the text.²⁰ But again, even in interpreting a text, in understanding the context of the text, one must also study the author – and in the same way, in understanding the meaning of action, an act that was committed with deliberation by the subject, one must study the inner

¹⁸ *Ibid.*, p. 206.

¹⁹ *Ibid.*, p. 206.

²⁰ “The kind of distance which we found between the intention of the speaker and the verbal meaning of a text occurs also between the agent and its action,” (*Ibid.*, p. 206).

volition of that agent, which is to say, the dialectic of intentional exteriorization immanent to the act itself.

Let us not neglect the last part of that citation when Ricoeur refers to the “detachment of the *meaning* of the action from the *event* of the action.”²¹ This assertion from Ricoeur is interesting because he is saying that just as the act is independent from the agent, so too is the meaning from the event. His point may be made clearer with this follow-up quote: “With complex actions some segments are so remote from the initial simple segments, which can be said to express the intention of the doer, that the ascription of these actions or action-segments constitutes a problem as difficult to solve as that of authorship in some cases of literary criticism.”²² Returning to Ricoeur’s assertion that action is a social phenomenon, we begin to *see* how deciphering the meaning of a single action among many in the midst of an event may become cumbersome if not problematic.

As with the speech-act and interlocution, in a social setting, there may be action, reaction, [inaction] and interaction within a single event. Determining what agent committed a certain act among various agents and various actions, the initial action that prompted the reaction versus the general interaction can be a feat. Therefore, we have a paradigm in which the agents, actions, reactions, [inaction] and interactions constitute an event, but that event does not necessarily give us meaning – it may give us context, but it does not give us meaning.

Beyond the event from which we may be able to apprehend a context, Ricoeur instructs us to be aware of the pattern of action, more specifically, he says, “An action leaves a ‘trace’, it makes its ‘mark’ when it contributes to the emergence of such patterns which become the *documents* of human action.”²³ An action leaves a trace or a mark, which is to say that whether or not others register its meaning, the significance of that action remains embedded in the world. The text, even if it is burned after having been written, has made an indelible mark insofar as the author fixed his discourse with the intention that someone read it; likewise, the speaker makes an indelible mark insofar as he utters his words to someone for a purpose.

Regardless if the reader or the hearer acts on the meaning of the text or the uttered words, the mark has been made, the bell has been rung. The text

²¹ *Ibid.*, p. 204.

²² *Ibid.*, p. 206.

²³ *Ibid.*, p. 206.

and speech take their characteristic of indelibility from the indelibility of action in that they too are acts – the act, whether heard, seen, felt, perceived in any way or not, when done with deliberation with the intention of meeting a need or fulfilling the desire or want of the subject, the human person, the *I*, leaves a trace and becomes documentation of the dialectic of intentional exteriorization of inner volition and will.

Ricoeur takes the trace and mark of meaningful human action even further when he writes that “a meaningful action is an action the importance of which goes ‘beyond’ its relevance to its initial situation,”²⁴ and that any “important action, ..., develops meanings which can be actualised or fulfilled in situations other than the one in which this action occurred.”²⁵ Again, he is emphasizing that the meaningfulness of an act is not tied to the event in which the act was committed; rather, he goes further to say that the meaningfulness may be deemed greater if it can be realized outside the context of the event in which it was committed. To give a practical example to this theoretical proposition, consider for a moment the storming of the Bastille in 1789 from the French Revolution: that single action meant something to those French who were fighting in the moment, during the actual event, but the significance of the Storming of the Bastille changed over the centuries and became a beacon of freedom and democracy in a new age of government that eventually went beyond the borders of France.

Reinforcing the example, Ricoeur says, “... the meaning of an important event exceeds, overcomes, transcends, the social conditions of its production and may be re-enacted in new social contexts. Its importance is its durable relevance and, in some cases, its omni-temporal relevance.”²⁶ This is exactly the point that we are making with the example of the Storming of the Bastille; the meaningfulness of the actions of that single event has transcended the intentions of the agents who were immediately involved and has become a symbol of freedom to which other peoples have referred for inspiration as they revolted against tyrannical government and sought their independence.

Everytime a person considers the meaningfulness of human action, he is reading the text, the documentation of humanity, and he interprets the meaning. This is what we understand the significance of human action as

²⁴ *Ibid.*, p. 207.

²⁵ *Ibid.*, p. 208.

²⁶ *Ibid.*, p. 208.

text to be. The meaning does not change because meaning is intrinsic to the one who apprehends it, but the readers change as time passes, details fade and perspectives shift. Human action is the discourse that is affixed to the history of humanity as text, and the human being as Being-in-the-world, an *I* among others, interprets its meaning depending on the context of the event in which it was committed but also depending on the context in which he finds himself today.

1.3 *Action and Rights*

Having established the case for meaningful human action, we have deliberately overlooked one important factor in the subject committing an action willfully, deliberately and with intention: the capacity to do so. In Ricoeur's work *The Just*,²⁷ he discusses the agent's capacity to commit an action, but in this elaboration, he writes about it in terms of the "capable subject." As we mentioned in the previous sections, identifying *who* committed an act can be categorized as either a terminable when it is a given *who* that committed the act because someone witnessed the commission of the act, or an interminable investigation if the commission of the act goes unseen and is, therefore, unable to be assigned to an agent with certitude without one coming forward to take responsibility for having committed the act. As such, the agent is identified as the *who* especially when the act is witnessed in the ascription of "He did it."

The point is that in ascribing the act to an agent, something else is being said; that is to say that there is a subtext: the agent is *capable* of committing the act. By way of introducing this very topic, Ricoeur says, "It is by examining the most fundamental forms of the question 'who?' and the responses to it that we are led to give its full meaning to the notion of a *capable* subject."²⁸ In ascribing the act to the agent and thus accusing the agent of being capable of having committed the act, Ricoeur delves into an ontological discussion that has far reaching implications. He explains it in this way: "The notion of capacity will be central to my presentation. It constitutes in my view the ultimate referent of moral respect and of the

²⁷ P. RICOEUR, *The Just*. Originally published as *Le Juste* by Éditions Esprit in 1995. Translated by David Pellauer. University of Chicago Press. Chicago, Illinois. 2000.

²⁸ *Ibid.*, p. 1.

recognition of a human being as a subject of rights.”²⁹ This cuts to the very heart of where we are going with the present discussion – the rights of the subject, the rights of the agent, the rights of man, of the human person.

To illustrate his point, he begins by expanding on a philosophy in *The Just* that he proposes in *Oneself as Another*, that of the difficulty of assigning responsibility or ascribing the action to the agent. As we will see, this goes directly to the capability of the subject and has implications on the rights of man. He writes:

The identification of an agent, hence the assignment of an action or of a segment of an action to someone, is often a difficult operation – for example, when one undertakes to evaluate the degree of implication of this or that person in a complex enterprise involving several agents. The problem arises constantly on the plane of historical knowledge or in the course of juridical procedures aimed at uniquely identifying the responsible individual who will eventually be forced to compensate an injury or to suffer the penalty for some delinquent or criminal act.³⁰

In this one citation, we find other indications besides that of action and the agent; there are those of event, collusion or involvement, recompense (and implicitly, fault), responsibility, justice and a social element of memory and judgment. These implications play a major part in Ricoeur’s arguments and philosophy for the capacity of the subject and his rights.

The human person, a self-aware being among other self-aware beings with the ability to act deliberately and with intention based on his own will and needs is able to take responsibility for his action; in the same way, he is able to identify the actions of other human persons and attempt to ascribe them to the appropriate agent. As a consequence, according to Ricoeur “... the capacity of a human agent to designate himself as the author of his acts has considerable significance for the subsequent assignment of rights and duties.”³¹ What significance is that, one may ask. The significance is quite specific: if a human agent can deliberately act on his own behalf from his own will based on their own volition and needs, then he can *act* in a way in which he can reap benefits and gains from the world in which he exists. As Ricoeur writes, “our experience of the power we exercise over our bodily members and, through them, on the course of things” appears as the power that “is presupposed by the ethico-juridic concept of imputation, so

²⁹ *Ibid.*, p. 2.

³⁰ *Ibid.*, p. 2.

³¹ *Ibid.*, p. 3.

essential to the assignment of rights and duties.”³² This is to say, the agent, the human person can, through his deliberate action, exercise a power by which he demands rights and, by the same token, has a responsibility (a duty) to himself and other human persons of whom he is demanding those rights.³³

That which allows the subject to be declared an act as good or bad, virtuous or immoral, is the very thing within him that allows him to esteem himself and the other as good or bad, virtuous or immoral. The author writes: “We ourselves are worthy of esteem or respect insofar as we are capable of esteeming as good or bad, or as declaring permitted or forbidden, the actions either of others or of ourselves.”³⁴ The very fact that the subject is able to esteem himself, the other, his actions and the actions of others has various meanings: it means that the subject has an internal value system that he shares with his community, a value system that is open for discussion; it means that he is capable of making a distinction and judgment based on said value system; and it means that the subject is indeed capable of acting (the locutionary act if necessary) to mitigate another action with the motivation of preserving the *worthiness* of the *self*-esteem and *self*-respect of the person.

For Ricoeur, “It is here that the notion of a capable subject reaches its highest significance.”³⁵ The subject as *capable* defines his worth: in his very being-in-the-world, the *being* is an action that is the catalyst for the ethic, the investigation into his worth, his *self*-esteem and *self*-respect, as well as the *ought* that exists between him and the other based on his worth, his *self*-esteem and *self*-respect. While the act of *being qua being* may not be voluntary as such, the acts that the subject as *being qua being* commits based on will and need are; therefore, the ethic is born from dynamic of interaction between the subject as *being-in-the-world*, a capable subject who acts and *is* among other beings-in-the-world.

The subject, as the capable subject, defines the ethical and moral dimension of his *selfhood*, that is to say, what it means to be him among other beings-in-the-world:

³² *Ibid.*, p. 3.

³³ As a side note, it appears that the structure of Ricoeur’s understanding of human capacity as it contributes to intrinsic rights and duties may be classified, according to Aristotelian causality, as efficient cause.

³⁴ *Ibid.*, p. 4.

³⁵ *Ibid.*, p. 4.

... there is a bond of mutual implication between self-esteem and the ethical evaluation of those of our actions that aim at the 'good life' (in Aristotle's sense), just as there is a bond between self-respect and the moral evaluation of these same actions, submitted to the test of the universalization of our maxims of action (in the Kantian sense).³⁶

In order for us to understand Ricoeur's assertion of the subject's ethical and moral dimension, let us consider the following: "Taken together, self-esteem and self-respect define the ethical and moral dimension of selfhood, to the extent that they characterize human beings as subjects of ethico-judicial imputation."³⁷ Here, we have an interesting illustration of the capable subject's conscience (ethical and moral dimension of selfhood), the part of the self that values reflexively and takes the world around it into consideration, good or bad, virtuous or immoral, life-giving or ruin.

Ricoeur demonstrates that in esteem and respect, the subject does so from his capacity to do so when he states, "We esteem ourselves capable of esteeming our own actions, we respect ourselves in that we are capable of impartially judging our own actions. Self-esteem and self-respect are in this way reflexively addressed to a capable subject."³⁸ The cycle may seem to be *self-centered* and *self-fulfilling*, but it is necessary because the subject's experience of *being* in terms of *esse* (Latin infinitive of *to be*) and in terms of action (noun) begins with him; therefore, esteem and respect must start with the self – value must start with the self. Otherwise, the subject will never have a true sense of esteem, respect, value or worth for anything in his world including other beings-in-the-world whom he encounters.

Having followed Ricoeur's teachings, we can say that the subject is a *capable* subject, one among other beings-in-the-world who are capable of acting out of their own volition and needs; the subject is a capable subject who, based on his ability to value or esteem and respect his actions and those of other beings-in-the-world, has a right to *being* in terms of *esse* and in terms of action. The subject, in his self-awareness and capacity to act, esteems and respects based on the esteem and respect he has for himself. With himself as the source of his value system from which he determines good and bad, his rights to act are not granted to him but rather are imposed on him. It is imposed on him by the very power that he has exercises over his own being and "bodily members."

³⁶ *Ibid.*, p. 4.

³⁷ *Ibid.*, p. 4.

³⁸ *Ibid.*, p. 4.

2. Discourse, Text and Law

As the discussion segues from meaningful action towards justice we understand how it is constituted within our discourse as the dialectic of just human action, we must, too, understand the relationship between law and text, or law as text, and the meaning it can have for the human relation. To engage in this study, we shall remain faithful to Ricoeur's collection of essays, *The Just*, and refer to one in particular, "Conscience and the Law, the Philosophical Stakes."³⁹ In this essay, Ricoeur separates human conscience from law in order to make a singular distinction that must not be confused by conflating the two: the evaluation of good and evil (law) complements the pronouncement of wise judgment, but the evaluation does not form wise judgment. What do we mean by that?

2.1 *Law and the Moral Imperative*

Ricoeur explains conscience and law in terms of poles setting "on the side of the pole of the law the most elementary discrimination between good and evil, and on the side of conscience the emergence of a personal identity constituted in relation to this basic discrimination."⁴⁰ According to Ricoeur, therefore, either way, on either pole, law or conscience, a person should be able to discriminate between good and evil, evaluating based on the structure or precepts of the law or conscience, whichever is called to task. Ricoeur explains it in this way:

The term "evaluation" expresses the fact that human life is not morally neutral, but, once it is examined, following the precept of Socrates, lends itself to a basic discrimination between what is approved as the better and what is disapproved as the worse. If the term "law" does not quite fit at this elementary level, at least in the strict sense I have spoken of, strong evaluations do present a series of characters that set us on the way to the normative sense attached to the idea of the law.⁴¹

Perhaps it is with this explanation that we may make an important observation: Ricoeur teaches that the law, in its most basic form, represents an evaluation of a sort; the evaluation then may be taken as an action – a meaningful, voluntary action on the part of the subject. The significance of this is rife because it indicates to us that law (evaluation) pertains to a

³⁹ *Ibid.*, pp. 146-155.

⁴⁰ *Ibid.*, p. 146.

⁴¹ *Ibid.*, p. 147.

greater part of the experience of the subject; if the action is voluntary, done willfully and deliberately, it, therefore, has meaning and may be a matter for interpretation by the subject and others whom he encounters.

To complete the distinction between law and conscience, as we stated earlier in the previous section, conscience [of the capable subject] is the ethical and moral dimension of the selfhood. But Ricoeur goes further to make it clear what the conscience is when he references fellow philosopher Charles Taylor and says,

Here too I will follow the suggestion of Charles Taylor by pairing the idea of the self and that of the good. This correlation expresses the fact that the question *who?* – Who am I? – presiding over every search for personal identity, finds a first outline of an answer in the modes of adhesion by which we respond to the solicitation of strong evaluations. In this respect, we can make the different variations of the discrimination of good and evil correspond to different ways of *orienting oneself* in what Taylor calls moral space, ways of taking one's stand there in the moment and of maintaining one's place over time.⁴²

Just as the capable subject starts from himself in esteem and respect (*self-esteem* and *self-respect*) in order to determine how and to what degree to esteem and respect beings beyond himself, he is likewise orienting himself, starting from the self, in terms of discriminating good and evil and evaluating the moral space in which the phenomena occurs.

Ricoeur continues, “As a moral being, I am someone who assumes an orientation, takes a stand, and maintains himself in a moral space. And conscience, at least at this first level is nothing other than this orientation, this stance, and this holding on.”⁴³ Yes, conscience, in line with everything we have explored until now, is the orientation and the stance, but it is also the *holding onto* because it is within the self, it is the anchoring from which the capable subject cannot escape. Even when a person denies their conscience, their sense of orientation toward what is good and away from what is bad, that denial is still a turning away from the self, an anchor, a point of reference that fundamentally never moves. Therefore, we shall suggest, at least for the moment, that the conscience is stable.

How can the conscience be stable if, as Ricoeur recognizes, we often question “*what ought I to do?*” and he even says that question, “is secondary in relation to the more elementary question of knowing how I

⁴² *Ibid.*, p. 148.

⁴³ *Ibid.*, p. 148.

might wish to live my life”⁴⁴? The conscience is stable to the degree that the capable subject asks the question. As soon as he ceases asking the question “what ought I to do?” or “how ought I live my life?” then there is an indication that the conscience is no longer discriminating between good and bad, and, therefore, the orientation toward the good is no longer foundational for that capable subject.

Notwithstanding the fundamentality of the human conscience as it orients the capable subject towards the good, it must too be recognized that the conscience is personal. That is to say, while there may be some commonly held values and characteristics that orient individual capable subjects, their individual consciences are particular to themselves. Therefore, it becomes necessary to have a normative system by which capable subjects may orient themselves towards the good as a community.

Ricoeur explains that it is as a community that the subject, recognizes the moral obligation intrinsic to a community of subjects, capable subjects whose particular conscience orients them toward the good, and it is here that he gives a glimpse of a working definition of law: a “bond between ethics and the juridical” which “is necessary for a correct evaluation of the role of conscience at [the communal] level.”⁴⁵ The introduction of law into community is the very birth of subject’s capacity to relate to other subjects⁴⁶ in order to determine worthiness, value, good and beauty (borrowing from Aristotelian language) based on esteem and respect he has for himself, and themselves; it is this communal-esteem and communal-respect that is codified in a way what has been approved by convention within the community that is law.

Ricoeur examines three distinct features of law that constitute subject’s experience of it as law *qua* law, the phenomena of law as such within the prescribed context of the capable subject’s ethico-juridical concept of imputation: interdiction, universality and human plurality – “inasmuch as they indicate the anchoring point of the dialectic of internalization.”⁴⁷ Of *interdiction* he says that it “is the stern face the law turns toward us.”⁴⁸ That does not mean much until he explains further by calling to mind the

⁴⁴ *Ibid.*, p. 148.

⁴⁵ *Ibid.*, p. 148.

⁴⁶ Let us keep in mind that the reference to “subjects” in this case refers to other beings whom our initial subject encounters in his experience of the world; these are beings who in their own experiences of the world experience it as subject.

⁴⁷ *Ibid.*, p. 148.

⁴⁸ *Ibid.*, p. 149.

example of the Ten Commandments and pointing out the interdiction imposed within the grammar of the commandment: “Even the Ten Commandments are stated in terms of this grammar of negative imperatives: you shall not kill, you shall not bear false witness, and so on.”⁴⁹ The negative imperative is the stern face of the *I* demanding the other not to kill him, as we put it in Levinasian terms. While the negative imperative may seem confining or restrictive, within the phenomenon of the human relation, Ricoeur maintains that the negative impulses of humanity are repressed.⁵⁰ He specifies:

By withdrawing an alleged right to vengeance from the victim, penal law sets up a just distance between two acts of violence, that of the crime and that of punishment. And it would not be difficult to offer the same demonstration for the prohibition of false testimony, which, in protecting the institution of language, helps establish the bond of mutual confidence among the members of a linguistic community.⁵¹

For Ricoeur, it is by the interdiction of the law that beings-in-the-world (who are subjects of their own experience of being) are able to live amongst and with each other even when wrongs are committed – the interdiction limits the extent to which a victim may seek vengeance, if vengeance may be sought at all. And it is here that Ricoeur introduces an interesting and, perhaps, far-reaching concept – the *just distance*.

He first introduces the notion of *just distance* in another of his essays found in *The Just*, “Sanction, Rehabilitation, Pardon.”⁵² He refers to this distance as that “between the hideous crime that unleashes private and public anger, and the punishment inflicted by the judicial institution,” and he continues by explaining that within the juridical context, the trial institutes the just distance between victim and avenger, “Whereas vengeance short-circuits the two forms of suffering, that undergone by the victim and that inflicted by the avenger.”⁵³ The interdiction of law supports the just distance because it is a declaration of behavior that will not be

⁴⁹ *Ibid.*, p. 149.

⁵⁰ “At first glance, we might be tempted to see in the interdiction only its repressive dimension, to see... only the hateful desire concealed therein. But then we would risk not taking into account what we might call the structural function of the interdiction” (*Ibid.*, p. 149).

⁵¹ *Ibid.*, p. 149.

⁵² *Ibid.*, pp. 133-145.

⁵³ *Ibid.*, p. 134.

tolerated within a community of beings-in-the-world as represented by language, signs and symbols with negative grammar or indicators imposing the stern face of the *I* to the other.

For our author, *universality*, the second feature of law, as a moral norm – a standard of behavior that the community of subjects is able to agree on by convention that is either spoken or unspoken but nevertheless understood. More specifically, Ricoeur says,

The second feature common to the juridical and the moral norm is their claim to *universality*. I say “claim” because on the empirical plane social norms vary to a greater or lesser degree in space and time. But it is essential that in spite of this factual relativity, and through it, a validity in principle is intended. The prohibition of murder would lose its normative character if we did not hold it to apply to everyone, in every circumstance, and without exception.⁵⁴

It may be obvious to the reader that this second feature of law is not strictly respected in every instance, especially in the case of war.

Anyone familiar with the modern judicial systems knows that the superior courts are inundated with cases for the problems related to universality as well as that of the third feature, plurality. But for the moment, let us consider the problem of universality. Governments that continue to carry out the death penalty contribute to the problem of universality to the extent that they attempt to punish those who have committed murder by committing the very same act as retribution or vengeance. To right the wrong that was committed, the government that has lawful state sanctioned executions commits a similar, if not equal, wrong. The feature of universality, in this case, therefore, is pushed to the side for the moment, for the justifiable exception to the universal rule.

The third feature is no less interesting but perhaps more complicated, *plurality*. Ricoeur introduces it in this way: “The third feature I want to retain concerns the connection between the norm and human plurality. What is forbidden, universally condemned, are in the final analysis a whole series of wrongs done to others. A self and its other are thus the obligatory protagonists of the ethico-juridical norm.”⁵⁵ By the very nature of the subject being a being among other subjects, he is necessarily going to encounter the situation in which conflicts arise, agreements will have to be made and compromises will have to be reached. Within that, laws, as a part of the dialogue between the *I* and the *other*, also necessarily, must be

⁵⁴ *Ibid.*, p. 149.

⁵⁵ *Ibid.*, pp. 149-150.

negotiated in order to aid in distinguishing where the phenomenon of the subject's world begins to encroach on the phenomenon of the world of the others, other subjects whom he encounters in what he supposes is *his* world.

Ricoeur refers to Kant when he explains it by calling it the “unsociable sociability,” and in doing so, he points out how fragile the interhuman bond is.⁵⁶ He calls it a bond, which it is, but we must not forget that it is a relation with a foundational interdiction, a demand, “Do not kill me.” Again, why is the *I* demanding of the other not to kill him? He makes that demand because the other is already getting too close, the other is already imposing himself on the world that the *I* has “claimed” as his own. Let us not forget that the *I*'s only point of reference is himself, and his worldview, the point from which he experiences himself and other beings is from where he is in what he perceives to be *his* world. In this case, the *other* will always be a *guest* (either welcome or unwelcome) in the *I*'s world.

2.2 *The Capable Subject, Rights and Duties*

Living the moral and ethico-juridical concept within the capable subject as a member of a community of other capable subjects living with and among other capable subjects and acting on it within this context becomes internalized, not just within the individual capable subject, but within the community, and characteristics of *self-esteem* and *self-respect* become features of law. Ricoeur says, “... it is not difficult to understand in what sense the process of internalization, through which mere social legality is raised to the level of morality, is completed in moral conscience.”⁵⁷ With this re-exploration of the phenomenology of the subject's worldview, the interdiction becomes more understandable. Ricoeur writes,

...the role of prohibition, what fundamentally distinguishes legality from morality comes to light. Legality only demands an external obedience, what

⁵⁶ “A self and its other are thus the obligatory protagonists of the ethico-juridical norm. What is thereby presupposed, by law as well as by moral philosophy, is what Kant called the state of ‘unsociable sociability’ that makes the interhuman bond so fragile. In the face of this permanent threat of disorder, the most elementary requirement of the law, this same philosopher says in his ‘Metaphysical First Principles of the Doctrine of Right,’ is separating what is mine from what is yours. Here we rediscover the idea of a just distance, applied this time to delimiting the competing spheres of individual liberties” (*Ibid.*, p. 150).

⁵⁷ *Ibid.*, p. 151.

Kant called mere conformity to the law, in order to distinguish respect for the law from love of duty. To this external character of legality we can add another feature that distinguishes it from morality, namely, the authorization of the use of physical force, as a way of restoring the law, of giving satisfaction to victims – in short, of allowing, as we say, the last word to the law.⁵⁸

So not only is the *I* demanding the other not to kill him, but he is also reserving the right as the capable subject and by authorization implicit by the interdiction to use physical force if the other does not heed the demand. In this way, the community of subjects has established amongst themselves through a convention that the demand of the *I*, “Do not kill me,” that interdiction and the others that follow are laws that require no other interpretation because the font of the moral and ethico-juridical concept is the *self*-esteem and *self*-respect of the capable subject as soon as he pronounces the demand.

The law is the last word because it is in the norm of the human conscience that the concept of law itself is universal. It is also within the human conscience, that the claim to universality finds what Ricoeur calls *personal autonomy*, which, again, he borrows from Kant:

The claim of legality to universality, morality presents a second aspect of internalization. Opposed to the idea of an external legislator is that of a *personal autonomy*, in the strong sense of the term autonomy, interpreted by Kant as legislation that a freedom gives to itself. Through autonomy, a rational will emerges from a merely arbitrary one, by placing itself under the synthesis of freedom and rule-governedness. However, the admiration we may have for the Kantian elegy of autonomy must not prevent us from taking into account the price we pay for this internalization of the law considered in terms of its universal angle. Only a formal rule, such as the test of universalization to which all our projects, all our life plans, in short, what Kant calls maxims of action must be submitted, can claim the kind of universality that ordinarily leaves things to mere social legality.⁵⁹

The personal autonomy that universality affords is autonomy inasmuch as it is recognition that as a subject living with and among other subjects, there is a freedom from the *other* because the *I* perceives that the other is governed by a similar set of moral standards. The [unspoken] recognition between the *I* and the other of their mutually held moral standards, perhaps

⁵⁸ *Ibid.*, p. 150.

⁵⁹ *Ibid.*, pp. 150-151.

not identical but more or less comparable, is enough to establish the ethico-juridical plain on which the system of law within the community rests. So again, the moral and ethico-juridical establishment of law within the context of the phenomenal experience of the subject as he lives with and among other subjects, is a second facet of the feature of universality.

While the second way of looking at universality brought with it more interesting and even complicated ways of exploring law and the way in which the capable subject relates to himself and the other, it is arguably a more authentic application of the feature. Contrary to the first and, perhaps more obvious application of universality as it pertains to law, as a feature it is many times an exception rather than a standard feature – that is to say, it is a rarity that you find laws being applied according to a universal standard. This is not a criticism but rather an observation. Without getting too far ahead of the discussion at hand, applying laws universally without discretion may be an indication of a faulty government, a lack of good judgment or a lack of wisdom within the community. In an answer to this observation, as we shall return to the concepts of judgment and wisdom momentarily, we know that for Ricoeur “... conscience is nothing other than an inward, willing obedience to the law as law, through pure respect for it and not out of mere conformity to the statement of the rule.”⁶⁰ In other words, while the capable subject may rely on the law to set a standard of behavior within the community, it is still his responsibility to use his own conscience to determine whether and to what degree the law is just [as it pertains to the situation].

Here again, universality and conscience are complementing the personal autonomy of the capable subject, but the capable subject as the subject living with and among other subjects is responsible for himself and for them as well. Autonomy does not mean solitude; rather it means he has a responsibility to think for himself at all times; autonomy means that Being-in-the-world esteems and respects himself and in doing so, is able to value the other. His personal autonomy and his conscience are related insofar as it is through his conscience self-esteem and self-respect that he is able demand “Do not kill me” demonstrating an awareness of self-worth and creating a distance and a distinction between himself and the other, but by that same token he is also able to esteem and respect the other. Knowing

⁶⁰ *Ibid.*, p. 151.

that his own life is important because his conscience is telling him so, he also knows that the life of the other is important, it is just as important.⁶¹

As we just stated, albeit briefly, applying laws universally, regardless of the situation, not taking into consideration the circumstances under which actions were committed, may not orient a community of subjects toward the good, either collectively or individually (notwithstanding the argument against capital punishment). Consequently, it is incumbent on the capable subject to help guide the community to what Ricoeur calls *wise judgment* and *conviction*.

Ricoeur acknowledges that applying norms to particular cases can become “extraordinarily complex” because it “implies a style of interpretation irreducible to the mechanism of the practical syllogism.”⁶² In other words, the complexity of applying norms to particular cases originates simply because the case is not a logical problem or a supposition for consideration with certain variables to scrutinize or ignore. The complexity lies in the very complexity of the phenomenon of the case to which the norm is being applied.

However, instead of being burdened by the complexity of applying the norm to the particular, we shall explore the subject’s ability, as the capable subject, to apply his own conscience when evaluating the way in which the norm is applied to the particularity of the case. But in order for the subject to apply his conscience in this way, he must do so in a procedural way – the hearing or trial. We must not forget that he is doing this in a forum, in public either with or among other subjects for whom he is also responsible.

While Ricoeur does not explicitly discuss this aspect of the phenomenon of the moral judgment [in a public forum], he alludes to it as he proceeds with the study into what he calls the dialectic of moral judgment in a situation. Referring to the relation between law and moral judgment and taking note of the complexity of the particularity of the single case when applying the norm. As Ricoeur writes,

The complex process at the end of which a case is placed under a norm involves two interwoven processes of interpretation. On the one side, that of the case considered, the problem is to reconstitute a plausible, a reasonable

⁶¹ “As impartial, the voice of conscience tells me that all other life is as important as my own...” (*Ibid.*, p. 152).

⁶² *Ibid.*, pp. 152-153.

history, the history or rather the interweaving of histories constitutive of what we call a case, or better an “affair.”⁶³

Our author also explains the intricacies of the hearing we begin to understand why the subject’s role as arbiter is so difficult and important: “The hearing, as the centerpiece of the trial, reveals how difficult it is to disentangle a univocally true narrative from the confrontation between the rival versions proposed by the parties involved in litigation.”⁶⁴ On the one hand, in an attempt to determine what happened, what agent committed which action(s) to cause the resulting effects, the subject tries to simplify a complex operation; on the other hand, in doing so, in taking into consideration at least two “interwoven” accounts of a series of actions, the subject then is tasked with interpreting the interpretations of the perceived phenomena of other subject in order to apply a moral judgment based on his own conscience.

Yet we cannot put the entire weight of moral judgment on the subject, because as Ricoeur explains it, “The difficulty is no less on the side of the norm. It is not always immediately clear that this case should be placed beneath this norm. What is called the qualification of a litigious act results from a work of interpretation applied to the norm itself.”⁶⁵ The subject must determine which norm or law must be applied to the particular case before adjudicating it. This, too, requires a certain amount of interpretation, perhaps a hearing to disentangle certain particularities of the interwoven histories of the series of actions constituting an event. For Ricoeur,

A judgment in situation thus comes about at the point of intersection of these two lines of interpretation. We can say that argumentation and interpretation are inseparable, the argumentation constituting the logical framework and the interpretation the inventive framework of the process ending in the making of a decision.⁶⁶

Such an assessment of the judgment, seemingly, may be simplistic insofar as it omits a sense of deliberation. He is correct to partner argumentation with interpretation, but by seemingly excluding *deliberation* from the partnership to create a dynamic triad leaves the understanding of judgment and law with a gaping hole. Additionally, in order to get to the concepts that we mentioned earlier, *wise judgment* and *conviction*, one would

⁶³ *Ibid.*, p. 153.

⁶⁴ *Ibid.*, p. 153.

⁶⁵ *Ibid.*, p. 153.

⁶⁶ *Ibid.*, p. 153.

evidently have to make a leap. But instead of making a leap, based on our own understanding of Ricoeur's teachings of hermeneutics, interpretation, understanding and responsibility, not to mention everything we have gained in this last section, let us try to put it all together in a way that he may have appreciated while bringing in the concept that *seems* to be missing.

In order to do just that, let us consider briefly what Ricoeur says regarding the relation between law and conscience:

... it is a question of saying what the law is in a determined circumstance. In this regard the pronounced sentence would not have any juridical meaning if it were not deemed fair, equitable, in the sense that Aristotle gives the term "equity" when the norm covers a singularity equal to that of the case considered.⁶⁷

What is it that the subject is determining to be fair or equitable, and how is he going about it? Now the task at hand is not to answer that question, but to consider how we would answer it. It goes back to the concept of *deliberation*.

That which we shall designate, for the purposes of this discussion, as *deliberation* is directly related to Ricoeur's explanation of human conscience; he defines the conscience as "nothing other than the inner heartfelt conviction that inhabits the soul of the judge or the jury, equitably pronouncing the judgment."⁶⁸ What we have identified as deliberation is the result of the activity of the human conscience, the "heartfelt conviction" and wisdom.

Ricoeur refers in particular to John Rawls in order to enhance his position and so introduces Rawls' concept of "reasonable disagreement," which refers to "the fragmentation of political ideals, of spheres of justice, and, even in the juridical domain, the multiplication of sources of law and the blossoming of codes of jurisdiction."⁶⁹ The concept of reasonable disagreement gains traction as we consider the fragility of law and the tension between [personal] inner conviction and law that is, by definition, communal and social. Ricoeur explains:

...things become more serious when it is no longer just norms that enter into conflict—once the respect owed to the universal norm confronts the respect owed to singular persons. It is indeed a question of the tragic dimension of

⁶⁷ *Ibid.*, p. 153.

⁶⁸ *Ibid.*, p. 153.

⁶⁹ *Ibid.*, p. 155.

action when the norm remains recognized as a party in the debate, in the conflict that opposes it to solicitude for human poverty and suffering.⁷⁰

Where does the subject and the community to which he belongs draw the line when it comes to honoring and respecting personal conviction and honoring and respecting the laws set forth for the good of the community? The concept of “reasonable disagreement” goes to the heart of this very question because it puts the authenticity of the “tie between inner conviction and the speech act” at the center of the analysis to determine how to judge the circumstances of a situation justly. As Ricoeur rightly states, the conflict often times juxtaposes the strength of communal convention – law – against the solitude of human poverty and suffering of the individual person. Determining what is just in the face of this juxtaposition presents its own complexities and problems.

Ricoeur, then, proposes that the subject use *wisdom* in judging. Specifically, he says, “Wisdom in judging consists in elaborating fragile compromises where it is a matter less of deciding between good and evil, between black and white, than between gray and gray, in the highly tragic case, between bad and worse.”⁷¹ In other words, wisdom in judging is man’s ability to distinguish and evaluate the subtle details that lend to the significances that constitute the varying levels of esteem and respect granted by personal conviction and conventional law.

In fact, Ricoeur distinguishes between the judge and the ethicist, saying that the judge is “charged with stating the law in a singular situation,”⁷² while the ethicist is “faced with the tragic dimension of action, states the better or the less bad, as it appears at the end of a debate where norms weigh no less than do persons.”⁷³ Interestingly, the paradigm between the judge and the ethicist, is that in order for their arbitration to succeed, they must work together. Ricoeur, in speaking about the ethicist, says, “his inner conviction has as its objective correlate the *apparent better* thing to do in the circumstance.”⁷⁴ Within the sequence of the sentences, the grammatical structure and syntactical construct, it is apparent that the possessive pronoun that Ricoeur uses refers to the ethicist, but let us still consider the question “about *whom* he is referring?” Considering that the judge and the

⁷⁰ *Ibid.*, p. 155.

⁷¹ *Ibid.*, p. 155.

⁷² *Ibid.*, p. 155.

⁷³ *Ibid.*, p. 155.

⁷⁴ *Ibid.*, p. 155.

ethicist have to work together to render a just decision as it relates to the tension and the juxtaposition between the personal conviction and the law (and that very tension and juxtaposition play a part in the arbitration), let us submit this proposal which may seem obvious for some: the judge is the ethicist and the ethicist is the judge, but this is not to say that there is only one person arbitrating the matter. Rather, Ricoeur states,

Wisdom in judging and the pronouncement of wise judgment must always involve more than one person. Then conscience truly merits the name *conviction*. Conviction is the new name that the strong adhesion of our first analysis now receives, after having traversed the rigor, intransigence, and impartiality of abstract ethics, and having confronted the tragic dimension of action.⁷⁵

Ricoeur's argument is that it is by *wisdom* that the subject, in community with others, may judge a situation, evaluate it based on his own self-esteem and self-respect and determine what is just. However, that wisdom is garnered and decisions are made based on the common conviction since it is through the convening of subjects that the dialogue about their personal inner convictions, its tension with the communal law and how a particular situation may be judged in light of the conviction, the communal law and the eventual tension among the two. Ricoeur writes that it is better

...to conserve the vocabulary forged on the occasion of the juridical judgment in situation, issues from an intersecting play of argumentation and interpretation, the decision taken at the end of a debate with oneself, at the heart of what we may call our innermost forum, our heart of hearts, will be all the more worthy of being called wise if it issues from a council...⁷⁶

The question that remains is this: if wisdom comes by way of council, the convening of subjects to determine the virtues of personal conviction versus communal law as it applies to specific situations, does that mean that the individual person, the subject himself cannot be wise? If the answer is no, then how can any decision man makes without the benefit of council be deemed wise? In the United States of America, persons who have been accused of a criminal act have the option of trial by a jury of their peers or bench trial where they are tried in front of a single judge. In the event that the accused chooses a bench trial, can it ever be said that the decision was

⁷⁵ *Ibid.*, p. 155.

⁷⁶ *Ibid.*, p. 155.

wise? Perhaps this is an argument for another thesis, but the doubt that Ricoeur's teaching on wisdom and justice remains.

Returning to agent, act, law and justice, in many situations, a damaging act has already been committed against a person or group of persons. It is then the responsibility of the judge, the person or entity (group of persons) to whom the responsibility of arbitrating the matter has been assigned, to determine the severity of harm done, the agent of the action that caused the damage, as well as rendering judgment about how that damage may be valued – if the damage should be valued more in accordance with the conventions of law or closer to the personal inner conviction. These questions must be considered seriously and remain contemporary issues because no matter how often laws are updated, they are antiquated to a degree relative to the living (the act) of the subject who conceive of them and agree on a convention.

Furthermore, let us not forget that, based on Ricoeur's explanation [and our interpretation], law as text is still discourse fixed by writing. Therefore, as soon as the discourse is fixed, it ceases to exist in the now and is subject to the rigors of time and hermeneutics. That is to say, the subject must seek it, refer to it and interpret it. In this way, law falls under the same structure as any other text in terms of explanation, understanding and interpretation – hermeneutics.

2.3 Justice and the dialogical event

The law as text is exceptional because of its place in time as it relates to the subject's experience of the world and the text that is written perhaps by a another subject who has experienced the world in a very different context. That is to say, the context in which the law as text is written must be taken into account when the subject reads it with a hermeneutical filter. But in order for the subject to apply the law to a situation considering the various particulars (no two situations are exactly the same), he must understand and interpret the text that is the law taking into consideration the context in which it was written.

In this way, time becomes a crucial factor in the hermeneutics of law as the subject seeks to impart justice. In order for us to understand how time affects the context of text and, in particular, law as text, we have to consider the subject's worldview. To rectify the disconnect between the context of the text and the worldview for the sake of justice, the subject must enter into critical dialogue with others whom he encounters in his experience, other Beings-in-the-world with whom he is in community.

To do this, we must engage in three exercises: firstly, we must be sure that we understand justice based on the thesis that we proposed at the beginning of this chapter⁷⁷; secondly, we must explore the dialogical event, the subject's place in it, his relation with *others* with whom he must convene to discuss his personal convictions in order to develop a communal conviction; and thirdly, we must explore, if only momentarily and hypothetically, how or if that dialogue affects the subject's inner convictions.

We return to the first chapter of Ricoeur's *The Just* where he discusses "The Dialogical and Institutional Structure of the Subject of Rights."⁷⁸ While introducing the discussion, Ricoeur writes:

It can be tempting for a dialogical philosophy to limit itself to relations with other individual people, which are usually placed under the heading of an I-thou dialogue. It is precisely these relations with other individuals that are held to be worthy of being qualified as interpersonal. But this face-to-face relation lacks the relation to a *third* party that seems just as primitive as the relation to an individual 'you.' This point is of the greatest importance if we want to account for the transition from the notion of the capable human being to that of the real subject of rights.⁷⁹

In this admission we have the beginnings of a clearer understanding of justice as it pertains to the capable subject and his relation with the other. Ricoeur is setting the stage for the transition from the *I-thou* relation which, as we have seen, is based on the face-to-face encounter, to the inclusion of the relation between the *I* and the third party. Who that third party is will vary depending on the situation, but let us say that the third party is the *you* who may not be present to the *I*; the third party is the *you* whom the *I* has not encountered in a face-to-face experience. And yet, the third party is a subject who commands the same respect and consideration as the *I* and the *you* who is indeed present to the *I* in the face-to-face encounter.

The relation with the *absent* or unseen third party is crucial to the understanding of justice because "Only the relation to the third, situated in the background of the relation to the you, gives us a basis for the institutional

⁷⁷ We must also consider it in confrontation with what we have learned about text, responsibility, hermeneutics and human relation from Ricoeur (the understanding of justice that we gain in this exercise will also help to illuminate the concept in the face of love, which we shall explore in the final section of this chapter).

⁷⁸ *Ibid.*, pp. 5-10.

⁷⁹ *Ibid.*, p. 5.

mediation required by the constitution of a real subject of rights – in their words, of a citizen.”⁸⁰ The mediation that Ricoeur mentions is the *I-you* relation, but there is a third party who completes the subject of rights, and that mediation, by *otherness*, distinguishes the other as *you* and the other as a third party. Ricoeur continues with this statement, “... mediation by otherness in general and that of the distinction between the other as a ‘you’ and the other as a third party – can be established on the plane of fundamental anthropology to which we appealed in order to elaborate the notion of a capable subject.”⁸¹ Therefore, there is a triadic constitution to the interpersonal form of otherness, which, we shall see, introduces the concept of institution; the triadic constitution is the *I-you-3rd* person relational structure.

To further illustrate his philosophy about the triadic constitution, Ricoeur returns to the discussion of the capable human being and relates it to the speaking subject:

We placed the principal accent on the capacity of the speaker to designate himself as the unique speaker of his multiple utterances. But we pretend to ignore that it is in this context of interlocution that a subject of discourse can identify and designate himself. Within this context, and corresponding to the first-person speaker, there is a second-person hearer of what is said.⁸²

In a face-to-face encounter, the *I* is able to relate to the *other* or *you* as the correlative interlocutor; in this event of relation, the *I* is able to *see* that the *other* is, as Ricoeur says, “like me.” He explains it in terms of the use of personal pronouns, “Our mastery of the personal pronouns is not complete so long as the rules for this exchange are not fully understood. This mastery contributes in the following way to the emergence of the subject of rights: *like me* the other can designate himself as an *I* when he speaks.”⁸³ In the *I*’s recognition that the *other* is “like me” he is admitting or recognizing the other in terms of their rights as a capable subject and their duties to their *self*.⁸⁴

Given that the *I* does not have the vocabulary or the innate concept of the third party with whom he is in relation although he cannot readily perceive

⁸⁰ *Ibid.*, p. 5.

⁸¹ *Ibid.*, p. 5.

⁸² *Ibid.*, pp. 5-6.

⁸³ *Ibid.*, p. 6.

⁸⁴ “The expression ‘like me’ already announces the recognition of the other as my equal in terms of rights and duties” (*Ibid.*, p. 6).

it, his ability to include the third party in his recognition of equality as it regards rights and duties is limited. The *I* uses, he/she/it to refer to the third party, but he does not relate to it as a *you*, an equal:

... we lack the reference to the very institution of language in which the interpersonal relation is framed. In this sense, he/she/it represents the institution, inasmuch as it encompasses all the speakers of one natural language who know themselves and who are bound together by the recognition of the common rules that distinguish one language from another.⁸⁵

The *other*, therefore, is not a *you* with whom the *I* is in a readily recognizable relation; instead the *other* is a manner of speaking to refer to the Beings-in-the-world who are *absent* to the *I* or, rather, unseen or not perceived. But it is in the common rules of language that the *I* is able to maintain contact if not a perceivable relation with the other; and it is through language [and the *you*] that the *I* is able to establish an understanding of the interpersonal relation that goes beyond the *I-you* construct to include the *other* as an institution or an encompassing concept of *yous* whom the *I* will not encounter face-to-face and will refer to as he/she/it.

And it is through language and the relation with the *you* that the *I* is able to relate to the *other* and engage and interact in such a way that conventions are established for standards of behavior and ethics. Ricoeur demonstrates this when he says, "I expect that each will *mean what he or she says*. This confidence establishes public discourse on a basis of trust where the other appears as a third party and not just as a 'you.' In truth, this fiduciary base is more than an interpersonal relation, it is the institutional condition for every interpersonal relation."⁸⁶ The confidence that establishes public discourse originates in language and in the relation with the *you*; trust starts with the rule of sincerity, in the *I* meaning what he says and trusting that the *you* means what he says. Likewise, the trust continues to the third party as *other* insofar as the *I* has accepted, through language and his relation with the *you*, that the *other* is a *you* removed from his immediate experience with whom he is in relation and, consequently, in whose word he can trust.

It is, therefore, this trust on which justice is based because the convention of laws is also ultimately, first and foremost, based on the trust that exists within the triadic structure, the *I-you-3rd party* relation. With this

⁸⁵ *Ibid.*, p. 6.

⁸⁶ *Ibid.*, p. 6.

said, we can then conclude that justice is based on inter-human relation and originates in the dialogical event, between the interlocutors – the speaker and the hearer – as well as the third party who is not immediately present to the *I* with whom the *I* is nevertheless in relation.

In examining the construct of the *I-you-3rd party* relation, we have not only come to a better understanding of justice, but we have also begun to gain an understanding of the subject's place in the dialogical event, his relation to others within the dialogical paradigm and the affect that dialogue may have on his inner convictions.

We understand that the subject as the *I* is central to his understanding and interpretation of his own experiences, and that his relation with the *you* as another subject is based on that centrality. We understand that his relation with the *you* is based on a face-to-face encounter and is further enriched by language. We also understand that his relation with the third party, the *yous* whom he does not encounter face-to-face and does not readily perceive as being in relation with them is indeed based on his recognition of the *you* with whom he has the face-to-face encounter as equal in terms of rights and duties as a capable subject. The *I*'s relation with the other, therefore, is institutional and not fully realized since he refers to the other as he/she/it rather than the personal *you*.

3. Love and Justice

As a final exercise that will conclude this chapter on Human Action and Justice (Part II of this dissertation), we will veer from the proverbial beaten path and include the concept of love in our discussion about justice. While love remains an ethereal if not ultimately a personal, subjective concept, we will give it real estate in this project because Ricoeur found it relevant to justice. In his short work entitled *Love and Justice*⁸⁷, in identifying what he determines to be the central problem of love to be ethical, “*Il problema è tutto qui: l'amore ha, nel nostro discorso etico, uno statuto normativo comparabile a quello dell'utilitarismo o anche dell'imperativo categorico?*”⁸⁸ and exploring its implications, he embarks on this exercise by way of investigating the dialectic between love and justice.

⁸⁷ The text *Love and Justice* was only found in Italian, so all citations will be in Italian. P. RICOEUR, *Amore e giustizia*. Originally published as *Amor et Justice* in 1990. Translation by Ilario Bertolotti. Editrice Morcelliana. 2007.

⁸⁸ *Ibid.*, p. 8.

It must be noted that Ricoeur develops his understanding and interpretation of love as it relates to justice based on the biblical (Hebrew and Christian Scriptures) teachings of love and justice. Notwithstanding the source from which he develops his philosophy, we continue referring to Ricoeur's teachings because of its universality, which is to say, the principles are not limited to the scope of Christianity or Judaism.

3.1 *The Concept of Love*

Having identified the problem of love, Ricoeur proceeds with his investigation by taking into consideration the link between love and a prayer of praise, the strangeness of the way in which the commandment to "love the Lord your God... so too you must love your neighbor as you love yourself" is imposed; and the problematic between the affection or attachment associated with love and the command to love. Ricoeur explains that from the point of view of the prayer of adoration or praise, the three components of pleasing (gratifying or indulging), seeing and raising the object of love to a higher status, fulfills one with a sense of joy. In this way love is deemed as a valuation of the other, so much so that a person esteems sings the others praises, sees them as a subject in their own right and in doing so raises them *al di sopra* or to a plain of adhering to their personal command, "Do not kill me, rather, love me!"

The second aspect of love is what Ricoeur calls the strangeness of the discourse of love as it regards the baffling imposition of the commandment, "Love the Lord your God ... love your neighbor as you love yourself." In his explanation, he refers to Kant's teachings on morality, and explains that Kant avoids the difficulty distinguishing "practical love" in respect of the persons as ends in themselves, from "pathological" love that does not have a place in morality.⁸⁹ In other words, Kant identifies a problem with "practical" love as it relates to morality because "loving" someone in an attempt to get something out of them goes to the center of the moral issue. Loving regards *seeing* and *relating* to the other as a subject in their own right and treating them with the respect and deference that their being demands.

Finally, we approach the last aspect which is a question of reconciling the first and second aspects: confronting the difficulty of rectifying the

⁸⁹ "Kant evita la difficoltà distinguendo l'amore «pratico», in quanto rispetto delle persone come fini in se stesse, dall'amore «patologico» che non ha posto nella sfera della moralità" (*Ibid.*, p. 13).

affection that is associated with love and that of being commanded to love – especially extending love to a person for whom one has no affection. Ricoeur subtly identifies and suggests that the key to a moral approach to love is in the very act of love. In the locutionary act, the subject is given the commandment to love the other as he loves himself. Analogously, love is not to be seen as a noun that is either subject or object, but rather an action verb. In posing these questions, Ricoeur suggests that love is the action of being obedient to the command of the other, “Do not kill me, rather, love me!” It is from here that the ethics of love emerges.

Referring to the Hebrew Scriptures and the writings of Franz Rosenzweig (1886-1929), particularly *The Star of Redemption*⁹⁰, Ricoeur makes an important distinction about love as a commandment and action verb and love as a gift to the other: he says that love is a solemn act of being open to the human experience.⁹¹ Still with reference to Rosenzweig’s writings, particularly the second part on Revelation, Ricoeur concurs with Rosenzweig when he supports the idea that love is ultimately an intimate relation or communion between God and a single soul.⁹²

3.2 *The Commandment “Love me!” and the Law*

For Paul Ricoeur, the commandment originates from love whereas the law originates from man. He goes on to say, “*L’amore è oggetto e soggetto del comandamento, o, in altri termini, è un comandamento che contiene le condizioni della sua propria obbedienza grazie alla tenerezza dell’esortazione «Amami!».*”⁹³ Love is not only the origin of the commandment, it is the fulfillment of the commandment: the obedience to the commandment “Love me!” is in itself an act of love.

In this case, therefore, Ricoeur asserts that the relation between the commandment “Love me!” and the song of praise is essentially a moral

⁹⁰ F. ROSENZWEIG, *The Star of Redemption*. Originally published as *Der Stern der Erlösung* in 1921. Translated by Barbara Galli. The University of Wisconsin Press. Madison, Wisconsin. 2005.

⁹¹ “*La Torà, a questo stadio della meditazione di Rosenzweig, non è ancora un insieme di regole – o piuttosto, può diventare tale in quanto è preceduta dal solenne atto di apertura di tutta l’esperienza umana al linguaggio paradigmatico della Scrittura*” (P. RICOEUR, *Amore e Giustizia*. p. 14).

⁹² “*All’inizio della sezione Rivelazione, Rosenzweig considera unicamente il colloquio intimo tra Dio e un’anima sola, prima che entri in scena il ‘terzo’ nella sezione Redenzione*” (*Ibid.*, p. 15).

⁹³ *Ibid.*, p. 16.

imperative, an obligation as it refers to the spark in the human inclination⁹⁴ [to be in relation with the other]. What that means is the commandment (and obedience) of love as the foundation for the moral imperative by which the subject *should* relate to others. Love, therefore, is the basis for the ethic of what the subject *ought* to do as it relates to the *other*. More specifically, that *ought*, which is the ethic governing how the *I* relates to the *other*, is always going to be love.

But to understand more fully the relation between love and justice, let us consider the following assertion as we continue to delve into Ricoeur's reflection on love and justice: the dialectic of love and justice is the very commandment *and* obedience of love – the act of love is a just one. Keeping this definition of the dialectic of love and justice in mind, we shall follow Ricoeur's lead and refer to 1 Corinthians, Chapter 13. As we examine this well-known chapter from Saint Paul's epistle to the followers of Jesus of Nazareth in Corinth, let us also take note of a particularity as it relates to love: love is being!

What do we mean by this? Love, insofar as the subject can conceive of it, speak of it, do it (love is an action verb) and on certain levels, feel it, is being. Love has a phenomenological characteristic because it can be experienced. What exactly is love beyond the commandment and obedience to the commandment, our ontological endeavor may never reveal to us. But insofar as the subject can experience love, issue the commandment and obey it, love is being.

In verses four through seven in Chapter 13 of the First Letter to the Corinthians, Paul speaks of love in terms of its ontology – what it is. He says, "Love is patient, love is kind. It is not jealous, [love] is not pompous, it is not inflated, it is not rude, it does not seek its own interests, it is not quick-tempered, it does not brood over injury, it does not rejoice over wrongdoing but rejoices with the truth. It bears all things, believes all things, hopes all things, endures all things."⁹⁵ In describing love, Paul does two things: he defines it clarifying what it means to be obedient to the command, and in doing so he also explores the commandment in greater depth. The commandment is more than "Don't kill me, but rather love me!"

⁹⁴ "In virtù di questa parentela tra il comandamento «Amami!» e il canto di lode, il comandamento d'amore si rivela irriducibile, nel suo tenore etico, all'imperativo morale – imperativo legittimamente equiparato da Kant all'obbligazione, al dovere, in riferimento al recalcitrare delle inclinazioni umane" (*Ibid.*, p. 17).

⁹⁵ *The New American Bible*, 1 Cor 13:4-7.

The commandment is humble and seeks relation with the other. The commandment, just like the obedience to the command, is patient and kind, it is not inflated or rude or seeks its own interest; the commandment is not quick-tempered and does not brood over injury; and the commandment does not rejoice over wrongdoing. In seeking relation with the other, the commandment bears all things, believes all things, hopes all things and endures all things.

Again, what does this mean? If love is all of these things [and more], it cannot be and is not argumentative. According to Ricoeur, justice, on the other hand, is argumentative. “*La giustizia argomenta, e in modo molto particolare, confrontando le ragioni pro o contro, ritenute plausibili, comunicabili, degne di essere discusse dalle parti in causa.*”⁹⁶ Justice, unlike love, will attempt to confront reason, rationalizing the pros and cons of a situation. Justice engages in discourse in a way that love does not. Love does not argue the commandment, weighing the various possibilities of obedience; love demands, and that is it. Justice, instead, regards the communicative part of the subject’s relationship with the other. Ricoeur says, “*la giustizia è una parte dell’attività comunicativa: il confronto di argomenti davanti ad un tribunali è un esempio significativo di impiego dialogico del linguaggio.*”⁹⁷ Justice is a part of the relation between the subject and the other – it is the communicative part that arbitrates between subjects who question if they are being loved, if their commandment is being obeyed.

For Ricoeur, justice is the mechanism by which the subject, in community with others, arbitrates the moral implications of man’s actions – especially when those actions are contrary to the commandment and obedience of love. Moreover, in arbitrating these conflicts, justice is not just a means of arguing the various points, the pros and cons of a series of events to determine where the responsibilities lie. Justice also appears as the judgment of that responsibility and the corresponding moral implications. Justice, in argumentation, arbitration and judgment attempts to bring balance to the commandment and obedience of love.

3.3 Proximity and the Dialectic

⁹⁶ P. RICOEUR, *Amore e giustizia*. p. 24.

⁹⁷ *Ibid.*, p. 24.

Ricoeur goes into greater depth with this investigation by exploring the implication of this paradigm of justice on the individual as well as on society at large – what we shall understand as part of the concept of *proximity*. He discusses the responsibility that this model of justice imposes on a person and society.⁹⁸ Depending on the justice system, a single individual may be entrusted the responsibility of arbitrating a conflict, weighing the merits of a series of events and determining who or what entity is responsible; in this same instance, it is up to that individual judge to issue a sentence in order to re-establish a balance within the moral fabric of that community.

In terms of distributive justice, the crux of the problem is that persons must participate in society in order to enjoy the benefits of justice rendered by that society. Consequently, any persons who do not participate within said society or remain on the margins of that society, may not be granted the same levels of consideration and representation that would protect their *rights to action* that would, therefore, fall under the purview of justice.

It is at this point that we should probably acknowledge a common way of conceiving justice is to relate it directly to equality.⁹⁹ Justice as equality is intrinsically related to the distribution theory because it assumes that in order for there to be justice, *things* must be distributed equally. In an understated way, Ricoeur challenges this notion by posing this question: “*Ma che ne è delle distribuzioni notoriamente diseguali in materia di reddito e proprietà, autorità e responsabilità, onori?*”¹⁰⁰ Is it truly possible, under the guidance of this theory, to have equality when it comes to that which is intangible but *Dasein*, nevertheless, values – as Ricoeur points out, authority, responsibility and honor? How does the theory of distribution provide for an equal [and just] distribution of these intangibles? Is it even possible? And who determines what is equal?

Aristotle was the first to confront this issue, distinguishing proportional equality from mathematic equality; he deals with the question of in a society, distribution should be proportional or if everyone gets an equal 1:1 share of the goods.¹⁰¹ Ricoeur juxtaposes Aristotle’s investigation into the

⁹⁸ *Ibid.*, p. 25.

⁹⁹ *Ibid.*, p. 27.

¹⁰⁰ *Ibid.*, p. 27.

¹⁰¹ “*Aristotele è stato il primo ad essersi confrontato con questa difficoltà, distinguendo l’eguaglianza proporzionale dall’eguaglianza aritmetica. Una ripartizione è giusta se è proporzionale al contributo sociale delle parti*” (*Ibid.*, p. 28).

concept of equality to John Rawls' assertions of equality as justice. "*All'altra estremità della storia del problema ritroviamo lo stesso tentativo in John Rawls: giustificare l'equazione tra giustizia ed eguaglianza nelle ripartizioni diseguali, chiedendo che l'aumento dei vantaggi per i più favoriti sia compensato dalla diminuzione degli svantaggi per i più sfavoriti.*"¹⁰² With all due respect to Rawls and his attempt to propose a viable theory of justice, we must disagree with his conclusions.

The objections to his theory are in his understanding of justice as fairness. He says, "... the guiding idea is that the principles of justice for the basic structure of society are the object of the original agreement,"¹⁰³ and "Thus we are to imagine that those who engage in social cooperation choose together, in one joint act, the principles which are to assign basic rights and duties and to determine the division of social benefits."¹⁰⁴ He specifies what he means with these statements: justice as fairness "conveys the idea that the principles of justice are agreed to in an initial situation that is fair,"¹⁰⁵ and "Justice as fairness begins... with one of the most general of all choices which persons might make together, namely, with the choice of the first principles of a concept of justice which is to regulate all subsequent criticism and reform of institutions."¹⁰⁶ The first objection we shall propose to Rawls' theory is that it is devoid of any possibility or condition for a relation between the *I* and the *other*; it does not take into account the phenomenology of the subject's interaction with the other and the implication of the resulting (and inevitable) relation.

Proceeding to Rawls' explanation of what he deems are the two principles of justice, the first is "each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others."¹⁰⁷ The second is "social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all."¹⁰⁸ The principles are representative of equity, but as they are conceived, the person who is to be granted rights, liberties and justice is in

¹⁰² *Ibid.*, p. 28.

¹⁰³ J. RAWLS, *A Theory of Justice*. Revised Edition. President and Fellows of Harvard College. USA. 1971 & 1999. p. 10.

¹⁰⁴ *Ibid.*, p. 10.

¹⁰⁵ *Ibid.*, p. 11.

¹⁰⁶ *Ibid.*, pp. 11-12.

¹⁰⁷ *Ibid.*, p. 53.

¹⁰⁸ *Ibid.*, p. 53.

relation with the scheme of equality rather than with the persons that constitute the society in which rights, liberties and justice are promulgated, protected, defended and upheld. The instances of equalities that Rawls mentions are not reflective of humanity or on humanity (the self reflection that man engages in when considering his existence and its relation to the rest of existence). Rather Rawls' concept of justice and the principles on which he bases it are centered on the system of distribution; it does not reflect on why that distribution is necessary or the non-material benefits that it may afford the individual and society.

Rawls' attempt to include the *self* is a shallow and faulty philosophy because he does not demonstrate that he truly understands the ontology of the self. He says, "All social values – liberty and opportunity, income and wealth, and the social bases of self-respect – are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone's advantage."¹⁰⁹ If we take Ricoeur's teachings on the origin of the esteem the subject has for himself a viable argument and reasonable understanding of the self that contributes to his ontology, the assertion of self-respect having a basis in society, is erroneous as we have already witnessed the demonstration that the esteem for the self begins within the self – the subject's esteem of himself originates within himself. The way in which he values everything else in the world that he experiences is based, then, on how and to what degree he values himself. The self, therefore, and the respect or esteem that it has reflexively cannot come from anything or anyone else – that is to say, self-respect is based on the subject's intrinsic value. Society does not grant respect to the self. Esteem and respect for the self originates in the relation the subject has with *himself*.

These objections that we have just submitted to Rawls' theory of justice and the corresponding guiding principles, coupled with the following assessment Ricoeur gives in his work *The Just*, shall demonstrate why it is not being referred to any further than this in the present discussion:

Fairness, in the first place, characterizes the procedure of deliberation that should lead to the choice of those principles of justice recommended by Rawls, whereas justice designates the content of the chosen principles. In this way, the whole book aims at providing a contractualist version of Kantian autonomy. For Kant, the law is the law freedom would give itself if it could remove itself from the inclination of desires and of pleasure.¹¹⁰

¹⁰⁹ *Ibid.*, p. 54.

¹¹⁰ P. RICOEUR, *The Just*. p. 39.

The full breadth of love and all that it implies infinitely surpasses the finite phenomenological references that the subject can articulate and submit for debate; that is to say, the laws that the subject and his community of others create to ensure that relations between individual persons as well as relations between individual persons and their community are ultimately insufficient to ensure that commandments are obeyed.

If this is indeed the case, that the subject's laws are insufficient, then justice as we have just observed Ricoeur define and illustrate it, can never fully achieve its goal. Instead, should we consider that justice may be the loving, reciprocal relation between the subject and the other, the subject and his community, the subject and his environment and, finally, the subject and his Creator – or that from which subject's being originates? Taking this paradigm of justice, we can then apply it more liberally and amply to instances of conflict between subject and the other aforementioned beings with whom he is in relation. I submit for consideration this alternative dynamic of justice as it relates to love: when the subject has not loved (acted) as he *ought* or was not loved (cared for) as he ought have been, in the case of having acted less than lovingly, the just action is for the subject to ask for forgiveness and seek reconciliation, to re-enter a loving relation with the other; in the case of having his demand for love not obeyed, the just act would be for the subject to welcome the other to re-enter a loving relation whenever the other is ready to seek reconciliation [and forgiveness].

Returning to the dialectic between love and justice, I submit that ultimately the key is the proximity between the subject and the other, that is to say, the relation between the *I* and the *other*. Insofar as justice is understood in terms of love, the commandment and obedience, it is present in a loving relation between the subject and the other, between the subject and the community to which he belongs, the subject and his environment and the subject and his Creator. The just act is a loving act; conversely, love as action, commandment and obedience, is part of justice.

Applying the approach of love and justice to our development of a corporate ethic based on a personal response to the call of the *other*, we will say this: if we accept that justice is the loving, reciprocal relation between the subject and the other, then we not only acknowledge the responsibility that those who comprise the corporation have in answering the call of the *other* and third persons as *Is* in their own experience of the world, but that that response, which is immediate, appropriate and positive, is love and the result of that acknowledgment is justice. Therefore, the corporation (those

persons who comprise it) that responds immediately, appropriately and positively to the call of the *other* and third persons with whom it is in relation by way of the proximity of the *other* acts in a way that promotes, supports and defends human dignity. It is from here that justice emerges in corporate action.

Finally, as we have studied and commented on the human action, intentionality, capability, subjectivity and phenomenology, we can draw one more conclusion that is crucial to the development of our corporate ethic: corporate action *in se* does not exist because the corporate as a being cannot act of its own will and desires. Coupling Ricoeur's investigation of the self with Heidegger's Dasein, the corporation does not qualify as an entity that can be referred to with the attributes, qualities and accidents of a human person. The corporation has no single point of reference by which to refer to itself as a self,¹¹¹ nor is it a being-in-the-world that is aware of its being. The corporation as such does not have a self, will or desires. The corporation as a conglomerate of persons, human beings who are aware of their *selves* can act only insofar as those persons work together to in the name of the corporation (this represents an agreement). On the other hand, some persons who are members of the community that is the corporation can act on behalf of the corporation. These are the two ways that the corporation may act, but it must be understood that the term *corporate action* is a short-hand way of articulating the human action that is taking place within the corporation or on behalf of the corporation – corporate action *is* human action.

So any corporate ethic that either we or anyone else develops using Ricoeurian or Heideggerian philosophy of the person (the subject, self and Dasein) should refer to the human persons who comprise the corporation and those with whom the corporation is in relation as the point of departure as well as the impetus and end for the ethic. Responsibility to and for the *other* is the paradigm of human relation and the precept on which we will develop our corporate ethic. We contend that it is from this paradigm that justice may emerge in a corporation.

¹¹¹ The poverty of language sometimes demands that we use words in a circular manner to say what something is and what it is not.

PART THREE

Integrating Responsibility and Justice: Towards a Corporate Ethic

Now that we have explored Levinas' ethical demand and Ricoeur's hermeneutics, we are now ready to propose our system of corporate ethics. The development has perhaps been subtle as we have occupied ourselves with metaphysical inquiries into the nature of man and his relation with other men as well as with interpretation theory as it applies to action as text. As we present our system of corporate ethics, we will explain each component as it relates to either Levinas' or Ricoeur's philosophies, and we will demonstrate its relevance and applicability in the contemporary context of the corporation.

We will continue by outlining ten questions that persons who comprise the corporation can ask themselves to determine how they as individuals in the corporation and the corporation as a whole respond to the call of the other. We will then briefly compare traditional understandings of business and economic ethics to our newly developed system of corporate ethics to see what value it can add to the way persons and corporations behave and evaluate their behavior. And finally, we will apply our ethics to a contemporary corporation; we will use the case study to demonstrate its relevance and applicability to how corporate action is evaluated.

We will use this last part to bring our ideas and understandings of the personal ethical demand, hermeneutics, text, action and phenomenology to present a clear and concise model of how man must act when in relation with another man and other men with whom he may not have direct contact. The ethics that we are proposing is within the context of the

corporation, but more generally, it must be understood that the context is that of humanity. The ultimate question that we are addressing is “How *ought* man act when he is in relation with the *other*?” The corporation is one possible accident to the context of humanity.

CHAPTER VII

Personal Responsibility and the Corporate Ethic

1. From Levinas to Ricoeur

Using the philosophies of Levinas (ontology of man and his relationship with the *other*) and Ricoeur (hermeneutics and text as action), we shall develop a system of corporate ethics based on the *I*'s personal responsibility to answer the call of the *other* while applying interpretation theory to how we understand human action. The apex of our proposed system of ethics is that it is incumbent on the corporation (a group comprised of two or more persons working together to provide a product or render a service) to respond to the call of the *other* and other *others* (third persons) with whom it is in relation (by way of the persons who comprise the corporation) immediately and in a positive manner that supports, promotes and defends human dignity; corporate action, then, should be analyzed, interpreted and understood (as text) according to the hermeneutical exercise, allowing for a greater understanding of the action, its implications for both the agent, those effected by the action and any reconciliation (often understood as punishment in the juridical sense) needed to be done.

The focal points of this system of ethics are the human being, his dignity as a person and the dignity of the other person with whom he is in relation – our system of ethics does this by setting standards for how they relate to each other, by recognizing and holding the corporation accountable by holding the many *Is* that comprise it accountable; it highlights the responsibility the *I* has to and for the *other* to the point that the *I* is also responsible for the *other*'s responsibility; this system of ethics aims to

promote, support and defend the dignity of those persons who comprise the corporation as well as those with whom the corporation is in relationship, including those persons who are represented by the category, other *other* or third person.

In a corporation adopting this system of ethics and adhering to its standards, the corporation is no longer just an entity within the economic system that is prone to the whims of economic trends; in taking responsibility and holding itself accountable based on the personal demand to respond to the call of the *other*, it transcends the dictionary definition of “an association of individuals, created by law or under authority of law, having a continuous existence independent of the existences of its members, and powers and liabilities distinct from those of its members”¹ and “Corporations are taxable entities, which shields the individual owners or shareholders from personal liability for the liabilities and debts of the corporation, with some limited exceptions – such as unpaid taxes”²; the corporation then becomes a conglomerate of responsible persons gathered together working for a common goal of providing a product or rendering a service for a benefit that they have defined among them while promoting, supporting and protecting human dignity.

The distinction may be fine, but it is there: instead of being defined as an association of individuals or an artificial person or legal entity, the corporation is understood from within as a group of persons who are responsible for their own actions and the actions taken in the name of the corporation as well as within the context of the corporation. In this transcendence, we reaffirm and laud the personhood and dignity of each human being that works within the corporation and the dignity of those human beings who are clients, suppliers, partners and competitors.

Finally, we must make one more distinction: The integrity of man’s dignity as a human being among other human beings starts with his command to other men not to harm him and instead care for him. In this way, man’s dignity is intrinsic to his being. As he encounters other men, his human dignity is affirmed or denied depending on the justice he experiences in the paradigm of the person-to-person relationship with other men whom he encounters (face-to-face). As the *I* encounters the other, he hears the call and command of the other; the *I*’s immediate, positive and appropriate response to the *other*’s call upholds, promotes, supports and

¹ www.dictionary.com.

² www.hg.org/corporate-law.html.

even protects the human dignity of the other. The deliberate and conscious actions of the *I* to respond immediately, positively and appropriately to the *other's* call reaffirms the human dignity of the *other*.

Therefore, we maintain that human action, action that is deliberately and consciously committed by man, directly affirms or denies the human dignity of the *other*. This is to say, man as the agent of action has a direct impact on the upholding or tearing down the *other's* dignity. Furthermore, we assert that it is the *I's* responsibility to respond to the call of the *other* in a way that affirms the *other's* dignity – that response must be an action that is immediate, positive and appropriate with regard to the *other's* demand.

By the same token, in affirming the *other's* dignity through responsible and just human action, the *I* affirms his own human dignity. As we have come to understand from Levinas' ontologies of man and the human relation, one of the ways man is able to transcend the state of his existence is through just human relationships. So, man as the agent of human action affirms the human dignity of the *other* as well as his own when he responds immediately, positively and appropriately to the call of other men. The corporation or the community of men working together for a common goal can either be the vehicle for responsible and just human action or the context for such action.

2. The Corporation as the Agent vs. the Context of Human Action

In studying Ricoeur's philosophy of hermeneutics, we understand that we must consider all aspects of the context that are perceivable when we are reading, interpreting and understanding a text. The context includes but is not limited to the author's time and place, the time and place of the reader and the message that the author intends to convey. The absence of the author from the reader contributes greatly to the context of the text because the burden of rendering the message intelligible falls heavily on the author and the interpretation and understanding on the reader.

As we look at human action as a text, we must consider the various elements that contribute to the context, which are not restricted to the perceived notions of cause and effect. When examining human action, we must look beyond the agent and action to interpret and understand the action; like the written text, we must look at human action as having an author but recognizing that the author or agent may not be obvious to the naked eye, or even that there may be various agents contributing to what may be perceived as a single action. We have to take into account the entire context of the action, the agent as the author of the text and the action as

the text. And just as the author and reader's absence from each other contributes to the context, so does the absence of the agent and he who perceives the action contribute to the interpretation and understanding of the action.

When corporations act, one of the elements of the context of human action that we may not readily appreciate is that the corporation seen as the agent of action may instead be the context of human action. More precisely, all too often, we tend to regard a group of persons working together as a single entity rather than an entity comprised of human beings, and in not keeping this in perspective, we readily attribute actions committed by the persons within the group to the group as a whole, as if the group were an autonomous, free-thinking person *in se*. Instead, while acknowledging the phenomenological entity that is the group comprised of individual persons, we cannot conflate the actions done by individual persons within the context of the group (and even perhaps in the name of the group) with the actions committed by the conglomerate of persons acting as one.

The same holds true for the corporation: we must be judicious in how we interpret actions committed by the corporation; we must also be critical in identifying the corporation as the agent of human action. The point is not to backtrack on our assertion that the corporation has an inherent responsibility to itself, its staff/employees, partners, suppliers, environment and even competitors to conduct itself and engage in action that supports, promotes and defends human dignity. Rather, our point is to demonstrate that within this system of corporate ethics, we acknowledge that while two or more persons working together to produce a good or service can affect human action together and are, therefore, demanded as a corporation to respond to the call of the *other*; we also recognize that not all action done in the name of the corporation is done by the corporation.

Sometimes, human action is committed within the context of the corporation, and in this case, we must be critical of the human action as an action committed by one or more persons who may not necessarily represent the desire and vision of the whole conglomerate. For example, if a ABC Corporation has the mission to produce X product while offering Z services, the persons who comprise the company understand that this is the mission and have agreed to that mission – the actions to bring X product and Z services to their consumers are corporate actions because they are actions in the name of the corporation to which all persons comprising the corporation have agreed participate; on the other hand, if a few persons within ABC Corporation commit actions to defraud their suppliers, partners and consumers without the expressed knowledge and agreement of all

persons comprising the corporation, then the ABC Corporation becomes the context of the human action of those who committed the action of fraud. So in both cases, we must be attentive in ensuring that we identify the agent correctly.

3. The Theory of Corporate Ethics

Based on Levinas' theory of the personal ethical demand "Do not kill me" and "Love me" and Ricoeur's theory of action as text to which the hermeneutical exercise may be applied, I propose the following system of corporate ethics based on three distinct requirements:

1. corporate ethics *ought* to be a standard of behavior that respects and obeys the demand of the human person with the aim of supporting, promoting and defending human dignity;
2. moreover, the corporation *ought* to recognize the call of the human person and respond accordingly to that call; and
3. finally, in order not to become ensconced with the question of blame and fault, the corporation *ought* to review its actions and the consequent effect on its stakeholders by applying the hermeneutics of interpretation theory of action as text.

In other words, corporate ethics *ought* to be a standard by which corporations act, take responsibility for those actions and hold themselves accountable for the effects their actions have on themselves, their clients, partners, supplier, environment and, even, competitors. Instead of dodging blame or pointing the finger at other possible agents of action, the corporation *ought* to evaluate their actions looking at them as if they were texts that are subject to interpretation based on context and understanding. I will explain this standard of corporate ethics by answering the following questions:

- Why must a corporation adjust its behavior to reach this high, and perhaps, unattainable standard?
- What is the point of an ethical system based on the personal call to responsible action?
- Why is it important to consider corporate (human) action as a text?
- When coupled with the hermeneutical exercise, what impact could a system of corporate ethics based on personal responsibility have on the corporation's perception of itself, its responsibility and its contribution to the integrity of human dignity?

- Why is the ethic qualified by the word *ought*?

3.1 *Why Must a Corporation Adjust Its Behavior to Reach This High, and Perhaps, Unattainable Standard?*

The succinct answer to this question is the key to this system of corporate ethics – each person within the corporation is an *I* from their own point of view and is, therefore, called to respond to the demand of the *other*; this responsibility does not disappear when they enter the corporation, instead, it is amplified by the number of *others* and other *others* (third persons) with whom the *I* is in relation. This is based on our assertion that responsibility is the dialectic of the just, respectful relation between the *I* and the *other*.³

Keeping responsibility as a dialectic in mind, let us break this down a bit further by applying our understanding of the person-to-person relation: the corporation is an organized body of persons working together for a common goal, but at the base of this exercise is the human relation, the person-to-person relationship by which the corporation functions. The corporation does not function based on technology or a good idea – the corporation functions thanks to the concerted efforts of people working together, persons who are in a constructive and meaningful relationship. Again, for the purposes of this project, we understand the corporation to mean two or more persons who come together in relationship to accomplish a goal upon which they had already agreed; these persons have agreed to provide a product or render a service for a specific end (either money or other gains that the persons perceive as beneficial).

So among themselves, founders of a corporation are responsible to and for each other. Each person must respond to the call and demand of the other person(s) with whom they are in relation. In this way, we understand that the corporation is not an escape into a void where human relation is ambiguous and undefined, but rather is the setting for many human relations to play out in a way that has a greater effect on the persons in relationship as well as their communities and environments. The corporation becomes a part of the context of that human relation and subsequent human actions.⁴

³ See Chapter V Responsibility and Hermeneutics.

⁴ “While people work in organizations to satisfy their individual needs, the workplace always draws people out of their private lives and connects them to a wider social world. That connectedness is not just a means to the end of earning a paycheck

Moreover, when persons enter the corporation, either as founders or as employees/staff, they are not exempt from fulfilling their responsibilities as *Is* to the *others* with whom they are in relation. Participation in the corporation does not divorce them from their relationships or responsibilities. The *other* calls regardless of the *I*'s status as founder or employee of a corporation, and it remains incumbent on the *I* to respond to the call he hears. The corporation can be seen as an institution⁵ in which the *I* has occasion to be in relation with those whom he may never have been in relation were it not for his participation in the corporation; however, fundamentally, the corporation must be reduced to the interpersonal relations that sustain it.

Once we acknowledge these qualities of the corporation, that it is comprised of human beings who are in relation with each other and provides a context for that relation, we can move on to the second part of the answer: the corporation tends to have a greater impact on the lives of those within it as well as those with whom it does business than the individual person acting alone. This is a more complex answer because it involves the intentionality of those running the corporation.

According to our understanding of the nature of the corporation, to say that the purpose of The Coca-Cola Company®, for example, is to sell cola would be erroneous, but to say that the purpose of the human persons being in relationship (the founders, current heads and employees of the corporation) is to sell cola for a profit by means of The Coca-Cola Company® would be a more accurate statement. The corporation, understood as an institution, does not have an intrinsic purpose⁶ other than

but an important end of human life itself. ... The satisfaction we derive from being connected to others in the workplace grows out of a fundamental human desire for recognition. ... [E]very being seeks to have his or her dignity recognized ... by other human beings" (F. FUKUYAMA, *Trust: The Social Virtues and the Creation of Prosperity*. Free Press. New York, NY. 1995. pp 6-7).

⁵ "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 these in a remarkable sense which the notion of distribution will permit us later to clarify. What fundamentally characterizes the idea of institution is the bond of common mores and not that of constraining rules" (P. RICOEUR, "The Self and the Ethical Aim." *Oneself as Another*. p. 194).

⁶ "But an institution cannot have purposes... Only individuals can intend, plan consciously, and contrive oblique strategies" (M. DOUGLAS., *How Institutions Think*. Syracuse University Press. Syracuse, NY. 1986. p. 92).

to serve the will of those who created it and run it.⁷ This is because the corporation itself does not have a will, it does not have the capacity to reason for itself, and it does not have a *self* or a *self-awareness* that is intrinsic to its being. In other words, the corporation cannot function or even exist without the human beings who comprise it, so it, as a being, cannot direct itself or its actions with a specific intention.

The way we perceive the Coca-Cola Corporation® has nothing to do with the corporation's sense of *self*; instead, it has everything to do with how those who drive the corporation would like us to perceive it. In other words, the corporate identity, or the way it presents itself to its staff, clients, partners, suppliers and competition, depends on those who are charged with determining its purpose and driving its action. This is why corporations that have had major changes in leadership usually have a perceivable change in corporate identity – this includes branding, approaches to internal and external corporate communications, policies and overall strategy for sales, growth and profitability. If the corporation were an entity that were capable of reason and exerting a will independent of the men who comprise it, then there would be no perceivable shift in its identity and the actions of the individual men would not have any bearing on its existence.

Allow me to illustrate this point with one last piece of phenomenological evidence: The corporation never presents itself as an *I*. Despite recent laws in various countries that recognize or authorize the corporation to act as a person when it comes to political contributions⁸ and other similar activities, the corporation is not an *I* in and of itself. It is and will always be a collection of persons who have come together in relationship to work

⁷ For the sake of brevity and staying on topic, we will not delve into the theories about the relationship between institutions and the thoughts of individuals, though we readily admit that this particular study could contribute interesting theories to the applicability of our system of corporate ethics. “When institutions make classifications for us, we seem to lose some independence that we might conceivably have otherwise had. This thought is one that we have every reason, as individuals, to resist. Living together, we take individual responsibility and we lay it upon one another. We take responsibility for our deeds, but even more voluntarily for our thoughts. Our social interaction consists very much in telling one another what right thinking is and passing blame on wrong thinking. This is indeed how we build the institutions, squeezing each other's ideas into a common shape so that we can prove rightness by sheer numbers of independent assent” (*Ibid.*, p. 91).

⁸ See ruling for the US Supreme Court Case of Citizens United v. Federal Election Commission.

towards a common goal. Those persons who are *I*s in their own experience of existence do not confer upon the corporation an *I* nor a sense of self, a volition nor the gift of reason. Therefore, the corporation has no personhood.

This brings me to the last point in answering the initial question: since the corporation is not an *I*, has no intrinsic volition or gift of reason, it is incumbent on the persons who comprise it to ensure that its actions, which are the result of their very human volition, reason and action, and subsequent impact are informed by the personal ethic, their response to the call of the *other*. The corporation must (*ought*) adjust its behavior to achieve the high standard of corporation responsibility because it is comprised of persons who are called to respond to the demand of the *other*, and that responsibility is amplified by its size and influence in the [local and global] market. More to the point, there is no such thing as corporate action, there is only human action committed within the paradigm or context of the corporation.

A final note regarding the attainability of this ideal or standard: without setting high standards for ourselves, we may be destined to achieve much less than what we are actually capable of; when we accept mediocrity as a norm, then mediocrity becomes the standard. Instead, high standards push us to strive for excellence – when striving for excellence, we are often able to achieve greatness.

3.2 *What Is the Purpose of a System of Ethics Based on the Personal Call to Responsible Action?*

The purpose of a system of corporate ethics based on the personal call to responsible action is to have a convention whereby all persons within the corporation may be held accountable for their actions (and hold others accountable for theirs). This system of corporate ethics also recognizes human relationships as the impetus for all corporations. The system improves awareness of the implications and impact of human action while creating a standard of behavior, which we can use as a guide. Finally, it provides the opportunity for the *other* to call on the *I* saying that it is experiencing injustice.

A system of corporate ethics based on the personal call to responsible action makes the question of what X Corporation should do a personal question. The question becomes “What ought *I* do?” and “How ought *I* act given the situation, information and resources at my disposal?” There is no anonymity in terms of hiding behind the façade of the corporation. Each

person within the corporation, from the founder, chief executive officer (CEO) and chief operating officer (COO), to the hiring manager, to the cleaning staff, is responsible for the actions of the corporation inasmuch as they themselves contribute to the phenomenon of the corporation.

What does this mean? If any person within the corporation notices or becomes aware that the corporate action, which we have just admitted is human action, is not just, then it is up to that person to take restorative action by either reporting it to his supervisor if he is not in a position to make changes or rectifying the situation himself. If the person reports the injustice to his supervisor, the supervisor is then responsible for either making the change and rectifying the injustice or bringing it to someone with the ability to make the proper change. This holds true for all levels of the corporation, from the top to the bottom: if the CEO determines that there is unjust action being done in the name of the corporation, then it is up to him to either rectify it according to his capacity as CEO or work with other managers of the corporation to rectify the matter.⁹ By the same token, if the cleaning crew (most people consider them the lowest level of the corporation) finds that there is unjust human action being done in the name of the corporation, the person who finds the unjust action is responsible for either rectifying the action if they are able or taking it to someone who can.

If a manager receives information from a subordinate that there is unjust human action being committed in the name of the corporation, then the manager also becomes responsible because he comes to hear the call of the *other*. Within this same paradigm, the subordinate is not relieved of the responsibility once he notifies the manager because he does not stop hearing the call of the *other* who is being done an injustice. (He does not stop hearing because he cannot stop hearing the call of the *other*. As soon as he hears that call, he is aware of the demand and cannot not hear it.) The subordinate and the manager then must cooperate in their person-to-person relationship to rectify the situation. Neither *Is* in this paradigm (the subordinate nor the manager) may ignore the call of the *other*, so they must work together to rectify the injustice.

⁹ “Participation moves from top to bottom, bottom to top, and all across the organization. Governance guides the operation; management executes. ... Governance is, by definition, participation. Not to participate is not to meet the responsibilities of governance” (W.J. BYRON, *The Power of Principles, Ethics for the New Corporate Culture*. Orbis Books. Maryknoll, NY. 2006. p. 104).

The responsibility that each person has to promote and support just human action within a corporation also extends to recognizing actions committed in the past that have had or continues to have a negative impact on the corporation's stakeholders. This is to say, if a person becomes aware of an action committed in the past that has had or continues to have a negative impact on someone or group of people, then it is that person's responsibility to bring that action to the attention of those who committed the act, those who have the ability to make reparative actions and hold themselves accountable before those who were affected. The corporation, the persons who comprise it, must be held accountable for its actions because the personal ethical demand demands it. More precisely, the corporation, those who comprise it, must hold themselves accountable because the personal ethic demands it.

3.3 *Why Is It Important to Consider Corporate (Human) Action as a Text?*

Understanding hermeneutics as the dialect of the text that is read, we can employ the hermeneutical exercise so that we may consider all of the known contingencies of a text, or in the case of the corporation, action, to determine whether it was just. We employ hermeneutics because through interpretation theory, the *I* may appreciate the *other* according to the *other's* own ontology and phenomenology by considering the *other's* worldview. When we examine human action, we must do so keeping in consideration the agent of that action who contributes to its context; but in examining the action, within the paradigm of hermeneutics as a dialectic, we must consider the agent of the action as a person who is an *I* from his own point of view. In remembering this, we have more latitude to regard the action not as an extension of the agent but as a separate entity. For instance, when we consider a text that was written, it is important who wrote it, but it is even more important (depending on what it is) what the text says, what the message is. If I receive a text that says "The building is on fire," then I am not concerned with who wrote it, but rather making sure I evacuate the building that may be burning. On the other hand, if I receive a text that says, "I love you," I would be extremely interested in knowing who wrote it.

Similarly, we have to examine human action. If X Corporation releases bio-hazardous material into the local water supply, the immediate question then is not who did it, but rather why and how can we address the resulting

problems. Assigning blame at that point may undermine the effort to understand how and why it happened. The who may be arbitrary depending on the circumstances as in the case of receiving the text about the burning building. This is not to say that we are not interested in the agent of the action, but we do not want to lead this system of ethics with accusations and assigning blame. The purpose of this approach is to encourage a constructive examination of human action within the paradigm of the corporation and ensure that action is just and respectful to the persons with whom the corporation (those persons participating in the corporation) has a relationship.

Moreover, this system of ethics does not have the aim of assigning blame or punishing the guilty. Instead, we recognize that it is impossible to ensure against every possible risk, but in using hermeneutics, we can better determine what action is just and respectful that will promote the good of the corporation while providing that the person-to-person relation remains within the dialectic of responsibility. The human action that is committed in the name of the corporation must either be benign in nature where, while either contributing to reaching its corporate goals (achieving its corporate mandate), does not cause harm; otherwise, it must be in response to the call of the *other* with whom the corporation is in relation.

As we saw in Chapter V, with reference to indemnification and the juridical understanding of responsibility, there is little room for growth when we try to prove fault because proving fault does not contribute to the just relationship between two persons. Instead, it focuses on a single action and seeks to assign blame and indemnify. Based on the dynamics of a just and responsible person-to-person relationship (where the *I* responds authentically, immediately and appropriately to the call of the *other*), the question of fault then transforms the persons involved into collateral damage from the effects of assigning blame and gauging injury or harm.

In using hermeneutics, our goal is to preserve the integrity of the person-to-person relationship by providing a means of examining human behavior without impugning the person or agent who committed the action; both the *I* and the *other* retain their personhood and dignity within their relation despite the possible unjust act that may be in question.

3.4 *When Coupled With the Hermeneutic Exercise, What Impact Could a System of Ethics Based on Personal Responsibility Have on the Corporation?*

A corporation that embraces a culture¹⁰ of ethics based on personal responsibility and an appreciation for the person-to-person relationship would tend towards an integrated governance and management style that allows and encourages participation of employees and staff at all levels to contribute to the corporation's business and behavior. In his book *The Power of Principles*, William J. Byron writes:

In any workplace anywhere, you will find persons across the full range of employment responsibility – top to bottom in rank, newcomer or veteran in seniority – who share a common human longing. They want to be respected as persons; they want to be treated with dignity; they want to find meaning in their lives and work.¹¹

The point is that a corporation that embraces the responsibility it has to and for its people, its community, will have encountered, heard and responded to the call of those persons who comprise the community, which is the crux of the proposed system of corporate ethics.

Furthermore, in doing so, each person within the corporation, as staff/employee and management, would feel that their word, presence, participation and very person are all valued and respected for their uniqueness as human being. This is crucial to the respectful person-to-person relation or face-to-face encounter that takes place between the *I* and the *other*. More specifically and within the context of the corporation, the *other* (whom we designate as the employee or staff member) must be free to participate in the governance or rather the way in which the corporation conducts its business. Byron says, "Every human person in any workplace has a right to have some say in the decisions that affect his or her livelihood. To be shut out of all discussion is to be denied respect for one's human dignity."¹² This is not to say that all employees and staff of every level of the organization will have a final say in the decisions of how the corporation conducts its business, but their input and feedback must be taken into consideration in such a way that they understand and perceive that their contribution has a meaningful impact on how those decisions are made.

¹⁰ "A culture is a set of shared meaning, principles, and values. Values... define cultures. Where values are widely shared, and the sharing bonds together with common ties those who hold the same values, you have an identifiable culture" (*Ibid.*, p. 2).

¹¹ *Ibid.*, p. 89.

¹² *Ibid.*, p. 103.

In embracing an ethic based on personal responsibility, the corporation will also embrace the reality of the *others* and other *others* or third persons to and for whom it is responsible. The corporation will be attentive to the call from the *others* and third persons with whom it is in relation and respond according to the respect and dignity demanded in the person-to-person paradigm. For example, in 1982 the Johnson & Johnson Services, Inc, recalled all of its Tylenol® products (paracetamol, mild analgesic) because seven people from the Chicago, Illinois areas were killed by tainted products. When discussing the decision to recall all of its products with Byron, the then CEO of the Johnson & Johnson, James E. Burke, explained his responsibility to the other *others* with whom he did not have direct contact saying, “You can’t put a product on the market that killed seven people and not take responsibility for it.”¹³ Burke heard the demand of the *other* and the third person “Do not kill me,” and responded in a way that not only possibly saved other lives, but also acknowledged the corporation’s responsibility. That articulation was important because it said that the Tylenol Company valued the lives and well-being of those whom it serves.

This type of personal responsibility in the context of the corporation shapes the culture of the corporation; it sets a standard of expectation and behavior from within the corporation. Those who comprise the corporation know that their actions, both proactively and reactively, contribute to the corporate action (as well as the perceived corporate identity).

Coupling this ethic with the hermeneutical exercise of interpreting action as if it were a text, we can reflect on corporate action in real time or with the benefit of hindsight taking into consideration the various elements that contribute to its context. Taking the example of the Tylenol recall, the context of the issue was this: the tainted Tylenol products were found in the Chicago area and seven people died as a result of ingesting the tainted product. There was no direct or implied evidence at the time that Johnson & Johnson was at fault or that other Tylenol products had been tampered with or tainted in other areas of the United States. Given the context, which includes the situation, the available information and the consequent effects, Burke determined the best course of action was to recall all of the Tylenol products throughout the United States. Based on the context, he might have been justified in recalling just the products in the Chicago area; he could have even decided to spot check the products in lieu of a recall. Instead, he

¹³ *Ibid.*, p. 32.

took responsibility and held Tylenol or the Johnson & Johnson Company accountable for the health and wellbeing of its clients/customers.

On the other hand, let us look at the recall of some of Toyota automobiles in 2009. Bill Vlasic and Nick Bunkley of The New York Times covered the issue in 2009 as the problem was being discovered:

The National Highway Traffic Safety Administration started scrutinizing the issue of jammed gas pedals after a high-speed crash in August near San Diego. A Lexus ES350 hit another vehicle at more than 120 miles per hour, killing four people. Moments before the crash, a passenger called 911 and said the gas pedal was stuck and the driver could not stop.¹⁴

Again in 2010, the company issued a recall for similar problems with the gas pedal: the pedals would catch or stick causing the drivers to lose control of the vehicles resulting in car accidents. Between 2009 and 2010, over nine million Toyota cars and trucks were recalled but only after more than 60 cases were reported, 30 of which resulted in fatalities. The context of this corporate action to recall the vehicles may be more complex, but taking a general look we can list these elements: the gas pedal was faulty in at least the vehicles that were reported and at least 30 people were killed in accidents that were caused by the faulty gas pedal.

In applying interpretation theory to the corporate actions of Toyota taking into consideration the situation or problem, the information that was available at the time and the resulting effects, we can say that perhaps Toyota acted justly and prudently, or we could say that perhaps Toyota could have been more proactive by recalling the vehicles before so many lives had been lost.

The point is that when considering corporate action as text for the purposes of applying hermeneutics, we must concentrate on the action and not necessarily the agent in order to ascertain what the just course of action may be. The purpose is to engage in constructive dialogue so that we may encourage just corporate (human) action, and that is possible when the question of just action becomes broader than the question of fault and blame.

3.5 *Why is the Ethic Qualified By the Word Ought?*

¹⁴ B. VLASIC, and N. BUNKLEY, "Toyota Will Fix or Replace 4 Million Gas Pedal." *The New York Times*. Published November 25, 2009.

As we discuss the system of corporate ethics that are based on Levinas' philosophy of the [personal] ethical demand, we use the word *ought* to demonstrate an understanding between what a person and the corporation *should* do in a given situation versus what it actually does. Just because I *should* treat the other with respect and deference for their personhood, I *should* be a good citizen with respect to my neighbors and others in my community with whom I do not have a direct relationship and I *should* behave with respect and deference for my own personhood, I *do not have to do* these things. Likewise, according to our system of corporate ethics based on personal responsibility, the corporation should behave in a certain way with respect and deference to the personhood of those whom it affects and their dignity as human beings; however, there is nothing compelling the corporation to act accordingly except its own desire¹⁵ to uphold the standards of behavior that it has embraced.

In other words, we use *ought* as an expression of interpersonal relativity that reflects the paradigm of the *should* versus what *actually transpires*. When we say that the *I ought* to treat the *other* with respect and deference for the other person's unique being, we are recognizing the dichotomy between what the *I* should do versus what he may actually do as he relates to the *other*. In kind, when referring to the ethical demand with regard to the corporation, a being comprised of persons working together to render a common service and/or product, we must continue to recognize the dichotomy between what should be done versus what is actually done by those persons comprising the corporation as they relate to others within the context of the corporation.

4. The Normative (and Not Relative) Quality of This System of Corporate Ethics Is the Personal Ethical Demand

¹⁵ As stated previously, we understand that the corporation *per se* is a being comprised of two or more human beings, persons gathered together to produce a common service or a good. When we refer to the desire of the corporation, we are referring to the collective acceptance and endorsement of an idea that becomes a part of the corporation's culture. With regard to our system of corporate ethics, the corporate desire to embrace a standard of behavior based on the personal ethical demand is an agreement between those persons who comprise the corporation to behave according to the standards. The agreement between those persons comprising the corporation compels them to embrace those standards for themselves as individual members of the corporation (as a community) and expect others to adhere to and uphold those same standards.

You may ask how a system of ethics based on the personal demand to respond to the call of the other is normative insofar as it may be applied to all persons and corporations regardless of differences in value systems. The answer is found in Levinas' ontology of man and the resulting personal demand for the *I* to respond to the call of the *other*. According to Levinas' philosophy of the personal ethical demand, as soon as the *I* hears the call of the *other*, it is incumbent upon him to respond to that call. As such, Levinas' philosophy is applicable to all persons. If one would like to question the integrity of this ethical system, the question then lies in their understanding and agreement with Levinas' ontology, but in and of itself, as a system of ethics, there are no apparent questions of relativity or doubts in its applicability based on varying social, cultural or personal values.

4.1 *Every I Has a Responsibility to Respond to the Call of the Other Regardless of Perceived Difference in Social and Cultural Values*

As Levinas explains, within the ontology of the person-to-person relation, between the *I* and the *other*, the *I* must respond to the *other* in an immediate and positive manner that respects the *other's* command not to be killed [or harmed] and his demand to be loved [or cared for]. The way Levinas has outlined this philosophy, and the way in which we are applying it to define this system of corporate ethics, there is no proposition of a common good. The question of the common good can be perceived as problematic in a discourse on ethics because there is an assumption that there is a convention of what that good may be. When the assumed convention of the common good is challenged, then the fundamental argument supporting the system of ethics begins to crumble. In other words, if we were to base our system of corporate ethics on a central effort to contribute to the common good A of a community, anyone in that community could challenge that ethic by saying that the common good that they perceive is not A but is B; and still another person within the community could argue that the common good is C.

By constructing a system of ethics based on a personal call to respond to the *other*, it becomes more difficult to relativize the system of ethics. If anything becomes relativized within this system it is the manner in which each person as an *I* understands that he may be called to respond to the *other* – not every response will be the same. This is another issue all together because the crux of Levinas' philosophy and the system of ethics that we are proposing today is that the *I* must respond, or rather the relationship between the *I* and *other* create an *ought* in how they relate to

each other, specifically the *I* to the *other* because it is the *I* who is responsible for his responsibility and that of the *other*. In the absence of the common good, there is no question of what the good may be, its construct as a good and who may perceiving it as good.

4.2 *The Personal Ethical Demand Based on Responsibility Is Universally Applicable*

My wish is not to burden the reader with repetition, but it must be clear that this system of ethics is based on an ontology of man as understood and taught by Levinas, and that the standard of behavior (the *ought*) that he promotes between the *I* and the *other* is a standard based on that ontology. The *I*, as a being in the phenomenological world who is aware of himself, the world around him and his own awareness (awareness of being aware), must respect the *other* who too is aware of his being (*self*) in the phenomenological world, the world around him and his awareness of being aware. They must respect and respond to each other's demand, but because we can only express ourselves from our own points of view as subjects in the phenomenological world that we share with the *other*, Levinas articulates his philosophy in terms of the *I* and his relation with the *other*.

In these terms and according to this understanding of the ontology of man and the ontology of the relationship between the *I* and the *other*, the ethical demand may be applied universally to all men, to each *I* as it relates to the *others* and other *others* with whom they share the phenomenological world and encounter either directly in the face-to-face encounter or indirectly when the *I* encounters the other *other* by way of the *other*. In every instance, no matter where that person is in the world, their religious or moral convictions or their accepted societal norms, the *I* is commanded by the *other* not to kill (or harm) him and to love (feed, shelter, clothe and care for) him.

An example of how this normative personal ethic can be observed is in the meeting of two persons regardless of being acquainted: when two persons meet, it is standard, no matter where they are in the world, their religious or social backgrounds, to greet each other. The greeting may differ from place to place or based on social status, etc, but they will greet each other. The greeting is the acknowledgement that they each exist as beings who are strangers in this phenomenological world and yet the same in the nature of their being. The greeting is an exchange of communication identifying themselves each to the other as *Is* from their own perspectives in the experience of having met, and in the greeting each *I* recognizes that

while they perceive the *other* as such, they understand the *other* to be an *I* in his experience of the phenomenological world.

When two persons meet and they do not greet each other or one attempts a greeting but the other does not reciprocate, it could be perceived either by one or both as a rejection and may even be perceived as an act of aggression. The point being that even in the simple act of two persons greeting each other, there is an appreciation and response to the personal ethical demand that comes from within their beings as they encounter each other.

5. The Novelty of a System of Corporate Ethics Based on the Personal Ethical Demand

In the coming chapter, we will explore some current systems of business ethics and ethics of the economy, and we will look at what sets this system of corporate ethics apart from other traditional systems of business and economic ethics. For now let us highlight six innovative features of our system in order to conclude the description of the synthesis of the ethic. We have already discussed the following four features in detail:

- rather than focusing on the ideal of the common good, it focuses on the human being, the persons that are the *I* and the *other* as they engage in relationship with the *I* responding to call of the other;
- in recognizing all persons comprising the corporation as intrinsic to the responsibility of the corporation based on their own personal responsibility to respond to the call of the *other*, it empowers all persons to take responsibility for corporate action;
- it approaches ethics as a standard of behavior based on a responsibility promoting, supporting and defending human dignity; and
- its approach is normative and, therefore, more difficult to relativize.

Let us consider the two other features that distinguish our system of corporate ethics as original.

5.1 Personal Responsibility Within the Paradigm or Context of the Corporation

For a moment, let us return to the assertion that we must distinguish between human action committed by the corporation and human action

committed by persons within the context of the corporation: while this is a new approach to understanding and interpreting human action [as text in terms of a hermeneutical exercise], there is a complementary element. By considering personal responsibility as the fundamental structure of this system of corporate ethics, the corporation provides a context for the smaller (less visible) human actions that take place within the corporation; the corporation becomes a paradigm in which persons interact with each other and act with regard to the phenomenological world outside the corporation.

So instead of regarding the corporation as a single entity that commits actions to, for or against humanity, we must also regard it as context in which persons undertake action; in other words, the corporation becomes part of the context in which the agent (author) commits (writes) the act (text). In acknowledging these nuances about the corporation, we can promote a more comprehensive understanding of the corporation, which enables us to interpret and understand human action in a way that is more authentic to the experience while identifying agent(s) and action(s) more accurately and in a manner that is meaningful to the hermeneutical exercise.

5.2 Corporate Responsibility is Personal Responsibility Magnified by Size and Degree of Influence

The final feature of this system of corporate ethics that separates it from other systems of business and economic ethics: Basing the standard of corporate behavior on the personal ethical demand of all persons who comprise the corporation, we recognize that there is a degree to which each corporation has the potential to affect promote, support and defend human dignity by means of its corporate (human) action. The corporation's responsibility to itself, staff/employees, partners, suppliers, environment and competitors is magnified by its size and degree of influence.

A corporation like Wal-Mart that has a global presence either as a vendor, a partner or supplier, must consider and respond to its responsibility to promote, support and defend human dignity based on the breadth of its reach (how many persons comprise the corporation and its geographical locations) as well as degree of its influence within the relevant areas of society (specifically in government). On the other hand, while a smaller corporation like a diner or family run restaurant has the same responsibility to respond to the call of the *others* that it encounters through the persons who comprise it, that responsibility is relative to the

number of persons who comprise it and the influence it has in its community.

6. Applying the System of Corporate Ethics

As a means of demonstrating the applicability of this system of corporate ethics as a standard of behavior with a definable goal and means of evaluating corporate action, we have listed ten questions any corporation or organization can ask itself. The questions are meant to gauge a corporation's awareness and commitment to achieving its corporate goals without exploiting anyone stakeholder. It must be kept in mind that the corporation is the community of staff, management and senior leadership. So we use the word "corporation" in these questions, we understand it to mean the community of persons that comprise it. (We are not treating the corporation as a person *in se.*)

1. Is the corporation meeting its goals?
 - a. If the corporation is not meeting its goals, then work has to be done to understand why and if perhaps the goals should be reconsidered.
 - b. If the corporation is indeed meeting its goals, then it may be an indication of corporate health and moving in a positive direction.
 - c. The point of this question is to gauge the corporation's short and long-term sustainability, growth and relevance as it relates to the market.
2. Are the corporation's short and long-term goals beneficial not only to itself (corporate fiscal responsibility for maintenance and growth), but also to its customers/clients, partners, suppliers, environment and even competition?
 - a. The point of this question is to gauge the overall effect that the corporate goals may have on the various stakeholders.
 - b. The corporation's goals must also be beneficial to the competition in such a way that it maintains a competitive edge in the market. If the corporate goals strive to make competition obsolete, then customers, partners and suppliers may suffer.
3. Does the corporation consider its various stakeholders, weighing the impact of its actions (the benefits and damage it may cause) when deciding on a strategy for corporate action?

- a. Here we want to encourage critical thinking, corporate “self-evaluation” and recognition of who the stakeholders are and how they may be affected.
 - b. If the answer to the question is yes, then the follow-up questions would be “how and to what extent?”
4. Does the corporation support, protect and advocate for human dignity by means of ethical and responsible corporate action?
 - a. The corporation is an intrinsic, human part of society. It has a voice that is amplified by the size, buying power and influence it has in the market. If the answer to this question is ambivalent in any way, or if the answer is no, then there is much work to be done in leading the corporation to a positive response.
 - b. Without passing judgment on the corporations themselves, if any corporation sells a product or service or promotes behavior that is detrimental to the human person, family, society or environment, then that corporation should question its original goals, for examples: producers of tobacco products.
5. Does the corporation review its actions once they have been executed to determine what benefit and/or damage may have been caused to all of the known stakeholders?
 - a. This question is intended to get corporations to engage in corporate “self-reflection.” How has the corporate action affected the corporation itself and the world around it?
 - b. This also presents a learning opportunity for the corporation: what actions they may want to repeat for beneficial results and what actions they want to avoid having caused harm.
6. Does the corporation take responsibility for mistakes and errors in judgment?
 - a. If the corporation can say yes, then it already acknowledges its social responsibility and has a sense of accountability. The follow-up question would then be, “What actions did it take to rectify the matter or make sure that type of action does not happen again?”
 - b. If the response is negative, then there is room for improvement. The corporation should implement policies and strategies for self-evaluation, taking responsibility and holding itself accountable for its corporate (human) action.

7. Does the corporation have and enact policies that support its goals while also supporting and protecting its staff, partners, customer/clients, suppliers and environment?
 - a. This question aims to scrutinize the corporate culture that starts with written and unwritten policies.
 - b. If any group is exploited for the benefit of the corporation or to reach any goal, then the corporate action is not just, it is not responsible.
8. Do corporate contracts and policies exploit any one stakeholder for the benefit of the corporation?
 - a. This is an opportunity for the corporation to not only scrutinize its policies for exploitative behavior, but also its contracts, which include those between the corporation and its partners, the corporation and its suppliers and, finally, the corporation and its staff.
 - b. If any stakeholder is being exploited, then the corporation should take steps to determine how best to rectify the situation.
 - c. The concept is basic: the corporation may not sacrifice or exploit any stakeholder for its benefit because the benefit is limited and will not last in the long-term. Neither the human person nor his dignity can be used as a means to obtaining an end.
9. Are staff and employees referred to in terms of the resources they bring the corporation or their humanity?
 - a. The point of this question is to encourage corporations to reflect on how they talk about the people that enable them to reach their corporate goals.
 - b. The way you talk about something or someone is the manner in which you will address them and treat them. If the corporation refers to their staff and employees in terms of their humanity (with their dignity and well-being in mind), then they will approach their staff and employees in the same way.
10. Has the corporation ever been accused of immoral, amoral or unethical action/behavior?
 - a. If the answer is yes, this is another opportunity for the corporation to look at its past behavior to determine how it exposed itself to this type of criticism or accusation and how it may act more responsibly in the future in order to reduce its exposure to unfavorable corporate action.

- b. If the answer is no, then this is still an opportunity to take a critical look at its policy and action to determine if there are any areas that present a risk.
- c. If the corporation has a habit and culture of shirking responsibility and not holding itself accountable for its corporate action, then there may be an underlying problem related to how decisions are made and how/if the shareholders are taken into consideration.

These questions are not exhaustive, but they can lead any person participating in a corporation to conduct a comprehensive reflection on the corporate culture, carefully scrutinizing policies, common practices and accepted norms as they relates to its regular functionality. In completing this reflection, the executives and senior managers can choose if and how they would like to change the corporate culture and standard of behavior; additionally, staff can think about how they may approach their managers about perceived issues or problems.

It is important to point out that the reflection and eventual change does not have to come from the executive officers of a corporation; staff and employees at all levels can use these questions to determine whether the corporation has a standard of behavior that promotes, supports and protects human dignity. Admittedly, a dependent of a corporation (staff and employees) would be taking a risk presenting their observations to their senior management; the management could consider their observations negatively and take punitive action or management, if it is open to change, could take the observations as constructive criticism and reconsider the value of embracing this ethic. If an employee believes they work for a corporation that does not value their human dignity or does not embrace their responsibility to and for the *other*, then this exercise could also prompt the employee to find a corporation that provides an environment that is receptive to or already embraces that responsibility.

The crux of this system of ethics is that everyone is responsible. The executive is responsible for ensuring that the culture of the corporation embraces its responsibility, and the staff/employee is responsible for doing what it can when it hears the call of the *other* even when the culture runs contrary to that call.

7. A comparison with contemporary understandings of business and economic ethics

In proposing this system of ethics, we must, if only briefly, compare it to contemporary systems and understandings of business and economic ethics so that we may have an appreciation for the value that it can add when considering and dialoguing about the corporate *ought* and its action. To do so, we will conduct a succinct survey of the explanations and understandings of business and economic ethics of two philosophers, Jesús Conill Sancho and Amartya Sen. We have chosen Conill Sancho because he approaches business and economic ethics from a phenomenological point of view; in other words, he discusses these systems of ethics from the point of view of how man experiences business and economics. Sen, on the other hand, is a key proponent in the contemporary debate regarding man's dignity in the face of development. As we review their philosophies and understandings of business and economic ethics, our aim is not to disprove their assertions or conclusions, but rather to demonstrate a void that our proposed system of ethics can fill.

7.1 Conill Sancho on Business and Economic Ethics

In *Horizontes de Economía Ética*¹⁶, Jesús Conill Sancho explains business ethics with regard to the activity of business whereas economic ethics refers to the ethical application of systems of economics.¹⁷ More specifically, he explains business and economic ethics within the context of the contemporary economic systems of capitalism (and in some cases communism) using the 1970s as a point of departure saying,

En efecto, en los años setenta del siglo pasado se produjeron cambios decisivos que exigieron nuevas concepciones de la empresa, distintas a la de un puro mecanismo. La empresa, según las nuevas concepciones, es un ámbito de racionalidad social, del que forman parte procesos humanos de enorme

¹⁶ J. CONILL SANCHO, *Horizontes de Economía Ética*. Editorial Tecnos (Grupo Anaya, S.A.), Madrid. 2004.

¹⁷ “La ética económica se refiere, o bien a todo el campo en general de las relaciones entre economía y ética, o bien específicamente a la reflexión ética sobre los sistemas económicos; una reflexión que ha venido a convertirse en ética del capitalismo o, mejor dicho, en ética del capitalismo, que investigan las posibles formas de conexión entre la democracia y el sistema capitalista. La ética empresarial, por su parte, se centra principalmente en la actividad de las empresas y, aunque en los años setenta del siglo XX, cuando surgió con fuerza, hubo un animado debate sobre su ámbito de reflexión, actualmente se refiere sobre todo a la empresa entendida como organización económica y como institución social” (*Ibid.*, p. 17).

*importancia para la competitividad como la actividad directiva, la atención a los recursos humanos, la toma de decisiones, o la cultura corporativa.*¹⁸

He continues his explanation by exploring various understandings of what business ethics is:

1. the business man creates the market, opportunities and invention¹⁹ with the purpose of increasing the public's confidence in business and the market²⁰ citing that the moral basis of economic systems are the business man, the risks he takes, the creation of new values and amoral machinations of the system, which are brought about by the creativity and courage of the business man²¹;
2. the strategies and ways decisions are made in business meaning that ethics is not meant to control or change the way people do business, but rather assist them in making better decisions by encouraging them to reflect on the reasons they adopted a certain course of action²²; and

¹⁸ *Ibid.*, p. 18.

¹⁹ "... autores como Gilder consideran a los empresarios como «heroes de la vida económica», en cuyas manos radica el verdadero sentido creativo y productivo de la economía, mucho más que en los programas políticos de los gobiernos. La verdadera economía sería la de los empresarios: la del crecimiento y el progreso. Desde esta perspectiva, el empresario es un creador de mercados, un revelador de oportunidades, un inventor, un innovador, y no hay recuperación económica sin favorecer la creatividad empresarial" (*Ibid.*, p. 18).

²⁰ "Una función que ejercería la ética empresarial sería aumentar la confianza en el mundo empresarial y superar la incomprensión que todavía perdura en la sociedad, por la que el empresario aparece como un enano moral, egoísta y maléfico" (*Ibid.*, p. 19).

²¹ "... el empresario es un creador de mercados, un revelador de oportunidades, un inventor, un innovador, y no hay recuperación económica sin favorecer la creatividad empresarial. La auténtica base moral del sistema económico serían los empresarios, su arriesgada, laboriosa y sacrificada creación de nuevos valores y no los «mecanismos amorales». La clave de la vida económica y la condición del progreso sería la creatividad y coraje de los individuos que aceptan los riesgos que generan riqueza: los empresarios con voluntad e imaginación" (*Ibid.*, pp. 18-19).

²² "Otros autores refieren la tarea de la ética de la empresa a las estrategias para la toma de decisiones. La ética no intentaría cambiar o controlar la conducta de las personas, lo cual sería propio de una «ética de reglas», sino más bien ayudar a tomar mejores decisiones. Esta «ética de la toma de decisiones» sería operativa: pondría de manifiesto el lugar de la ética en el proceso de toma de decisiones dentro de las organizaciones. Consistiría en generar recursos para tomar mejores decisiones: así, por ejemplo, la comprensión de la responsabilidad como recurso para responder a los retos de la organización empresarial. La ética entra aquí en el proceso de reflexión

3. the management and organization of business because it develops a systematic reflection on business, organizations and the people at the heart of those organizations.²³

The first explanation appears to be an ambition of business and economics. In the second explanation, Conill Sancho highlights the element of responsibility when reflecting on the appropriate course of action. He also discusses the rationale for that course of action saying that there is an intent to integrate individual and collective responsibility, along with the morality of actions on the part of business and the institutions.²⁴ While Conill Sancho admits there is a sense of responsibility in this understanding of business ethics, the sense of responsibility is merely perfunctory because the understanding of responsibility is not a response to anything – instead, it is an admission or recognition of challenges or threats that could work against the organization.

The third explanation has an element of responsibility insofar as it is the responsibility of business to ask itself if it is inseparable from corruption²⁵ (these considerations are the result of business scandals that have shaken the public's confidence, e.g. Watergate in 1972, Enron in 2001, WorldCom in 2002). Even here, the concept of responsibility is not one of ownership, accountability or response; instead it is portrayed as a reflective activity to determine how business and markets may maintain favor with the public.

sobre las razones que existen para adoptar un determinado curso de acción entre posibles alternativas” (Ibid., p. 19).

²³ *“Continuando con otras posiciones, ha expertos que prefieren hablar de «gestión y organización», porque consideran que la ética empresarial ha de desarrollar una reflexión sistemática sobre las empresas, las organizaciones como tales y las personas en el seno de las organizaciones” (Ibid., p. 20).*

²⁴ *“Desde una óptica complementaria, se ha entendido la ética de la actividad empresarial como un campo especial de la ética profesional. En este sentido, se intenta integrar la responsabilidad individual y colectiva, la moralidad de las acciones y de las instituciones o estructuras. El paradigma de la ética empresarial sería el de las coordenadas metodológicas marcadas por la «ética civil», aunque con la advertencia de que se requiere pasar de la ética procedimental a una ética social sustantiva, con contenidos ya concretos en favor de dinanismos de humanización creciente” (Ibid., p. 20).*

²⁵ *“Las razones que se suelen aducir para explicar este creciente interés por la ética empresarial son de diverso género. En principio, la pérdida de confianza en las instituciones y en las grandes empresas, «gracias» a escándalos como los del Watergate, lleva a pensar sobre la responsabilidad de las empresas y a preguntarse si la empresa es inseparable de la corrupción” (Ibid., p. 21).*

The overarching theme throughout the various understandings of business ethics is that it requires a reflection on the relationship between the economy and ethics because business is an element within an organized system of economic activity and it cannot be understood without the putting it into the context that is the system of economics in which it functions.²⁶

Conill Sancho looks at two different understandings of economic ethics to give a comprehensive explanation:

1. Understanding economic ethics based on positivism or a pragmatic concept of economics,²⁷ which inspires us to regard economics as a historic science as well as a hermeneutic science because it can offer interpretations and an understanding of society²⁸; he says that more than an ethic, this understanding proposes a rhetoric, a methodology in using the linguistics of ethics to persuasively refer to the function of economics.²⁹
2. Based on a theory of economics being a system comprised of subsystems, ethics or morality is not an authentic subsystem [that contributes to the greater system] because it is difficult to coordinate into codes³⁰; since it is not a codified subsystem, it has

²⁶ "... la ética empresarial, boyante en los últimos treinta años, requiere una reflexión sobre las relaciones entre economía y ética, porque la empresa es un elemento dentro de un sistema de organización de la actividad económica y no se entendería bien su sentido sin enmarcarla en el sistema económico en que se encuentra inserta" (Ibid., pp. 23-24).

²⁷ "En primer lugar, hay quienes rechazan el enfoque económico marcado por el positivismo y la econometría, pero mantienen una posición al menos ambigua en relación con una ética de la economía. Frente al «positivismo oficial de la economía» dan paso a una orientación pragmatista, más interesada en la utilización del conocimiento que en sus fundamentos, y que quiere estudiar primordialmente «la retórica de la erudición económica»" (Ibid., p. 25).

²⁸ "Desde esta perspectiva, la economía se ve más como una «ciencia histórica» que como una «ciencia predictiva»; incluso como una ciencia hermenéutica, porque intentaría ofrecer una interpretación y autocomprensión social, más que predicciones" (Ibid., p. 25).

²⁹ "Más que una ética, propone pues una retórica, en la tradición humanista occidental; cosa que no admite la «ética lingüística» habermasiana..." (Ibid., p. 25).

³⁰ "En segundo lugar, quisiera aludir a la teoría de sistemas en la formulación de Niklas Luhmann. En la teoría social de Luhmann se entiende la sociedad como un sistema de subsistemas diferenciados, que se rigen en cada caso por una codificación binaria; y, aunque la moral no constituye en auténtico subsistema, según Luhmann, sí se

no concrete or quantifiable place in economics.³¹ Therefore, economic ethics does not exist.³²

So according to these two understandings of economic ethics, either it is a form of rhetoric contrived to persuade someone to act in a certain way or it does not exist because it lacks concrete relevance when confronted with the functions of economics.

In terms of business, ethics is relegated to a guideline for making better decisions at best, to a reflection on how not to lose favor with the public at worst; and economic ethics is either considered a rhetorical device when discussing the functions of systems of economics or an irrelevant, unquantifiable subsystem that we may discuss within the context of the greater system that is society. In neither case do we perceive that ethics has anything to do with the human relation, instead they are portrayed as devices to be used for persuasion, determining better decisions and courses of action for a determined end or reflection on how to understand and interpret [business] actions within the context of society. When the ethics are not being cast aside because of their perceived irrelevance as it relates to the constructs of the mechanization of society and its enterprises, it is being used as a means to an end or a means of justifying business decisions and activities.

Applying understandings of business and economic ethics of these sorts completely miss the point of ethics. As Herbert Johnston points out in his book *Business Ethics*³³,

Ethics is Concerned with What Ought to be Done. The judgment in question is not in the form of a simple statement of fact about human conduct, but in the form of the statement of an obligation. In logical terms, the copula of the

ordena según un código (aprecio/desprecio) que, sin embargo, no es fácil coordinar con los códigos por los que se rigen los cada vez más complejos subsistemas sociales” (Ibid., p. 26).

³¹ “La ética, en nuestro caso la ética económica, no puede servir para nada en nuestra sociedad actual, porque resulta irrelevante para los procesos comunicativos que se establecen en los sistemas funcionales” (Ibid., p. 26).

³² “La presunta ética de la economía en realidad no existe, y lo que Luhmann se preguntaba es si la ética era la forma teórica con la que se podía hacer frente a la situación de la sociedad de fines del siglo XX” (Ibid., p. 26).

³³ H. JOHNSTON, *Business Ethics*. Pitman Publishing Corporation. New York, NY. 1956.

conclusion is not “is” or “will be,” but rather “should” or “ought” or “is to be.”³⁴

Not only is ethics concerned with what ought to be done, but he says it is concerned with human conduct, “When we say that ethics concerns judgment about conduct, we mean about human conduct. And this means more than just actions done by a human being, by a man; it means actions done by a man as man, when he knows what he is doing and wants to do it.”³⁵ According to Johnston’s definition, the action has to be intentional for it to be human and, therefore, judged against an *ought*. Although he does not say this explicitly, we can understand that the *ought* is about the way in which the *I* relates (treats, communicates with, responds to) the *other*.

With that said, if ethics is concerned with or is a matter of what ought to be done and that doing, more specifically, is human (intentional) action, then the ethics of business and economics as Conill Sancho explains it are not ethics at all. Rather, as business ethics and economic ethics have continued to develop from the 20th to the 21st Centuries, we begin to understand that using the word ethics is more of a connotation to improving the human condition (justice and liberty) through social and economic development.

There is a recognized obligation to attend to the human condition, but the exact obligation and means of carrying out that obligation are not specified. Conill Sancho articulates it in terms of justice and liberty when he says,

*Uno de los retos más importantes y significativos del mundo actual es el de hacer compatible el mecanismo del mercado y las exigencias de justicia. Iluminar este desiderátum y promover su realización constituyen, a mi juicio, tareas de una ética económica contemporánea que quiera ser fecunda.*³⁶

He tends to speak about ethics as it relates to the development of human liberties through just action. Conill Sancho is going in the right direction, but he is using the wrong language and tools to implement his ideas: his use of ethics is still missing the element of obligation, ought and human action that serves to foster just human relationships to support, protect, and promote human dignity.

Our proposal for corporate ethics is not a means to an end or a justification for a predetermined course of action; it is a standard of

³⁴ *Ibid.*, p. 1.

³⁵ *Ibid.*, p. 2.

³⁶ J. CONILL SANCHO, *Horizontes de Economía Ética*. p. 214.

behavior by which men and women engaging in business (to use the language of business and economic ethics) activities can strive as they participate in the functions of the system of economics in which they conduct business.

To state our proposal for a system of corporate ethics in terms that are traditional to business and economics, it is applying a standard of behavior and regard for the other person that is based on personal responsibility to and for the other person in such a way that the business may participate fruitfully in the economic system(s) that host it; furthermore, this standard of recognizing, accepting and acting on personal responsibility within the context of business requires a hermeneutical reflection that allows for human action within the context of business (commerce) to be interpreted and understood within the greater contexts of economics and society, thus recognizing that economics is not necessarily part and parcel to society but rather a subsystem of society.

In other words, our system of ethics as a standard of behavior, based on personal responsibility, is not a means to an end, but rather is the means as well as *one* of the ends to business and the functions of the systems of economics. When we consider that “the primary purpose of business is to create wealth in a legally responsible way,”³⁷ we see more clearly that business is in the service of man. Likewise, the system in which business functions, the economy, is also at the service of man for man’s sake, health, prosperity, longevity and dignity. We must, therefore, treat business and economics as means of fulfilling our obligation and articulate it as such rather than behaving as if man is the means of ensuring the health, longevity and dignity of business and economics for the sake of business and economics.

7.2 Amartya Sen on Business Ethics

Taking a bird’s eye view of his stance on business ethics, in his book *Development as Freedom*³⁸, Amartya Sen frames the discussion on business ethics in terms of justice, corruption, public policy and social values:

³⁷ G. AHNER, *Business Ethics, Making a Life, Not Just a Living*. Orbis Books, Maryknoll, NY. 2007. p. 59.

³⁸ A. SEN, *Development as Freedom*. Oxford University Press. Oxford, UK. 1999.

Policy makers have two distinct, though interrelated, sets of reasons for taking an interest in the values of social justice. The first – and the more immediate – reason is that justice is a central concept in identifying the aims and objectives of public policy and also in deciding on the instruments that are appropriate in pursuing the chosen ends. ... The second – more indirect – reason is that all public policies are dependent on how individuals and groups in the society behave.³⁹

Although Sen never articulates a proposal for ridding society of corruption,⁴⁰ he does make it clear that justice as a motive and human action (behavior) are central to a society or organization rejecting corruption and embracing values that they determine are important to them.

He continues: “For the making of public policy it is more important not only to assess the demands of justice and the reach of values in choosing the objectives and priorities of public policy, but also to understand the values of the public at large, including their sense of justice.”⁴¹ Public policies ought to be based on the values of the persons that it represents, the persons who will be affected by it; likewise, the corporate policies and strategies, products and services must reflect the values held by those who comprise the corporation. According to Sen, the policies must do this either while answering the demand for justice or in an answer to the demand for justice.

In addressing how to deal with corruption, Sen refers to social values and behavior norms saying, “What is at issue is not just the general sense of dutifulness, but the particular attitude to rules and conformity, which has a direct bearing on corruption.”⁴² Here he begins to discuss ethical behavior in terms of not just an obligation to following the rules, but following the rules and behaving in a certain way because everyone else is behaving in prescribed manner. This is not to say that we should not value rules and proper behavior for their own sake,⁴³ but that “how people behave often depends on how they see – and perceive – others as behaving.”⁴⁴ In saying

³⁹ *Ibid.*, p. 274.

⁴⁰ “I am not trying to propose here an ‘algorithm’ for eliminating corruption” (*Ibid.*, p. 278).

⁴¹ *Ibid.*, p. 274.

⁴² *Ibid.*, p. 277.

⁴³ “Giving priority to rules of honest and upright behavior can certainly be among the values that a person respects. And there are many societies in which respect for such rules provides a bulwark against corruption” (*Ibid.*, p. 277).

⁴⁴ *Ibid.*, p. 277.

so, Sen asserts that ethical behavior could be the result of conforming to perceived norms or what he calls “relative justice,”⁴⁵ which entails making comparisons against actions that have been determined to be acceptable to the public. The problem with relative justice is that it can lead to corruption if the standard of comparison is in itself unjust.

The sections of Sen’s book that we have been referencing are entitled “Ethical Values and Policy Making”⁴⁶ and “Corruption, Incentives and Business Ethics.”⁴⁷ This is a point of interest because, while we agree with the principles of Sen’s argument about justice, public policy and the work that must be done to eliminate corruption, we must point out that, in terms of outlining a system of ethics, he never gives a concrete suggestion on what business ethics are.

Sen outlines approximations of the types of behaviors that are favorable to an ethical society or organization, but three definitive elements are missing:

- there is no cohesive argument or proposal for how a policy maker or the public should act in order to promote justice;
- he discusses justice with regard to ethical behavior, but he does not portray a sense of relationship between persons, which is the context for justice; and
- there is no standard of behavior one could say they are striving to uphold.

7.3 *Within the Context of Contemporary Business and Economic Ethics*

While we respect both Conill Sancho and Sen for their contributions to the global discussion about ethics as it relates to business, society and the quest for justice, the observations that we have made are only meant to demonstrate the void that our proposal for a system of corporate ethics can fill. To date, there are many ideas and articulations of how corporations should act with regard to themselves, their staff/employees, clients, partners, suppliers, environment and, even, competitors, but beyond proposing an idea, we are proposing a concrete standard by which

⁴⁵ “Much depends, therefore, on the reading of prevailing behavioral norms. A sense of ‘relative justice’ vis-à-vis a comparison group (in particular, others similarly placed) can be an important influence on behavior” (*Ibid.*, p. 277).

⁴⁶ *Ibid.*, p. 274.

⁴⁷ *Ibid.*, pp. 275-278.

corporations and organizations, the persons who comprise them, may determine if their actions are ethical.

Our proposed system of corporate ethics presents the following:

- **a clear goal** – to promote, support and protect the human dignity of all stakeholders, known and unknown;
- **a coherent standard of behavior** – each person within a corporation, regardless of rank or job function takes responsibility for the call, command, demand of the *other* and responding to that call immediately, positively and appropriately;
- **a distinct means of evaluating or reflecting on corporate action** – applying a hermeneutical approach to how we appraise corporate action, taking into account the various known elements of the context of that action.

In providing a goal, a standard of behavior and a way in which we can evaluate the behavior, we are providing a structured system of ethics that any corporation can adopt, provided that they subscribe to the requisite ontology of man and the *I-other* relation.

Our final assertion, as it relates to contemporary systems of business and economic ethics, is that our proposed system of corporate ethics, if applied within an organization that truly embraces all elements of the system, could inspire better decisions and strategies for corporate action, create more opportunities in the long-term and boost public confidence in the corporation (and perhaps in the market too) while addressing concerns of corruption, favoritism, impropriety, greed and fraud. A corporation that embraces a system of ethics that promotes, supports and protects human dignity through just human relation has a culture that is open to everyone, fostering community and creativity and renouncing anything that is contrary the dignity of their stakeholders.

CHAPTER VIII

The Application, A Case Study

Let us now apply our system of corporate ethics to an organization, using as evidence of their proposed values, culture and corporate action their documented mission, policies and practices published for public information. As our test subject, we will look at one of the organizations within the United Nations common system, for two reasons: the UN has stated values that revere if not promote and protect human dignity as its five areas of work are to “maintain international peace and security,” “promote sustainable development,” “protect human rights,” “uphold international law” and “deliver humanitarian aid”¹; and the mission, policies and practices of the UN organizations are more widely available to the public.² Therefore, we will look at several aspects of the values, policies and practices of the Food and Agriculture of the United Nations (FAO) based on their public documents. Specifically, we will review FAO’s documentation regarding its staffing habits with special attention to its use (policies and practices) of consultant contracts.

The purpose of this exercise is to demonstrate how our proposed system of ethics works and can be beneficial to a corporation; the purpose is not to cast aspersions against FAO or to engage in gratuitous criticism. As such, we will attend the following methodology for this chapter:

¹ <http://www.un.org/en/sections/what-we-do/index.html> 25 June 2015.

² The United Nations and its specialized agencies are sustained by public and private funding; therefore, the larger scope of their practices, policies and procedures are a matter of public domain.

1. embark on a brief introduction to the UN and FAO, which will include a look at how the UN is organized, FAO's place within the UN common system and their respective mandates;
2. look at the UN's standards of promoting, supporting and protecting human dignity;
3. review FAO documentation (that has been made public) on its policies and practices as well as the motives for those policies and practices;
4. juxtapose FAO's policies and practices with the UN standard of human dignity along with the standards of employment as stated by the International Labour Organization and an independent review conducted by the UN regarding the use of consultancy contracts within the UN common system; and
5. refer to the ten questions from Annex 2 to help us gauge FAO's ethical standards that promote, support and protect human dignity.

As we follow this methodology, we will also consider FAO, its values, policies and practices, within the context of the greater UN common system, which is guided by the Secretariat in New York and Geneva.

Again, the point is not to laud FAO as an example by which other organizations and corporations should judge themselves, nor is it to vilify the organization based on any shortcomings that we may discover; the point is to demonstrate how the system of corporate ethics that we have developed may be applied to an organization or corporation in a way that is meaningful and constructive – in a way that can facilitate positive changes in the values, culture and actions of that organization or corporation moving towards a greater appreciation of the human person with the ultimate goal of protecting, promoting and supporting human dignity.

1. Background on FAO and the UN Common System

As a means of understanding the context in which FAO is placed within the UN common system, we must understand that the UN is an organization comprised of six main organs: the General Assembly, the Security Council, the Economic and Social Council, the Trustee Council, the Secretariat and the International Court of Justice. Their purpose is:

- a. to maintain international peace and security;
- b. to develop friendly relations among nations;

- c. to cooperate in solving international problems and in promoting respect for human rights; and
- d. to be a center for harmonizing the actions of nations.³

With the exception of the International Court of Justice, which is located in the Hague, these organs are located in New York City.

Beyond these six organs of the UN, the United Nations is also comprised of specialized agencies that, while autonomous in terms of governance, are bound to the UN by special agreements and were established using the Charter of the UN. FAO is one of 16 specialized agencies. The governance of FAO as well as each of the other 15 specialized agencies is self-contained insofar as FAO has its own governing body and its own collection of member countries who contribute to financing and regulating the agency as well as managing the mandate and mission of the agency. The caveat to this arrangement is that these agencies must defer to the International Civil Servants Commission (ICSC), which is another specialized agency that regulates the pay, benefits and overall treatment of those who work for the UN and its specialized agencies.⁴ Additionally, the agencies must work within the general mandate of the UN, humanitarian efforts, peacekeeping, human rights, gender equality for the advancement of women, protecting the environment, etc.⁵ Therefore, FAO's mandate is:

³ <http://www.un.org/Overview/uninbrief/about.shtml> 25 June 2015.

⁴ "The Commission's mandate covers all facets of staff employment conditions, but the type of action it is empowered to take in a specific area is regulated under its statute.

On some matters (e.g. establishment of daily subsistence allowance; schedules of post adjustment, i.e. cost-of-living element; hardship entitlements), the Commission itself may take decisions.

In other areas, it makes recommendations to the General Assembly which then acts as the legislator for the rest of the common system. Such matters include Professional salary scales, the level of dependency allowances and education grant.

On still other matters, the Commission makes recommendations to the executive heads of the organizations; these include, in particular, human resources policy issues" (<http://www.icsc.un.org/about/mandate.asp> 24 July 2015).

⁵ "Most of us have heard about United Nations peacekeeping and humanitarian assistance. But the many other ways the UN affects all our lives are not always so well known. This website takes a look at the United Nations – how it is set up and what it does – to illustrate how it works to make the world a better place for all people. The UN is central to global efforts to solve problems that challenge humanity. Cooperating in this effort are more than 30 affiliated organizations, known together as the UN system. Day in and day out, the UN and its family of organizations work to promote respect for human rights, while also promoting gender equality and the advancement of women,

Achieving food security for all is at the heart of FAO's efforts – to make sure people have regular access to enough high-quality food to lead active, healthy lives. Our three main goals are: the eradication of hunger, food insecurity and malnutrition; the elimination of poverty and the driving forward of economic and social progress for all; and, the sustainable management and utilization of natural resources, including land, water, air, climate and genetic resources for the benefit of present and future generations.⁶

As FAO works to achieve the goals of its mandate, it must do so while honoring the mandate, initiatives and goals of the UN and its other specialized agencies. For example, the World Health Organization, another specialized agency of the UN, promotes smoking cessation programs throughout the UN Common system; FAO, therefore, must incorporate smoking cessation into the medical services that it offers its dependents. Likewise, the United Nations Environmental Programme (UNEP) and the Chief Executive Board for Coordination (CEB) have initiated a program called Greening the Blue⁷, which is a UN based initiative for climate neutrality. FAO must also participate in the Greening the Blue initiative to do what it can within its own governance to contribute to the UN goal of climate neutrality.

The context of FAO's corporate action is fundamental to a hermeneutical analysis of that corporate action, so it is necessary to have a comprehensive appreciation for the UN (the system of organs and specialized agencies) as a part of that context. We will refer to this part of the context as we move forward in analyzing FAO's policies and corporate action (practices) regarding the way it uses consultancy contracts.

2. The UN Standard of Human Behavior and Interaction

We will continue to explore the context in which FAO operates as it works to achieve its mandate by taking into consideration the social and ethical standards of behavior as identified by the UN Secretariat. To begin,

protecting the environment, fighting disease and reducing poverty. UN agencies define the standards for safe and efficient air travel and help improve telecommunications and enhance consumer protection. The United Nations leads the international campaigns against drug trafficking and terrorism. Throughout the world, the UN and its agencies assist refugees, set up programmes to clear landmines, help expand food production and lead the fight against AIDS" (<http://www.un.org/Overview/uninbrief/index.shtml> 25 June 2015).

⁶ <http://www.fao.org/about/en/> 25 June 2015.

⁷ <http://www.greeningtheblue.org/>.

the UN Secretariat on the Universal Declaration of Human Rights issued the following statement:

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world... Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law... Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom.⁸

While the statement does not go into detail, here the UN is acknowledging the inherent dignity of the human person and establishing standards of freedom for that dignity through just human action. The Declaration sets specific standards for promoting, supporting and protecting human dignity as it relates to employment in the 23rd Article,

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. (2) Everyone, without any discrimination, has the right to equal pay for equal work. (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary by other means of social protection. (4) Everyone has the right to form and to join trade unions for the protection of his interests.⁹

Finally, the Declaration stipulates that “Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.”¹⁰ These are the standards of human dignity in the workplace that the UN promotes in its Declaration of Human Rights, and these are the standards that it is supposed to be supporting and protecting in its deeds as it carries out its mandate. That is to say, these are the standards of human dignity in the workplace that the specialized agencies of the United Nations should be promoting, supporting and protecting according to their accord with the UN.

2.1 *The Staff Contract Versus the Consultancy Contract*

⁸ UN Universal Declaration of Human Rights, Preamble.

⁹ *Ibid.*, Article 23.

¹⁰ *Ibid.*, Article 24.

Before we can assess FAO's policies and practices (and the precipitating motive) with regard to issuing consultancy contracts, we must understand the differences between the consultancy contract and the staff contract. To do this we will refer to the "Employment Relationship Recommendation, 2006 (No. 198)" by the International Labour Organization (ILO), which gives definitions and guidelines for employment. Although the ILO addresses its policy paper to nations (it refers to "national policy of protection for workers"), the concept is the same when they say,

For the purposes of the national policy of protection for workers in an employment relationship, the determination of the existence of such a relationship should be guided primarily by the facts relating to the performance of work and the remuneration of the worker, notwithstanding how the relationship is characterized in any contrary arrangement, contractual or otherwise, that may have been agreed between parties.¹¹

And the ILO goes further to identify when a staff contract is appropriate and when a consultancy contract is appropriate, saying,

Members should consider the possibility of defining in their laws and regulations, or by other means, specific indicators of the existence of an employment relationship. Those indicators might include: (a) the fact that the work: is carried out according to the instructions and under the control of another party; involves the integration of the worker in the organization of the enterprise; is performed solely or mainly for the benefit of another person; must be carried out personally by the worker; is carried out within specific working hours or at a workplace specified or agreed by the party requesting the work; is of a particular duration and has a certain continuity; requires the worker's availability; or involves the provision of tools, materials and machinery by the party requesting the work; (b) periodic pay of remuneration to the worker; the fact that such remuneration constitutes the worker's sole or principle source of income; provision of payment in kind, such as food, lodging or transport; recognition of entitlements such as weekly rest and annual holidays; payment by the party requesting the work for travel undertaken by the worker in order to carry out the work; or absence of financial risk for the worker.¹²

With this definition of a regular employer-employee relationship, we can turn to the UN's document on the "Administrative instruction, Consultants

¹¹ INTERNATIONAL LABOUR ORGANIZATION., *The Employment Relationship*. Geneva, Switzerland. 2007. Article 9, p. 56.

¹² *Ibid.*, Article 13. p. 57.

and individual contractors”¹³ for a positive perspective of the consultancy contract. The UN gives the following definitions:

A consultant is an individual who is a recognized authority or specialist in a specific field, engaged by the United Nations under a temporary contract in an advisory or consultative capacity to the Secretariat. A consultant must have special skills or knowledge not normally possessed by the regular staff of the Organization and for which there is no continuing need in the Secretariat. The functions of a consultant are results-oriented and normally involve analysing problems, facilitating seminars or training courses, preparing documents for conferences and meetings or writing reports on the matters within their area of expertise on which their advice or assistance is sought.¹⁴

And the definition of a contractor is:

An individual contractor is an individual engaged by the Organization from time to time under a temporary contract to provide expertise, skills or knowledge for the performance of a specific task or piece of work, which would be short-term by nature, against the payment of an all-inclusive fee. The work assignment may involve full-time or part-time functions similar to those of staff members, such as the provision of translation, editing, language training, public information, secretarial or clerical and part-time maintenance services or other functions that could be performed by staff. An individual contractor need not work on United Nations premises.¹⁵

Addressing the ILO’s provision to the requirement that the assignment (and contract) have a finite duration, the UN Secretariat states, “The duration of the contract shall be directly linked to the terms of reference as set out in the consultant’s or individual contractor’s contract.”¹⁶ Furthermore, the UN Secretariat gives instructions on handling consultancy (and contractor) contracts in the event that an organization or agency hires the same person for more than one contract (multiple contracts in succession) they says, “In order to limit the repeated use of the same consultant, either to perform different tasks within the work plan or a series of tasks within the same project, no consultant shall provide services for more than 24 months in a 36-month period, whether continuous or not, and irrespective of the

¹³ “Administrative instruction, Consultants and individual contractors” ST/AI/2013/4 19 December 2013, UN Secretariat.

¹⁴ *Ibid.*, Section 2.

¹⁵ *Ibid.*, Section 2.

¹⁶ *Ibid.*, Section 5, para. 5.7.

cumulative months of actual work.”¹⁷ A person fitting these criteria is a contractor or consultant and, therefore, has the following relationship with the UN:

The consultant or individual contractor (hereinafter called ‘contractor’) shall have the legal status of an independent contractor vis-à-vis the United Nations, and shall not be regarded, for any purposes, as being either a staff member of the United Nations, under the Staff Rules and Staff Regulations of the United Nations, or an official of the United Nations, for purposes of the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946. Accordingly, nothing within or relating to the contract shall establish the relation of employer and employee, or of principle and agent, between the United Nations and the contractor. The officials, representatives, employees or subcontractors of the United Nations and of the contractor, if any, shall not be considered in any respect as being the employees or agents of the other, and the United Nations and the contractor shall be solely responsible for all claims arising out of or relating to their engagement of such persons or entities.¹⁸

In summation, these are the qualities that justify granting consultancy or contractor contracts:

- the person is hired for a specific task, project or assignment;
- they are hired for a specific timeframe in which they must provide predetermined deliverables;
- they possess expertise that the existing staff do not already have;
- they are not expected to keep regular [staff] hours, nor are they expected to be onsite (report on a regular basis for duty);
- they are not expected to conduct themselves as employees, staff or dependents of the organization or agency; and
- their remuneration is not expected to be their sole or primary source of income.

On the other hand, the staff member has an employee-employer relationship with the organization or agency in which they are expected to perform regular duties that contribute to the regular functions of the organization or agency; it is understood that that job/position is the person’s main means of income; they are required to report for duty regularly and keep pre-agreed work hours.

¹⁷ *Ibid.*, Section 5, para. 5.8.

¹⁸ *Ibid.*, Annex I, para. 1.

2.2 *The Implications of the Staff Contract Over the Consultancy Contract*

In return for meeting these requirements, the staff member can expect a regular paycheck (remuneration), holiday leave, annual leave, medical insurance and a provision for their pension. According to the definition and the guidelines for how the consultant or contractor will interact with the organization or agency, he or she may not expect any of the aforementioned benefits and entitlements. This arrangement is equitable (and perhaps just) if it is applied in accordance to the guidelines.

3. **FAO's policies and practices**

Before delving into FAO's policies and practices in how they use consultancy contracts, it is important to know that the persons within the organization, those who comprise FAO, are working in earnest to meet the mandate to eliminate hunger, food insecurity and malnutrition. The persons who work for FAO are implementing programs to make agriculture, forestry and fisheries more sustainable and productive; they are working to reduce rural poverty and enable inclusive and efficient agricultural and alimentary systems while increasing the resilience of livelihoods to threats and crises. The work that FAO is doing benefits persons who would not have the means to access nutritious food or have agricultural infrastructures that support their rural and impoverished communities; it is beneficial to those whom it serves directly, the rural poor, as well as the developed world because it brings countries together so that they may work as partners to solve global issues related to nutrition and sustainable food and agricultural development.¹⁹

¹⁹ "Putting information within reach and supporting the transition to sustainable agriculture. FAO serves as a knowledge network. We use the expertise of our staff – agronomists, foresters, fisheries and livestock specialists, nutritionists, social scientists, economists, statisticians and other professionals – to collect, analyse and disseminate data that aid development. Strengthening political will and sharing policy expertise. FAO lends its years of experience to member countries in devising agricultural policy, supporting planning, drafting effective legislation and creating national strategies to achieve rural development and hunger alleviation goals. We advocate for the implementation of these policies and programmes, encouraging sufficient financial resources to be made available, the right organizational structures to be in place, and importantly, ensuring adequate human capacities.

Understanding the benefits that FAO brings to local and global communities is important because it, too, contributes to the context in which FAO as an organization exists. Let us keep in mind that when we refer to FAO, we understand it to be a community of persons working together to achieve the aforementioned mandates. We are not referring to FAO, the organization, as an autonomous person that has a will of its own, a sense of self or an awareness of being as such.

3.1 The Definition of the Consultancy Contract for FAO

As we continue to understand the context in which FAO uses consultancy contracts, we must be able to appreciate what a consultant is and how he or she works with or for FAO. According to FAO,

Consultants... are persons who are recognized authorities or specialists in a specific field and whose services are utilised in an advisory, consultative or demonstrative capacity. They are considered officials of the Organization. They are engaged when the assignment in question requires the provision of assistance of an advisory or consultative nature to the recruiting Department or Division and have duties that are envisaged as requiring them to represent the Organization in either of the following capacities; (i) Assume management responsibilities impacting on the Organization's financial and human

Bolstering public-private collaboration to improve smallholder agriculture. As a neutral forum, FAO provides the setting where rich and poor nations can come together to build common understanding. We also engage the food industry and non-profits in providing support and services to farmers and facilitate greater public and private investments in strengthening the food sector. On any given day, dozens of policy-makers and experts from around the globe convene at headquarters or in our field offices to forge agreements on major food and agriculture issues.

Bringing knowledge to the field. Our breadth of knowledge is put to the test in thousands of field projects throughout the world. FAO mobilizes and manages millions of dollars provided by industrialized countries, development banks and other sources to make sure the projects achieve their goals. In crisis situations, we work side-by-side with the World Food Programme and other humanitarian agencies to protect rural livelihoods and help people rebuild their lives. Supporting countries prevent and mitigate risks. FAO develops mechanisms to monitor and warn about multi-hazard risks and threats to agriculture, food and nutrition. We are there to inform countries on successful risk reduction measures that they can include in all policies related to agriculture. When need arises, we make sure disaster response plans are coordinated at all levels” (www.fao.org/about/how-we-work/en/, 26 June 2015).

resources; or (ii) Coordinate activities with external entities and take decisions on behalf of the Organization.²⁰

FAO's definition of the consultant is by and large consistent with that of the UN Secretariat. Besides the consultant, FAO also engages persons on a Personal Service Agreement (PSA) contract.²¹ It, too, is very similar in definition to the UN's definition of the contractor.²²

With this in mind, let us review FAO's statement on the composition of their human resources found on the organization's website under "Who we are,"

As of 1 November 2013, FAO employed 1795 professional staff (including Junior Professional Officers, Associate Professional Officers and National Professional Officers) and 1654 support staff. Figures only refer to staff holding fixed term and continuing appointments. Approximately 58 percent are based at headquarters in Rome, while the remainder work in offices worldwide. During the last 15 years, the proportion of women in the professional staff category has nearly doubled, from 19 percent to 37 percent.²³

At this point we can already see a possible challenge as it relates to their policies and practices in using consultancy contracts: there is no mention or representation of those persons who serve the organization as consultants or through employment using a consultancy contract. I make a distinction between those persons who are consultants and those who are employed using a consultancy contract, and you will see why momentarily.

3.2 *The Reasons FAO Uses the Consultancy Contract*

²⁰ "FAO Use of Contractors and Retirees," Finance Committee, 123rd Session, Rome, 6-10 October 2008 (FC 123/17 E), para. 6.

²¹ For the purposes of this discussion, we will include PSAs into the general category of consultancy because there is nothing that distinguishes one from the other when considering the ethical use of these contractual modalities.

²² "PSA ... individuals required to perform, without direct supervision, specific tasks or services of an intermittent or discontinuous nature and of limited duration, different from those performed by staff members on a continuing basis, and which do not require them to travel regularly on behalf of FAO, to work regularly on FAO premises, or to represent the Organization. The individuals are considered independent contractors (or in the case of a PSA with a Lending Employer, an employee-on-loan from that Employer); they are not considered officials of the Organization and are not authorised to commit the Organization's financial and human resources" (*Ibid.*, para. 7).

²³ www.fao.org/about/who-we-are/en/, 26 June 2015.

FAO's explanation for why it uses the consultancy contract as a means of employment is outlined in their document "FAO Use of Contractors and Retirees"²⁴, which was produced by the Finance Committee in 2008. The primary reason they list for using consultancy contracts is because it provides flexibility in recruiting people to complete a job or task: "The use of contractors is a common practice throughout the UN Common System. The primary reason is the flexibility this type of arrangement offers for the recruitment of individuals to carry out specific tasks or services that are to be delivered within a defined period of time."²⁵ Recruiting staff members is a long, cumbersome and, often, bureaucratic process, so hiring a person using a consultancy contract can reduce the time, paperwork and call for candidates (issuing a vacancy announcement) otherwise required when in recruiting a staff member.

In applying hermeneutics to the analysis of this statement, we can focus on the initial part of the statement to glean a less obvious meaning: "The use of contractors is a common practice throughout the UN Common System." The use of contracts in the UN common system is not a reason, it is a justification of the practice. The question that follows would be, why does FAO feel compelled to justify the practice? If the motives that they give are equitable and just as it relates to their engagement and treatment of consultants and contractors, why would they need to justify the practice by saying that it is a common practice within the UN common system?

Likewise, FAO's Finance Committee justifies the employment of UN retirees as consultants by pointing out that it "is also a common phenomenon and widespread practice throughout the UN Common System."²⁶ They continue saying, "This practice allows organizations such as FAO to employ, through only to a limited degree, the most experienced and qualified former members of staff whose expertise is considered valuable. Again, these arrangements are cost-effective because of limits on remuneration with respect to former UN staff."²⁷ There are no obvious (publicly documented) infractions against the practice of hiring retirees as consultants, so if the retiree is hired to work in a different department or a different organization/agency from which he retired, there should be no problem. But

²⁴ "FAO Use of Contractors and Retirees," Finance Committee, 123rd Session, Rome, 6-10 October 2008 (FC 123/17 E).

²⁵ *Ibid.*, para. 2.

²⁶ *Ibid.*, para. 3.

²⁷ *Ibid.*, para. 3.

if he is being hired as a consultant to do the job that he was doing prior to retirement or even a similar job, why was the position not filled when he retired? If a retiree is hired back as a consultant for the same or similar position that he was occupying as a staff member, it follows that the position continues to be essential to the regular program of the organization/agency; therefore, it stands to reason, the position should be occupied by a staff member.

The Finance Committee continues to explain its motivation for using consultancy contracts when it says,

Typically, NSHR undertake very specific time-bound tasks of a specialised nature – they do not carry out functions that are normally undertaken by regular staff. As such, they are a cost-effective means of providing the necessary skills as and when the need arises, without creating a longer term financial liability for the Organization, as is the case with the establishment of a fixed-term post.²⁸

So another important motive for using consultants [and contractors] is financial. Because consultants are supposed to be engaged with the organization for a limited, and presumably short, amount of time, FAO does not have to invest in the person's long-term well-being, i.e. vacation time and social security benefits (medical insurance, life insurance and pension). It is interesting that the document refers to these investments as a liability; applying hermeneutics to this statement, it can be interpreted that FAO perceives its staff who are entitled to long-term financial implications as a liability rather than an asset. Could this be the case?

Regardless of how FAO perceives its staff, according to the rules and regulations by which FAO manages the use of consultancy (and PSA) contracts, the organization acknowledges the possibility of hiring a consultant for a longer period of time.

The contractual arrangements under which NSHR are recruited reflect the time-bound task-based nature of their employment. In the case of Consultants and PSAs, contracts cannot exceed a period of 11 months in any 12-month period, after which a mandatory “break-in-service” of at least one month is necessary. Furthermore, their employment may not exceed 44 months in a 48 month period, at which point they must take a mandatory six month break-in-service.²⁹

²⁸ *Ibid.*, para. 2.

²⁹ *Ibid.*, para. 10.

It is not hard to imagine that a project or assignment could last for a year, so the provision that consultants not work more than 11 months in a 12-month period may be reasonable. But for FAO to add the provision that consultants cannot work more than 44 months in a 48-month period means that the organization acknowledges the possibility that a person could be hired using the consultancy contract for a longer-term assignment than is appropriate for that type of contract. This is to say, one can reasonably conclude that for FAO to put language into their rules and regulations limiting the number of months a consultant can work in a four-year period there have been consultants, at least some, who have worked for the organization on a longer term and perhaps continuous capacity that is not necessarily representative of consultancy work, but rather more representative of a staff position.

In fact, FAO clarifies in a following article that “It is these limits on duration, and additionally in the case of retirees the limits on remuneration, that ensure that NSHR are not used for work of a continuous nature which would be more suitably carried out by a regular staff member.”³⁰ The problem with this set of rules is that the limit for how long a person can be engaged with the organization using the consultant contract does not ensure that they are not used for work of a continuous nature, which would be more suitably carried out by a regular staff member.

Instead, this set of rules enables the organization to hire people using a consultancy contract indefinitely as long as they adhere to 11 months out of a year and 44 months out of four years rule. How would this work? A person is hired as a consultant for 11 months, takes a month break, is rehired for another 11 months and takes another month break until he reaches the 44 months in a four year period; as soon as that person has completed their six month break, they are then rehired as a consultant for another 11 months, and the cycle continues. We are not accusing FAO of improperly using the consultancy contract – but at the same time, we do acknowledge the possibility that the organization or persons within the organization may not adhere to the spirit of the rule and, instead, employ consultants for long-term assignments (positions) that should be completed (filled) by staff.

The question is, is this indeed the case? If so, is this a one-off or is this an organizational practice?

³⁰ *Ibid.*, para. 12.

3.3 *FAO's Practice of Using the Consultancy Contract*

As an introduction to our examination of FAO's practice of using the consultancy contract, we will once again refer to the document FC 123/17 when they disclose the number of consultants working for the organization in 2008. "As at 30 June 2008, the total number of NSHR employed by the Organization was 1744, down from 1791 at 31 December 2007 and well below the peak of 1961 as at 31 December 2006. Of these 1744, just over 9% were retirees (160)." ³¹ Besides communicating the number of consultants working for the organization as of 30 June 2008, the Finance Committee is conveying another message: the number of consultants has decreased in the last two years.

Taking into consideration the way in which the articles are written, including justifications for the practice rather than simply listing a reason, it can be interpreted that FAO is continuing to justify its use by highlighting the downward trend. Another interpretation is that FAO is writing a more forgiving narrative by listing statistics that are higher from the previous years to give the impression that the use of consultancy contracts is indeed on the decline. But if this is not the case and the practice of using consultants is truly common place in the UN system and/or if FAO is using the consultancy contracts in accordance with its own rules, then why is the Finance Committee, a governing body of FAO, using this type of language that gives the impression that it is justifying its corporate action?

Granted, not all of the 1744 consultants included in the count as of 30 June 2008 are located at FAO's Rome, Italy headquarters. The Finance Committee reports that 63% of the consultants were recruited to work in locations outside of Rome³² (country offices or field projects), as such the Finance Committee concludes that "these statistics indicate a strong link in the use of NSHR in areas such as temporary field projects, where the nature of the assignment is ideal for the use of such contracts rather than recruiting staff members."³³ The Finance Committee's assertion may indeed be more than a correlation, but it provides no statistics to support the claim; the missing statistics are the numbers of consultants working in the field or in country offices and the length of their contracts. An accompanying statistic

³¹ *Ibid.*, para. 15.

³² "With regard to the location of NSHR, as indicated in Annex 2, at 30 June 2008 63% of NSHR were recruited to serve in locations away from Headquarters" (*Ibid.*, para. 16).

³³ *Ibid.*, para. 16.

to the length of the contracts is the number of times within a 12-month period and 48-month period consultants have been issued contracts. This is to say, if a consultant working for a field project or in a country office is issued a contract for two months, the following statistic needs to be the number of times that particular person was issued a contract to do the same or similar work within the 12-month and 48-month timeframes.

The picture becomes more interesting when we read

From 1 January to 30 June 2008, US\$45,369,118 was spent on NSHR, for services that amounted to a total number of 876 persons, i.e. the sum of contract days each year divided by 365... By dividing the total expenditure by the number of person years for the same period, the average annual costs of a NSHR thus far in 2008 can be estimated as US\$51,772.³⁴

This statement is interesting because we can still apply interpretation theory to understand what is being said (and what is not being said), but first we have to ask why the Finance Committee is presenting the expenditure on 876 persons instead of the full 1744 consultants they counted as of 30 June 2008. In the document, there is no explanation for the use of the 876 count instead of the 1744, so there is no way to ascertain the logic or judge the merits of the statement.

Nevertheless, we find it interesting that FAO has already said consultants cannot work more than 11 months in a 12-month period, and yet the Finance Committee has calculated the expense of a single consultant against a 12-month period. We are not questioning the logic because we understand the Finance Committee has to report on the fiscal activity that takes place within a 12-month timeframe. What we are questioning is how the statistic of US\$51,772 per year is reported and the information that is missing. How many contracts do the US\$45,369,118 total for 1 January 2008 to 30 June 2008 and the estimated US\$51,772 per consultant for 2008 represent? What are the durations of those contracts and what are the successions in renewing consultancy contracts for the same person doing the same or similar work? We pose these questions to make two points: the Finance Committee has reported on the financial implication of issuing these types of employment contracts without taking into account the persons who are being affected; and there are also crucial pieces of information missing, information that would give a more accurate picture of how consultancy contracts are used, which gives a

³⁴ *Ibid.*, para. 18.

more complete view of whether FAO is adhering to its own rules and regulations.

More than that, the information that is missing is preventing FAO as a self-contained organization (those who comprise it), its governing bodies (including the Finance Committee) and its observers from taking an objective, comprehensive and critical inventory of its corporate action with respect to its consultants. The proper statistics and surveys would allow the organization, its governing bodies and observers to determine if there are any infractions to the rules and regulations regarding consultancy contracts and if those infractions are isolated incidents or systemic problems. Without those essential pieces of information, it is difficult to make a meaningful determination without imposing speculation.

In 2009, the Finance Committee published the “Revised Policy and Implementation of FAO Use of Contractors and Retirees” in which it states “A target of a 60:40 ratio of staff to non-staff was envisaged so as to allow for a greater flexibility in delivering the Organization’s programme of work in times of substantial budgetary constraints.”³⁵ At this point we can begin a meaningful criticism based on documentation because the Finance Committee has said that FAO will be using consultants to fill 40% of its workforce; they did not qualify the statement by saying that the consultants will be completing assignments or working on projects on a temporary basis. They continue saying,

The lower cost of NSHR, together with the flexibility that such human resources offer, have contributed to the extensive and prolonged used of non-staff contractual instruments. The average yearly cost of an NSHR at Headquarters in 2008 was approximately USD 58,300, and since NSHR are generally employed to carry out professional level work, this represents a far more economical alternative to create a professional post (by more than 50%) to meet programme delivery requirements. The budgetary constraints of previous biennia have increased the Organization’s reliance on non-staff human resources to deliver essential ongoing programme activities.³⁶

Consultants are intrinsically cheaper labor because there is no long-term financial liability, so, of course, they have a weaker impact on the overall working budget for the organization. Here, we have definitive evidence that FAO is breaking its own rules and regulations concerning the use of

³⁵ “Revised Policy and Implementation of FAO Use of Contractors and Retirees.” Finance Committee 126th Session, Rome, 11-15 May 2009. (FC 126/15 E). para. 5.

³⁶ *Ibid.*, para. 8.

consultancy contracts: the organization uses consultants to deliver on the essential, on-going programs and activities.

What does this mean? It means that consultants can be hired to do the work that staff should be doing because they are much cheaper to hire and much easier to sever ties with. The FAO rules from the previous document issued by the Finance Committee (FC 123/17) is clear about how and when consultant contracts should be used. In fact, the Finance Committee makes special efforts to demonstrate that the use of consultants is not only in accordance with FAO's rules and regulations, but it is within the standards of the UN common system. However, as stated in the document FC 126/15 E, FAO is no longer concerned with following its stated rules and regulations, nor is it concerned with demonstrating its alignment with the UN common system. Rather in this statement, the Finance Committee justifies the misuse of the consultancy contract by saying that there is no other way forward, i.e. FAO's budget has been cut significantly, so the only option is to cut staff and hire consultants to take the place of the staff positions that were cut.

In FAO's public document "The Director-General's Medium Term Plan 2014-2017 and Programme of Work and Budget 2014-2015," which is a report of the strategy and budgetary decisions made at the 38th Session of the Conference from 15-22 June 2013, there is one article that talks about consultants and considers their use in the overall framework of FAO's program of work:

... the contracting of consultants and other non-staff human resources will also be carefully monitored at a corporate level in order to enable optimal use of these resources. The use of non-staff human resources provides the flexibility required in undertaking programmatic activities, and therefore it is important that adequate overall funding be available in this regard. The improved monitoring and control in this area will ensure more strategic use of non-staff human resources supporting the implementation of the Strategic Objective action plans.³⁷

The meaning of this article seems ambiguous at best, but we can glean several messages: FAO will continue to use non-staff human resource contracts or consultancy contracts; FAO reaffirms their reason for using consultants insofar as they are cheaper labor that can be recruited and let go quite easily in comparison to recruiting and letting go of staff; and

³⁷ *The Director-General's Medium Term Plan 2014-2017 and Programme of Work and Budget 2014-2015*. FAO. Rome. 2013. para. 264.

consultants will continue to be used to achieve the organizational goals and mandates (strategic objective). The language that renders the message seemingly ambiguous or obtuse is the suggestion that the use of consultancy contracts will be carefully monitored at a corporate level. The reason this part of the message is problematic is that there is no substance to the statement to make it meaningful.

Regardless of the minor observations and criticisms that we have offered in reviewing the policies and documented practices of how FAO uses the consultancy contract in light of the mandates and values as stated by FAO and the UN, we have not begun our ethical criticisms based on our system of corporate ethics based on personal responsibility for the dignity of the other. As a means of introducing our own criticisms based on our system of corporate ethics, we will look at some of the criticisms of FAO's policies and practices that were offered from within the UN common system.

4. Criticisms of FAO's Policies and Practices

In 2012, the Joint Inspection Unit (JIU) of the UN Secretariat conducted a review of the policies and practices of using consultancy contracts within the UN common system. The review takes into consideration several of the UN specialized agencies including FAO. The objective of the report was to “provide an assessment of the use of individual consultants in the United Nations system by analysing relevant policies and practices. ... The present review therefore also includes broader considerations of similar issues regarding non-staff contractual modalities.”³⁸ Conducting an analysis of the policies and practices of the use of non-staff contractual modalities is useful inasmuch as it provides guidance or sets standards for ensuring that the modalities (contracts) are used in a way that is not exploitive to the persons working as consultants. It appears that without explicitly saying so, the Joint Inspection Unit is attempting to do just that when they say,

Consultants and other non-staff personnel are becoming an important part of the workforce of the United Nations system organizations. However, policies and regulations do not always provide clear criteria for the use of these human resources, and the implementation of the policies is a matter of concern from the perspective of fair and socially responsible employment practices, particularly when individuals are working for extended periods of time under short-term non-

³⁸ “Review of Individual Consultancies in the United Nations System.” (JIU/REP/2012/5) Joint Inspection Unit of the United Nations. Prepared by Cihan Terzi. Geneva, 2012. p. iii.

staff contracts. The pressure to deliver under inadequate funding and inflexible staffing models, coupled with permissive non-staff policies and the lack of oversight, lead organizations to use non-staff contractual modalities excessively.³⁹

This statement is an introduction to the rest of the document; the message is clear: the JIU recognizes that consultants are an important part of the workforce and that the UN and its specialized agencies do not always employ consultancy contracts in accordance with their own rules and regulations. While the JIU appreciates consultants as human resources have become essential to the UN and its specialized agencies as the organizations strive to achieve their goals and fulfill their mandates, the other message is that this behavior is not acceptable.

Before getting into any of the findings, the JIU notes three things: the distinction in the contractual modalities, the need for clear consultancy policies and the ineffectiveness of current policies with the resulting implication (and perhaps accusation) that some agencies are abusing the consultancy contracts. The JIU says,

When there is an employment (employer-employee) relationship for the execution of work, the contractual modality should be a staff contract; if it is an independent contractor relationship, the contractual modality should be a consultancy or other non-staff contract... Some United Nations organizations have specific consultancy policies. However, the policies of many organizations lack a clear definition of individual consultancy or do not use a specific contractual modality or adequate practical guidelines for using consultants. In practice, consultancies and other similar non-staff contracts are used interchangeably. Most importantly, these contracts are used for work which should entail staff contracts... The existing policies allow organizations to grant successive consultancy contracts which add up to long-term assignments, with or without short mandatory breaks. This practice is no longer in line with the nature of a consultancy contract and creates conditions for inappropriate use of contractual modalities. The remuneration levels applied both within each organization and across the system are not consistent and there are no guidelines for proper implementation. Likewise, social benefits provided through these contracts vary significantly across the organizations.⁴⁰

In the last two sentences about remuneration and social benefits, the JIU demonstrates an appreciation for what is at stake for those persons who may

³⁹ *Ibid.*, p. iii.

⁴⁰ *Ibid.*, p. iii.

be hired as consultants despite working as staff. This is the crux of the problem: if a person is working as a staff member, then they should receive the benefits and security to which staff are entitled. More than that, if a person is in continuous employment with an organization, then, according to the guidelines and values put forth by the International Labour Organization, that person should receive appropriate and commensurate remuneration and social benefits.

If one person is issued a consultancy contract despite being expected to perform the tasks that are essential to the regular function of the organization or agency while not receiving the appropriate remuneration and social benefits, it is a problem because the organization or agency is exploiting a person whom, per the organization's stated mandates and values, it should be protecting. One person issued a single inappropriate contract based on the work, expectations and relationship between the person and the organization can be interpreted as a mistake, but issuing that same person an inappropriate contract more than once in succession over a period of time that constitutes a long-term employment relationship is not a mistake – at best, it is a misuse of the contract modality.

Moreover, if several persons are issued a consultancy contract despite the type of work, expectations and the relationship between the persons and the organization being that of employer-employee, then the problem is not isolated; instead, it is a systematic problem. We can assume there is a misuse of consultancy contracts since, according to the JIU, “According to some rough estimates, non-staff personnel in the United Nations system constitutes on average over 40 per cent of the total workforce.”⁴¹ At this point we are still careful in how we categorize or refer to the practice of using consultancy contracts because even though the total workforce within the UN and its specialized agencies is approximately 40%, this is not explicit evidence of malpractice. It is, however, an indication that the proportion of work being done for the regular program of work is disproportionate considering the type of work (time bound special programs, results-oriented, analytical projects, etc.) expected from a consultant.

The JIU concedes that many organizations have succumbed to using consultancy contracts instead of the more appropriate staff contract because “Over the years, the governing bodies have been expanding the mandates and responsibilities of the organizations. However, the resources, including the human resources, have generally been stagnant or not increasing in a

⁴¹ *Ibid.*, p. 4, para. 16.

commensurate manner.”⁴² Therefore, “such expansion, combined with additional pressure to deliver with inadequate funding, has substantially increased the need for short-term non-staff personnel, and has led to the use of such personnel for work that should be performed by regular staff.”⁴³ The problem is as we have already mentioned, that “[t]hese contracts, in general, do not involve long-term obligations and do not provide social benefits.”⁴⁴ The JIU refers to the document from FAO’s Finance Committee (FC 126/15 E) that envisioned a 60:40 staff to non-staff ratio is evidence of this trend, but going further they highlight the inflexibility of hiring staff with regard to the approved program and budget⁴⁵, the ease of recruiting and terminating consultants⁴⁶ and the cost savings to the organizations and agencies.⁴⁷

⁴² *Ibid.*, p. 4, para. 17.

⁴³ *Ibid.*, p. 4, para. 17.

⁴⁴ *Ibid.*, p. 4, para. 17.

⁴⁵ “Under severe budget constraints, project managers often opt for non-staff contractual modalities instead of staff contracts, for flexibility and cost-saving reasons. By using non-staff contracts, they can also exercise more discretion at various levels, such as selection, remuneration, etc. Although it seems that managers perceive the non-staff contractual relationship as the best option, the reasons put forward are not always convincing nor in full compliance with United Nations values and good international labour practices” (*Ibid.*, p. 4, para. 20). “In many organizations, the resources allocated to staff posts have been frozen or have not increased adequately over the years. These situations naturally lead organizations to resort to non-staff workforce. Legislative and governing bodies are aware of the situation and some have requested the heads of organizations not to use consultants for work that should be done by staff personnel” (*Ibid.*, p. 4, para. 21). “In most organizations, the number and level of staff posts for each department/office are approved in the programme-budget by the governing body with little flexibility for adjustment during the budget year/biennium. The flexibility of consultancy and other non-staff contracts compensates the rigidity and constraints related to the creation and management of staff posts (short or fixed term)” (*Ibid.*, p. 5, para. 22).

⁴⁶ “Subject to corporate rules and procedures, the recruitment of staff is a relatively lengthy process that includes, inter alia, advertisement, competition and interview panels. Brining on non-staff personnel, on the other hand, offers more flexibility since there are less procedural requirements: it is easier to establish and terminate non-staff contracts and recruitment is much faster. This flexibility is particularly important in a dynamic work environment and emergency situations” (*Ibid.*, p. 5, para. 23). “Managers often anticipate difficulties at the termination phase of fixed or short-term staff contracts and therefore prefer non-staff contractual modalities” (*Ibid.*, p. 5, para. 24).

⁴⁷ “In general, fixed-term or short-term staff contracts are costly in comparison to non-staff contracts as they include a series of social benefits (e.g. retirement pension, medical insurance and education grant), whereas non-staff contracts do not.

Indeed, the JIU found the following:

...many consultant and other non-staff personnel often work under an employment relationship with repeated or extended short-term non-staff contracts. The organizations provide them with office space, telephones, email accounts, monthly remuneration, and ground passes. Some consultants have been working for more than two years under various types of successive contracts of limited duration, and without social benefits. All these elements indicate the presence of an “employment relationship” rather than an “independent contractor relationship” which implies that these people are staff by de facto employment relationship.⁴⁸

The admission that at least some UN organizations and specialized agencies are engaging in employment relationships with persons who were hired on a consultancy contract is significant because it is a recognition that the practice goes against the values of the UN.⁴⁹ This is the point at which we can categorically call the policies and practices that FAO has adopted unethical because they run contrary to the UN statement for human rights and dignity. Furthermore, it suggests that there may be a push for a change so that the practices are in line with organizational values. Beyond the question of values, which, of course is fundamental, there is the question of risk.

One of the basic risks is that throughout the UN common system, there is no consistent application for how consultancy contracts are used, and there is no common code of conduct for consultants. The challenge of not having a common code of conduct becomes relevant when consultants [are expected to] work on the premises of the UN organization⁵⁰; if consultants

Furthermore, there is room to adjust remuneration levels downward in non-staff contracts which is not the case with staff contracts” (*Ibid.*, p. 5, para. 25).

⁴⁸ *Ibid.*, p. 8, para. 38.

⁴⁹ “This debate is essential and the United Nations system organizations must ensure that their employment practices are in line with all the values that they are promoting” (*Ibid.*, p. 8, para. 38).

⁵⁰ “The review also found that there is no common approach regarding a code of conduct for consultants. Consultants often work on the premises of the organizations and constitute a significant part of the organizations' workforce, and therefore a proper code of conduct should be applied. The approach to this issue differs greatly across the organizations. Some include a few clauses in the contracts as part of the standard conditions of contract, while others stipulate that the code of conduct for regular staff is applicable to consultants. A few organizations, such as the United Nations Secretariat and UNIDO, provide consultants with relevant documentation at the time of their engagement; some organizations require consultants to comply with other related

who represent 40% of the UN workforce work on the premises, then their conduct becomes more significant than if they were working remotely; that is to say, what they say and do and how they say and do it reflect on the UN organizations because there is little to no outward indication to distinguish the consultant from the staff member.

Along these same lines, the JIU specifies that the risk of increasing the percentage of non-staff or consultants is “the formation of two parallel workforces with different rights and entitlements.”⁵¹ They list various risks to organizations and agencies that invest heavily in consultants rather than staff, but those risks are focused on reputation⁵², losing control of core functions and services⁵³, losing institutional knowledge⁵⁴ and endangering accountability⁵⁵; however, the JIU notes two significant risks that are directly linked to the organization’s legal liability and internal culture,

1. “Exposing the organization to legal disputes if a de facto employment relationship exists but is not recognized by corresponding contractual modalities and benefits,” and
2. “Blurring of organizational culture, causing tension and low morale among the workforce by creating various statuses and providing different benefits for similar work.”⁵⁶

At this point, the JIU is putting the organizations and agencies that use consultancy contracts inappropriately on notice: organizations and agencies are exposing themselves to a significant risk of legal action on the part of a person who has worked or is working for an organization under a consultancy contract when, indeed, they are working as if they were staff.

policies, such as prohibition of sexual harassment at work, whistleblower policies and code of ethics” (*Ibid.*, p. 15, para. 69).

⁵¹ *Ibid.*, p. 6, para. 28.

⁵² “Loss of reputation because of unfair employment practices that may be contrary to United Nations values and international labour practices” (*Ibid.*, p. 6, Box 1: Risks in the use of non-staff workforce).

⁵³ “Losing control of core functions and services if they are increasingly transferred to temporary workforce” (*Ibid.*, p. 6, Box 1: Risks in the use of non-staff workforce).

⁵⁴ “Loss of institutional knowledge due to increasing temporary workforce” (*Ibid.*, p. 6, Box 1: Risks in the use of non-staff workforce).

⁵⁵ “Endangering the accountability framework through discretionary recruitment and use of significant amount of temporary personnel” (*Ibid.*, p. 6, Box 1: Risks in the use of non-staff workforce).

⁵⁶ *Ibid.*, p. 6, Box 1: Risks in the use of non-staff workforce.

This is not a small risk because if a person were to lodge a complaint against the corporate policy and practice, the organization would either be exposed to a single law suit constituting significant damages, or the organization would be exposed to a class action law suit if the plaintiff could demonstrate a systemic abuse of the consultancy contract. In fact, this is exactly what the JIU is warning against.

An even more damaging outcome is to have a corporate culture that is rife with tension, mistrust and resentment for the disparity of using two different contracts for the same or similar work being done. If two people are doing the same or similar work and one receives a regular paycheck (at a standardized level), vacation time, sick time, maternity leave, paternity leave, health insurance and pension options while the other person receives a remuneration that is not based on a standard rate with little to no health insurance and no annual leave or sick time, it could create a situation where the two persons have problems working together or trusting their management teams. The mistrust and resentment may not necessarily be reserved for the consultant – the staff member could be mistrustful if they perceive that the consultant is getting other benefits or a larger remuneration. Therefore, the risk of an unhealthy culture can be significant and affect many players.

Having conducted interviews with consultants in various UN organizations, the JIU goes further saying,

The interviews revealed that non-staff personnel, particularly consultants, often work on the premises of the organizations, follow regular working hours and receive a monthly remuneration, just like other staff members. Their services are used in a wide range of areas, including information systems, human resources, finance, training or programmes and project management. Employing consultants and other non-staff personnel for extended periods, like staff under an employment relationship, create precarious statuses and the situation is not sustainable for either the employees or the organizations which are facing a dramatic change in their workforce composition. Introducing different statuses of personnel for similar work within the organizational workforce, which is no longer subject to a common set of rules and regulations, is not a fair or socially responsible employment practice. It creates discrimination in the workplace by not providing equal benefits for equal work.⁵⁷

The last two sentences of this statement sum up the problem: the common practice of using consultancy contracts to compensate for the lack of

⁵⁷ *Ibid.*, p. 8, para. 37.

funding for staff is wrong (unfair and socially irresponsible) and creates derision in the work environment. The question then becomes, how can a system of organizations working to protect human rights and deliver humanitarian aid, among other things, reconcile itself with a wrong that is common, systemic and seemingly essential in providing services and aid with limited resources?

The JIU attempts to address this question as it recognizes the challenges. It also offers a solution when it proposes preventative measures saying,

In order to prevent inappropriate use of non-staff contractual modalities, organizations need to address the root causes of the problem with measures implemented on multiple fronts, such as effective oversight and accountability, improving and clarifying policies, requesting governing bodies to provide adequate funding, and increasing flexibility in the use of staff resources.⁵⁸

Having the necessary resources and flexibility to apply results-based management instead of resource-based management⁵⁹ is not something that just happens. Organizations and agencies need two fundamental things:

- a management team that is willing push back on the member countries and donors when they demand expanded mandates on a smaller budget and
- a willingness to demonstrate the inability to achieve the mandates and goals without the appropriate human resources.

For FAO, an organization working towards eradicating hunger, eliminating poverty and creating sustainable ways to manage and use natural resources, it would seem that working in a way that affirms the dignity of its staff and consultants would be an unspoken mandate. And yet, according to the documents from the Finance Committee, that mandate is not being met.

5. Applying the Corporate Ethic to FAO

According to our system of corporate ethics, let us consider FAO as the *I*, the consultant as *other* and the responsibility that FAO has to and for the consultant. We will also look at what FAO's responsibilities are with regard to the consultant as *other*, how FAO can take steps to right the wrong that it has employed so systemically and what it can do differently

⁵⁸ *Ibid.*, p. 7, para. 33.

⁵⁹ "Organizations must have the necessary resources and flexibility to apply result-based management rather than resource-based management" (*Ibid.*, p. 7, para. 35).

with regard to its human resources policies and practices (staff and consultants) while still meeting its organizational mandate.

Maintaining that the corporation *ought* to adopt a standard of behavior (corporate action) that promotes, supports and protects human dignity while working to produce a good or render a service while taking responsibility for those actions and hold itself accountable for the effects its actions have on itself, its clients, partners, suppliers, environment and, even, competitors, we can apply this same standard to FAO as an international humanitarian organization. As FAO strives to meet its mandate to eradicate world hunger, eliminate poverty and sustainably managing natural resources, it must do so while promoting, supporting and protecting human dignity; it must do so while engaging in just corporate (human) action as it encounters the many faces of the *others* and third persons with whom it is in relation. This includes but is not limited to how it cares for its consultants.

In reviewing FAO's public documents and taking from them evidence of their policies and practices with regard to the use of consultancy contracts, we have done so within the context of the UN common system and have taken into consideration the observations, criticisms and recommendations made by the JIU, an internal UN review board. This step of understanding the context is important in this system of corporate ethics because we will interpret the corporate action as if it were a text within the greater context of humanitarian aid, organizational mandates, policies and administration as well as the context of the United Nations common system (the policies and practices that are common among the various UN organizations and specialized agencies).

Understanding that the questions that we outlined in Annex 2 are to be answered by those who comprise the corporation or organization, we can only arrive at an approximation since we are limited in our resources (public documents). As such, we will assess FAO's commitment to promoting, supporting and protecting human dignity through just corporate action and provide suggestions on how it may improve its behavior (administration, policies and practices) with relation to its human resources (use of consultancy contracts). Because some of the questions require detailed knowledge that may only be available from within the organization, some responses will not be as comprehensive as the senior management or staff would be able to provide given the knowledge to which they are privy. However, we will continue to use the documentation that we have at our disposal to construct reliable and viable responses.

5.1 *Is the Corporation Meeting Its Goals?*

According to the Director-General's statement in FAO's *Medium Term Plan 2014-2017 (Reviewed) and Programme of Work and Budget 2016-17*, the organization has achieved over 80% of the output indicators established in the previous Programme of Work and Budget from 2014-2015.⁶⁰ Indeed, the Programme Implementation Report 2012-2013 published in May of 2014 and presented to the FAO Conference in June of 2015 highlights the achievements FAO has made in eradicating hunger; the document also lists the various strategic and functional objectives and the levels based on specific indicators by which progress may be measured.

5.2 *Are the Corporation's Short and Long-Term Goals Beneficial Not Only to Itself, But Also to Its Customers/Clients, Partners, Suppliers, Environment and Even Competitors?*

Intrinsically, FAO's short and long-term goals are beneficial on a global level. Eradicating world hunger, eliminating poverty and managing natural resources in a sustainable manner benefits all human beings in both the short and long-term. There are no stakeholders who would suffer from FAO achieving its goals.

5.3 *Does the Corporation Consider Its Various Stakeholders, Weighing the Impact of its Actions When Deciding on a Strategy for Corporate Action?*

FAO is focused on serving the hungry, the poor and those who need agricultural development in rural and impoverished areas. Its corporate action is strictly tied to achieving its goals within a specific budget and provision of resources. Because of a budget that has been reduced over the previous biennia and the expectation to deliver more on that smaller budget, the organization has taken actions that put consultants as one of its stakeholders at risk. The Director-General addresses delivering more services and aid on a reduced budget saying,

⁶⁰ "As the Mid-term Review of the 2014-2015 Programme of Work and Budget shows, over 80% of our output indicators are on track to achieve the results we want and we have exceeded expectations in over half of them" *Medium Term Plan 2014-2017 (Reviewed) and Programme of Work and Budget 2016-17*. Director-General's Foreword.

We have elevated our global goal from reducing to eliminating hunger, food insecurity and malnutrition. ... Conscious of the financial restrictions many countries face, we identified and achieved an unprecedented USD 108.2 million in savings, significantly increased our efficiency, integrated our administrative work through technological solutions... and pursued cost-reducing joint initiatives with the United Nations Rome-based agencies. This is delivering best value for money.⁶¹

As we saw in the documents from the Finance Committee, one of the ways FAO increased its efficiency in the last biennium was to use consultancy contracts instead of staff contracts as a means of maintaining the personnel necessary to get the job done with the financial resources available.

Therefore, while responding to the call of the *other* and other *others* who are hungry, poor and need agricultural resources, FAO ignores the call of the consultant who is an *other* with whom the organization has direct contact. How does FAO ignore the call of the consultant? FAO hires persons who need a job to make a living; instead of hiring them with the proper contractual modality, which is the staff contract, FAO hires them using a consultancy contract in order to avoid the financial burden that goes with hiring a person as a staff member. In hiring a person as a consultant while expecting them to do the work of a staff member and engaging with them as an employee rather than a contractor, FAO denies that person (those persons since this is a systematic problem) the dignity of appropriate pay for the work done, time off (vacation and sick leave), proper health and life insurance, pension options and the security that comes with being recognized as staff.

5.4 *Does the Corporation Support, Protect and Advocate for Human Dignity Through Ethical and Responsible Corporate Action?*

This is a very broad question and can be applied to all aspects of a corporation or organization, not just to the issue of human resources. But with regard to FAO's human resource policies and practices of using consultancy contracts instead of staff contracts as a means of saving money and time, the answer is no, FAO does not support, protect and advocate for human dignity. In hiring persons using the consultancy contract instead of the staff contract with the expectation that those persons compensate for the staff positions that the organization cannot afford or does not have time to fill, FAO is making them *de facto* employees of the organization. At the

⁶¹ *Ibid.*, Director-General's Forward.

same time, FAO is denying those persons the pay and social benefits that should be due to them as employees.

Furthermore, by creating two parallel workforces, FAO is creating a work environment that can be fraught with resentment, distrust and even hostility. It is the responsibility of the organization to recognize the humanity of the persons whom it hires and treat them with the respect that their personhood demands. This includes hiring persons with the proper work contract and honoring that contract; it includes ensuring that both staff and consultants have a work environment that is accommodating and supportive of their roles within the organization.

5.5 Does the Corporation Review Its Actions Once They Have Been Executed to Determine What Benefits and/or Damage May Have Been Caused to All of the Known Stakeholders?

It is apparent from the many documents from the various councils and conferences over the years of FAO's existence that there is an annual and biannual review of corporate action as it relates to achieving its goals and fulfilling its mandate. But with regard to its human resources policies and practices, there is no evidence from the public documents that suggest FAO reviews its actions in the face of its relationship with either staff members or consultants in its employ. The evidence is clear that the organization strategizes in the best way to use its financial resources to hire and mobilize the human resources, but in terms of reviewing how those actions affect the persons hired and mobilized, there is nothing in the public documents that gives an indication to the affirmative.

5.6 Does the Corporation Take Responsibility for Its Mistakes and Errors in Judgment?

In response to the JIU's report on the use of consultancy contracts throughout the UN common system, FAO issued a document from the 149th Session of Council in June of 2014 in which it states,

FAO endorses the JIU report, as well as the CEB⁶² comments on the 'Review of Individual Consultancies in the United Nations System.' FAO strongly supports all the substantive recommendations contained in the report, which have been considered and incorporated into FAO's new corporate guidelines on the employment of consultants issued in November. ... While generally

⁶² United Nations System Chief Executive Board for Coordination.

supportive of recommendation 13⁶³, FAO believes that any harmonized policy must take into account the different needs, resources and work of individual organizations within the system and contain the necessary flexibility to allow them to use non-staff to meet their specific needs.⁶⁴

Beyond this statement, FAO has not committed to anything in its public documents that give evidence of its endorsement of the JIU's observations, criticisms and recommendations. In fact, in the *Programme of Work and Budget* for 2016-2017, there is no mention whatsoever of non-staff human resources in the way of policy, practices or expenditure. According to the organization's documentation, which we can use to gain insight about its policies and practices, FAO has not done anything to acknowledge, take responsibility for or rectify the problem that is using consultancy contracts in lieu of staff contracts.

5.7 Does the Corporation Have and Enact Policies That Support Its Goals While Also Supporting and Protecting Its Stakeholders?

Taking the documents from the Finance Committee that we have already reviewed as evidence, the answer is no. The documents detail a strategy for using consultancy contracts so that it can save money by those persons less as consultants in comparison to the pay they would receive as staff doing the same or similar work; as such, FAO has policies and practices in place that enable it to circumvent its obligation of providing the appropriate pay and social benefits that would be due to a person carrying out work for the organization in an employee relationship.

5.8 Do Corporate Contracts and Policies Use Any One Stakeholder for the Benefit of the Corporation Without Ensuring Reciprocity at a Commensurate Level or Rate?

According to the documents released by the Finance Committee, FAO uses its consultancy contracts to hire persons to work in an employment

⁶³ Recommendation 13 – “The Secretary-General of the United Nations, as the Chairperson of the CEB, should, through the HLCM/HR network, initiate the development of a common policy approach for the implementation of recommendations 1, 2, 3, 4, 5, 6 and 10 of this report. For this purpose, the establishment of a specific task force should be considered” [“Review of Individual Consultancies in the United Nations System.” (JIU/REP/2012/5) Joint Inspection Unit of the United Nations]. p. 38

⁶⁴ 149th Session Council, Rome, 16-20 June 2014, “Review of individual consultancies in the United Nations system”. (CL 149/INF/6 E).

relationship with the organization rather than a contract relationship for which the consultancy contract is designed. Consequently, yes, FAO uses persons hired as consultants but instead work as staff without providing the appropriate compensation and proper benefits. The organization takes advantage of those persons in the fact that some consultants work as if they were staff members while receiving none of the benefits that are appropriate and just for such a working arrangement. The relationship between FAO and its consultants hired to work as staff is not a just relationship because FAO actively and deliberately deprives those persons of what should be rightly theirs, according to the rules, regulations and values outlined by the United Nations, the International Labour Organization, the Joint Inspection Unit and FAO.

5.9 Are Staff and Employees Referred to in Terms of the Resources They Bring to the Corporation or Their Humanity?

It is understandable that FAO refer to those persons who are in either an employment or contractual relationship with it in terms of how they will enable the organization to meet its goals and achieve the objectives, but in referring to those persons only in terms of resources, there is no acknowledgment that FAO is in relation with persons who are the subjects of their own existence and are demanding to be respected and cared for as *Is* rather than being used as objects. However, throughout the documents released by the various governing bodies of FAO (the Finance Committee, the Council and the Conference), persons hired by FAO using the consultancy contract are referred to as “non-staff human resources.” While the meaning is plain that a consultant is not to be considered as staff, the use of the suffix “non” with reference to a person is automatically pejorative and diminishing to that person’s being, dignity and personhood. It focuses on what the person is not and inappropriately assigns certain qualities and attributes to that person and attempts to define that person by those qualities. For example, a person is neither staff nor consultant, but it is convenient to apply those categories when writing a contract modality and establishing rules and regulations for those who contribute to the organization achieving its mandate. The categories are a convenient way of making reference to the type of contract a person holds, but those categories are not to be used as a definition of that person’s being. That person’s existence *is* regardless of the corporation or organization. Even references to actual staff are based on the resources they bring to the

organization and the burden they pose to the organization rather their humanity.

Therefore, it is apparent from the way in which FAO refers to consultants and contractors, non-staff human resources, that it does not consider the personhood of those persons who hold consultancy contracts. FAO does not approach its consultants (or staff) in terms of their personhood, humanity or subjectivity as *Is*. Instead, FAO uses those persons as means of attaining a goal, achieving an objective and fulfilling a mandate.

5.10 *Has the Corporation Ever Been Accused of Immoral, Amoral or Unethical Action/Behavior?*

Beyond the report from the JIU of the United Nations, we have not found any evidence that FAO has been accused of immoral, amoral or unethical behavior within the context of FAO's policies and practices with regard to using consultancy contracts to hire persons to work as if they were staff.

6. Conclusion and Recommendations

Understanding that FAO is an organization comprised of persons working together to eradicate hunger, eliminate poverty and manage natural resources in a sustainable manner, we contend that those persons are responsible to and for themselves as well as the *others* with whom they are in relation by way of the organization. We also understand that FAO is an organization or corporation and does not have personhood, self-awareness or even a self. Those persons who comprise it are not divorced from their responsibility to and for themselves and the *others* when they act within the physical confines of the FAO premises or within the abstract that is the context of FAO. Rather, the responsibility of each person as an *I* is multiplied by the other persons with whom they are in relation and the third persons with whom they have no direct contact but with whom they are nevertheless in relation because of their relation with a common *other*. So when we talk about the corporate action of FAO as an organization, we are referring to the individual human actions committed by persons as a conglomerate that is FAO or the actions committed by a few in the name of FAO.

With this said, based on our system of corporate ethics established by the personal call of responsibility to and for the *other*, with regard to question of inappropriate use of consultancy contracts, we conclude that FAO, as an

organization or corporation, is not engaging in just, ethical or responsible corporate action. More specifically, FAO has a corporate strategy of using consultancy contracts to hire persons to complete work that is essential to the regular program of the organization; those persons hired using consultancy contracts are expected to work as if they are staff without receiving the pay and social benefits to which staff are entitled. Since 2010, this strategy has taken the place of its official policy on the use of the consultancy contract. The strategy and practice are contrary to its own stated values and goals, and they are contrary to the values and goals of the United Nations. So not only is FAO committing an injustice against one of its fundamental stakeholders on a regular basis throughout the organization, it is also falling short of its own moral code and commitment to social justice through humanitarian aid. In short, FAO is not fulfilling its responsibilities to and for the persons who have consultancy contracts but fill the role and positions of staff; those persons who comprise the management and decision-making body of FAO are not responding to the call of the consultants.

There are many opportunities to apply hermeneutics to this case. To analyze the corporate action of using the consultancy contract to hire people to actually serve as a cheaper version of staff who are easier to get rid of, we looked at the context in which the decision is made: the member countries and donors demanded significant budget cuts and increased the program of work. Per the documents released by FAO, the organization's senior management determined that the only way to deliver the program of work on the reduced budget was to cut staff costs (cut staff posts) and hire consultants to do the work that the staff were doing and should be doing.

We also considered the context of FAO as an organization working for social justice through humanitarian aid. The problem becomes more complex because in its effort to feed the hungry, provide for the poor and ensure the sustainable use of natural resources, it is sacrificing the dignity and wellbeing of one or more persons, the consultants who work as staff. This is fundamentally unethical: one person's dignity and wellbeing cannot be the means by which another person maintains or gains his dignity and wellbeing – in other words, one man cannot be sacrificed for another. Granted, the indignity that a person may suffer because they were given an improper contract, not paid at a commensurate rate and denied social benefits may not compare with the indignity of hunger and starvation. But the question is not who suffers a greater indignity, rather the question is how we promote, support and protect the dignity of all persons, regardless of their lot in life.

Additionally, we looked at the context of FAO as an organization within the UN common system. The ethical dilemma becomes more precarious because as one of the larger UN specialized agencies, FAO is an example by which other UN specialized agencies gauge their own policies and practices. FAO must consider its sister agencies as stakeholders, the persons who work within those agencies as *others* to whom and for whom it is responsible, and it is FAO's responsibility to provide clear, ethical and responsible guidance in policies and practice, even if only by example.

The micro-contexts that we must consider are two-fold: the individual hiring manager and the person being hired as a consultant. The context of the hiring manager is complex with far reaching implications because the manager as an *I* must ask himself if his actions in using the consultancy contract to hire the *other* with whom he is in direct relationship are just. He must ask himself if he is responding to the call of the *other* immediately, appropriately and positively. Furthermore, he must ask himself if he is promoting, supporting and protecting the dignity of the *other* by hiring the *other* using the consultancy contract. Finally, he must ask himself if the consultancy contract is truly appropriate for the work he expects the *other* to perform. The self-reflection on responsibility continues: is this strategy of using consultancy contracts to hire persons to do the work that should be done by staff just and responsible? If not, then what is the responsible action to ensure a just relationship between him and the *other*?

The micro-context of the person being hired as a consultant is equally complex. Regarding the responsibility he has to and for himself, the person being offered a consultancy contract must ask himself if the contract represents an equitable and just arrangement for the work that he will be performing for the organization. He must also ask himself if he can afford not to take the contract if he deems it inequitable and unjust because he still must provide for himself and his family.

Keeping these contexts in mind, the recommendations for how FAO can remedy the situation hinges on what we identified that they need: a management team that is willing push back on the member countries and donors when they push for expanded mandates on a smaller budget as well as a willingness to demonstrate the inability to achieve the mandates and goals without the appropriate funding and human resources. The recommendations are the following:

- FAO, the persons who comprise senior management, those who are mid-level managers, staff and consultants, must acknowledge the injustice of using consultancy contracts as a problem.

- FAO must hold itself accountable for the problem, which means that all persons must openly recognize the way in which they colluded in allowing the problem to develop and be perpetrated.
- The persons who comprise FAO as an organization, especially senior management, must commit themselves to responsible and just human action that promotes, supports and protects the human dignity of all persons who are contracted to work for the organization, staff and consultants alike.
- Senior management must be open and honest with the member countries and private donors about what can be done to achieve the organizational goals with the approved budget.
- Senior management, member countries and private donors must accept the limitations on the organization's ability to provide services and deliver programs.
- Mid-level managers must be willing and able to push back on senior management when they are instructed to use the improper contract modality. They must hold themselves accountable for the responsibility they have to and for those *others* whom they hire; similarly, senior management must hold themselves accountable for the responsibility they have to and for the mid-level managers by not putting them in positions to perpetrate this injustice.

All of these recommendations follow two fundamental prerequisites: the persons who comprise FAO from staff to mid-level managers, senior managers to those who represent the member countries and private donors, must be educated about their responsibilities according to our newly developed system of corporate ethics; and they must buy into this system of ethics. As with any other organization or corporation, if those who comprise the organization or corporation are not aware of their responsibilities, then it is more difficult for them to conduct the self-examination necessary to make this system of ethics effective. Additionally, if they do not buy into this system of ethics, then it is harder for them to understand the nature of their relationships and more difficult for them to commit to just human action based on an understanding of their responsibility to and for the *other*.

Some other infractions people commit within the context and/or in the name of the corporation, which may not be considered as egregious as what we have just discussed, are the following: gossiping; revealing confidential information intentionally or unintentionally; and making promises or commitments that end up not being fulfilled. One of the more serious

breaches of ethics that many people have experienced is when an organization or corporation advertises a job opening, they respond to the announcement, some are selected to be interviewed, a single person is selected for the position and the rest never hear anything else from the organization. The ethical issue is with the person responsible for hiring or filling the vacant position: he or she is an *I* who has heard the call of the *other* who is looking for employment; many times, instead of notifying all persons who applied and were interviewed for the position that the position is being filled by someone else, the hiring manager selects the preferred candidate and ignores their responsibility to close the dialogue with the *others* whom were not selected. It is a matter of respect for those persons who are waiting to hear the outcome. The disappointment of a negative answer is still preferred to being left to wonder for days or weeks and finally deduce that they did not get the job based on the lack of communication. This concept holds true for all manner of communication and dialogue – the *I* has a responsibility to the *other* to inform him of that which affects him, positively or negatively. Better still, the *I* has a responsibility to and for the *other* insofar as he must respond to the call of the *other*. Simple.

As such, in educating persons who interact with *others*, working as a group to provide a product or render a service, for commercial consumption or even in service of humanity, we must remember that one of the ways in which we improve our condition as human beings is through just human relationship. We must face each other, as the *I* to the *other*, with respect for the *other's* personhood. We must respond to the call and demand of the *other* when we hear them say, “Do not kill me,” and “Love me.” We must respond to them immediately and according to their needs, and we must not impose our needs or wants on them. This, we must do regardless of the context in which we find ourselves. In the face-to-face encounter, the *other* commands us, and we must answer.

The context of the corporation is just one of many contexts in which we find ourselves relating with the *other* and with the other *other* whom we may never meet face-to-face. Our proposed system of corporate ethics is an ethic that can be applied to all areas of life. The *I* is always in relation with an *other* and it is that *I's* responsibility to and for the *other* that must form his actions as he responds to their call. We are focusing on the way in which the *I* responds to the call within the context of the corporation because so many people spend much of their time working with others, being in relation with others, and because of the potential effect a

corporation can have on unknown *others*, we have to be especially aware of our responsibilities, actions and impact that those actions can have.

This project is an attempt to answer the call of the *others* who have been objectified by corporate action, human action either committed within the context of the corporation or committed per an agreement among those who comprise the corporation. Those persons who have been objectified, those whose call has been ignored or not answered immediately, positively and appropriately are still calling. Perhaps the proposed system of corporate ethics will guide a corporation or organization to a better understanding of their responsibility, enable them to engage in just corporate action and respond immediately, positively and appropriately to the call of the other.

CONCLUSION

In bringing together the philosophies of Levinas and Ricoeur and complementing them with teachings from other ethicists, economists and human development analysts, my aim was to develop a system of ethics that may be applied to or used in corporations and organizations, both large and small, all over the world. As a student of philosophy and a professional in the global corporate world, I contend that any system of corporate ethics, nay! ethics in general must begin with the human person, acknowledging his being as such, the phenomenology of that being in the world and his relationship with other beings that are the same in nature but otherwise absolutely strange to him.

It is important to make this the point of departure for any system of ethics, systems that guide us in how we ought to relate to and treat each other. In any system of ethics, we must be guided to recognize and acknowledge our own subjectivity as we approach the world from our separate and unique *I* points of view while also recognizing and acknowledging the fact that every person whom we encounter experiences his being and world as subjects too. Therefore, systems of ethics ought to guide us to treat other persons whom we encounter with the dignity and respect that their very persons, their human being demands.

In a corporate context one may perceive it as easier for them to forget or divorce himself from that demand since the corporation provides him a sense of anonymity (one *I* working among many other *Is* under the name and façade of one entity that is the corporation). Because the *I* is only one among others in a corporation, his actions can be seen, understood and interpreted as actions of the corporation. In this way, there is less personal accountability for actions taken in the corporate setting. As such, the person working in the corporation relinquishes his responsibility as well as the accountability for those actions. However, based on the philosophy of Levinas in particular, human actions (in addition to providing a product or

rendering a service) ought to be a response to the call of the *other* to be loved and cared for (this is the positive articulation of the command).

Additionally, anchoring this ethic in an interpretation of Ricoeur's philosophy of hermeneutics, we are first able to discern corporate action as human action – action either committed by persons working together for the goals of the corporation or committed by specific persons in the name of the corporation. We are then able to examine that human action as if it were a text, discourse fixed by writing, freeing us from the tendency to cast judgment and blame and instead consider the action in a context that informs our understanding and interpretation of that action.

Hermeneutics allows us to discuss human action without pointing fingers at who we assumed is an obvious agent of that action. Engaging in the hermeneutical exercise encourages us to consider the text and the context (the act and the context in which it was committed) to glean a meaning or interpret the message; applying this philosophy to human action enables us to see beyond the traditional understanding and interpretation of cause and effect and be more critical of the motives, results and overall implication of human action, which then could reveal a more complex understanding of the agent of the action. This is to say, in applying the hermeneutical exercise to understanding and scrutinizing human action, the agent of human action can be revealed as greater than the single person or group of persons who committed the action and include mitigating circumstances, problems or requirements that influenced those human beings to commit the act.

Uniting the personal ethical demand with a hermeneutical approach to human action enables us to acknowledge the authenticity of the *I-other* relationship insofar as it is a phenomenological encounter of being *qua* being. Even though the *I* ought to act dis-interestedly as he responds to the call of the *other*, there is a possible reciprocity when he accepts his responsibility to and for the other: in the *other's* call being answered, justice emerges from the authentic human relation of the *I-for-the-other* and the *I* can experience transcendence. Even in the corporate context, man can experience transcendence as he answers the call of the *other* and third persons as one *I* among other *Is* who comprise the corporation. That transcendence, as Levinas explains it, is an acceptance of the alterity of the *other* as well as his own strangeness as he, the metaphysician, seeks being *qua* being.

The system of ethics that we have developed could help address some of the more devastating social ills including hunger, homelessness, lack of education, lack of access to medical services and more by empowering

people to be in relation with those whom they encounter in a way that affirms both of their humanity, their subjectivity and their calls to be loved and cared for. Our proposal for corporate ethics, which is based on the personal response to the call of the *other*, aims to do exactly that within the context of the corporation. I hope that it will be used and applied in the real world and that it may demonstrate the ways in which humanity may be supported, promoted and defended through corporate action from which justice may emerge. I hope that people do not concentrate on the seemingly impossible high standards that these ethics require and instead focus on the spirit – justice emerges from a human relationship in which the *I* answers the call of the *other* immediately, appropriately, positively and disinterestedly and yields a relationship that respects the authenticity of the human being, one-for-the-other. This is indeed transcendent.

Our newly developed system of corporate ethics cannot eliminate all of the problems and deficiencies that plague humanity, but if those who comprise corporations and other organizations would approach their relationships with *others* keeping this philosophy in mind, the smaller, everyday deficiencies and problems may be easier to eliminate and the bigger problems becomes more surmountable.

Finally, in the very least, I hope that those who comprise corporations and other organizations think twice about the impact their individual human actions may have on those with whom they are in relation. The behavior may not change right away, but the intentionality may shift towards a better understanding of our ontology and that of our relationship with others with whom we are in relationship. If after reading this thesis, you recognize that the question of corporate ethics and responsibility is greater than (while encompassing) the issues of sexual harassment, fiscal impropriety, conflicts of interest, philanthropy and assigning blame, then I will have accomplished my goal of bringing Levinas' philosophy of the ethical demand together with Ricoeur's philosophy of hermeneutics and text to establish a system of ethics (or even a deeper understanding) of human relations and its implication in promoting, supporting and protecting human dignity. If you arrive at the understanding that greeting a colleague in the corridor with respect and dignity instead of averting your eyes (ignoring them) is an ethical issue, and that the greeting is an immediate, positive and appropriate response to their command, then I will have accomplished my goal. The ethical issues that corporations face are not always related to the balance book and may not always be as obvious as sexual harassment, so this is a preliminary effort in developing and providing guidance to persons in all areas of the corporation, from top to bottom, about hearing, receiving and responding to the call of the

other – or in other words, their personal responsibility in the corporate context.

ANNEX 1

The Dialectic as It Concerns Human Relation and Action

The dialectic is more than a rhetorical device¹; it belongs to the nature of being insofar as it “is the immanent transcending, in which the one-sidedness and restrictedness of the determinations of the understanding displays itself as what it is, i.e. as their negation. That is what everything finite is: its own sublation.”² Let us note that the word translated into English as *determination* (singular) is Hegel using the German *Bestimmungen* (plural), which can be translated in various ways. For the purposes of the discussion on the dialectic, one could argue that it has been appropriately interpreted because both *Bestimmungen* and *determination* may denote a development or movement towards to an end. How *Bestimmungen* is interpreted is important because Hegel explains the dialectic in terms of transcendence and progression. He uses words that refer to motion and life directly and indirectly.

In fact, he states without equivocation: “It is of the highest importance to interpret the dialectical [moment] properly, and to [re]cognize it. It is in general the principle of all motion, of all life, and of all activation in the actual world.”³ In other words, the dialectic is precisely the transition from one state of being to another. Hegel even demonstrates this in terms of time

¹ “According to its proper determinacy, however, the dialectic is the genuine nature that properly belongs to the determinations of the understanding, to things, and to the finite in general” G.W. F. HEGEL. *The Encyclopaedia Logic, Part I of the Encyclopaedia of Philosophical Sciences with the Zusätze*. § 81.

² *Ibid.*, § 81.

³ *Ibid.*, § 81.

in the first three words of his reflection, “The *dialectical* moment...”⁴ Here, he alludes to the transition of being in time, what the state of being is from one minute to the next.

The dialectic is revealed when considering or attempting to understand the ontological process of transcendence. It is made evident when we move away from what Hegel refers to as sophistry, “and all the principles of the ethical life are thrown overboard in arguments like that.”⁵ It is then that “the dialectic diverges essentially from that procedure, since it is concerned precisely with considering things [as they are] in and for themselves, so that the finitude of the one-sided determinations of the understanding becomes evident.”⁶ The dialectic is the transcendence of being, a transition (if not a transformation) or a process, and the dialectic is not revealed without man engaging in an objective dialogue or investigation into the nature of being. It is man’s desire for the appropriation of knowledge that brings the dialectic to the fore.

The dialectic may also be considered that which brings cohesion between the study of being as such and the endeavor to understand it beyond its physical properties, that is to say, its ontological properties. Considering the inclination to investigate by moving from that which is physically evident to that which may be less evident, Hegel, too, considers the dialectic from a scientific paradigm shifting, then, to a metaphysical determination. He explains it in this way: “Hence, the dialectical constitutes the moving soul of scientific progression, and it is the principle through which alone immanent coherence and necessity enter into the content of science, just as all genuine, nonexternal elevation above the finite is to be found in this principle.”⁷ As man makes an objective investigation in order to understand the nature of a being (in order to appropriate that being) he too is experiencing a dialectical moment – that of determination and transcendence.

Hegel substantiates his definition and use of dialectic as a determination of the capacity to understand by referring to its originator, Plato, and its purpose of inspiring objective argumentation or dialogue when he says,

Among the Ancients, Plato is called the inventor of the dialectic, and that is quite correct in that it is in the Platonic philosophy that dialectic first occurs in

⁴ *Ibid.*, § 81.

⁵ *Ibid.*, § 81.

⁶ *Ibid.*, § 81.

⁷ *Ibid.*, § 81.

a form which is freely scientific, and hence also objective. With Socrates, dialectical thinking still has a predominantly subjective shape, consistent with the general character of his philosophising, namely, that of irony. Socrates directed his dialectic first against ordinary consciousness in general, and then, more particularly, against the Sophists.⁸

By making reference to the history of the dialectic and how it was used to objectively debate against the often times subjective fallacies of sophism⁹, Hegel gives various examples to make the point: the dialectic is not a means of subjective justification.¹⁰ He promotes objectivity and the sciences as they relate to the dialectic when he says,

In the motion of the heavenly bodies, for example, a planet is now in this position, but it also has it in-itself to be in another position, and, through its motion, brings this, its otherness, into existence. Similarly, the physical elements prove themselves to be dialectical, and the meteorological process makes their dialectic apparent.¹¹

Yet Hegel is open to considering that which is beyond what the sciences can tell us about what he calls the natural world: in his reflections on metaphysics, he allows the possibility for the spiritual world.¹² Hegel acknowledges movement or transcendence in the spiritual world insofar as it relates to the relation between man and the other, which is evident when he says, “As to the occurrence of the dialectic in the spiritual world, and, more precisely, in the domain of law and ethical life, we need only to recall at this point how, as universal experience confirms, the extreme of a state

⁸ *Ibid.*, § 81.

⁹ “... the dialectic is not to be confused with mere sophistry, whose essence consists precisely in making one-sided and abstract determinations valid in their isolation, each on its own account, in accord with the individual's interest of the moment and his particular situation” (*Ibid.*, § 81).

¹⁰ “... my subjective freedom is an essential principle of my action, in the sense that in my doing what I do, I am [there] with my insights and convictions. But if I argue abstractly from this principle alone, then my argument is likewise a piece of sophistry, and all the principles of ethical life are thrown overboard in arguments like that” (*Ibid.*, § 81). I would suggest that the dialectic may be applied to the consideration of the determination of the relation between the I and the other or the transcendence that happens when the I relates to the other and accepts the other as a being who, like the I, is self-aware and makes the demands that were discussed in Part I.

¹¹ *Ibid.*, § 81.

¹² “the dialectic also asserts itself in all the particular domains and formations of the natural and spiritual world” (*Ibid.*, § 81).

or action tends to overturn its opposite.”¹³ Hegel even goes so far as to relate the dialectic of the natural and spiritual worlds by citing the human emotions of joy and pain.¹⁴

The moment of transcendence within one man as he moves from one state of being to another is the dialectic, but the interesting dynamic in this paradigm is in how the natural world and spiritual world interact or depend on one another. Hegel gives two examples: the emotion of joy may conjure a physical reaction that is closely related to pain, tears; but the tears, too, provide the relief that man requires in order not to be overwhelmed by his joy; the other side of the coin is the smile that gives a person’s sadness away.¹⁵

And it is in observing Hegel’s application of the dialectic to the spiritual world (and relating it to the natural world) that we shall employ the determination of understanding to elucidate the connection between the philosophies of Levinas and Ricoeur in order to draw a final conclusion about the corporation’s responsibility to its staff/employees, stakeholders, clients, community, environment and itself.

Using the concepts that we developed in our discussion from Part One on The Ethical Demand, we will identify the dialectic of action and text, responsibility and hermeneutics and human action and justice as a determination in order to develop a disinterested and constructive argument for a normative system of ethics that may be applied to any corporation, regardless of its size or business model. By identifying the dialectic, we shall attempt to avoid the pitfalls that tend to plague ethical discourse – that of relativity. By removing “the individual’s interest of the moment and his particular situation,”¹⁶ we may indeed accomplish what Plato attempted to teach his students and Hegel is reminding us to do, to engage in dispassionate dialogue that allows us to orient our understanding towards being as such rather than subjective argumentation based on our own insights and convictions.

¹³ *Ibid.*, § 81.

¹⁴ “Feeling, too, both bodily and spiritual, has its dialectic” (*Ibid.*, § 81).

¹⁵ “It is well known how the extremes of pain and joy pass into one another; the heart filled with joy relieves itself in tears, and the deepest melancholy tends in certain circumstances to make itself known by a smile” (*Ibid.*, § 81).

¹⁶ *Ibid.*, § 81.

ANNEX 2

Applying the Ethic

The following ten questions are meant to gauge a corporation's awareness and commitment to achieving its corporate goals without exploiting anyone stakeholder. We must keep in mind that the corporation is the community of staff, management and senior leadership. So we use the word "corporation" in these questions, we understand it to mean the community of persons that comprise it. (We are not treating the corporation as a person *in se.*)

1. Is the corporation meeting its goals?
 - a. If the corporation is not meeting its goals, then work has to be done to understand why and if perhaps the goals should be reconsidered.
 - b. If the corporation is indeed meeting its goals, then it may be an indication of corporate health and moving in a positive direction.
 - c. The point of this question is to gauge the corporation's short and long-term sustainability, growth and relevance as it relates to the market.
2. Are the corporation's short and long-term goals beneficial not only to itself (corporate fiscal responsibility for maintenance and growth), but also to its customers/clients, partners, suppliers, environment and even competition?
 - a. The point of this question is to gauge the overall effect that the corporate goals may have on the various stakeholders.

- b. The corporation's goals must also be beneficial to the competition in such a way that it maintains a competitive edge in the market. If the corporate goals strive to make competition obsolete, then customers, partners and suppliers may suffer.
3. Does the corporation consider its various stakeholders, weighing the impact of its actions (the benefits and damage it may cause) when deciding on a strategy for corporate action?
 - a. Here we want to encourage critical thinking, corporate "self-evaluation" and recognition of who the stakeholders are and how they may be affected.
 - b. If the answer to the question is yes, then the follow-up questions would be "how and to what extent?"
4. Does the corporation support, protect and advocate for human dignity by means of ethical and responsible corporate action?
 - a. The corporation is an intrinsic, human part of society. It has a voice that is amplified by the size, buying power and influence it has in the market. If the answer to this question is ambivalent in any way, or if the answer is no, then there is much work to be done in leading the corporation to a positive response.
 - b. Without passing judgment on the corporations themselves, if any corporation sells a product or service or promotes behavior that is detrimental to the human person, family, society or environment, then that corporation should question its original goals, for examples: producers of tobacco products.
5. Does the corporation review its actions once they have been executed to determine what benefit and/or damage may have been caused to all of the known stakeholders?
 - a. This question is intended to get corporations to engage in corporate "self-reflection." How has the corporate action affected the corporation itself and the world around it?
 - b. This also presents a learning opportunity for the corporation: what actions they may want to repeat for beneficial results and what actions they want to avoid having caused harm.
6. Does the corporation take responsibility for mistakes and errors in judgment?

- a. If the corporation can say yes, then it already acknowledges its social responsibility and has a sense of accountability. The follow-up question would then be, “What actions did it take to rectify the matter or make sure that type of action does not happen again?”
 - b. If the response is negative, then there is room for improvement. The corporation should implement policies and strategies for self-evaluation, taking responsibility and holding itself accountable for its corporate (human) action.
7. Does the corporation have and enact policies that support its goals while also supporting and protecting its staff, partners, customer/clients, suppliers and environment?
 - a. This question aims to scrutinize the corporate culture that starts with written and unwritten policies.
 - b. If any group is exploited for the benefit of the corporation or to reach any goal, then the corporate action is not just, it is not responsible.
8. Do corporate contracts and policies exploit any one stakeholder for the benefit of the corporation?
 - a. This is an opportunity for the corporation to not only scrutinize its policies for exploitative behavior, but also its contracts, which include those between the corporation and its partners, the corporation and its suppliers and, finally, the corporation and its staff.
 - b. If any stakeholder is being exploited, then the corporation should take steps to determine how best to rectify the situation.
 - c. The concept is basic: the corporation may not sacrifice or exploit any stakeholder for its benefit because the benefit is limited and will not last in the long-term. Neither the human person nor his dignity can be used as a means to obtaining an end.
9. Are staff and employees referred to in terms of the resources they bring the corporation or their humanity?
 - a. The point of this question is to encourage corporations to reflect on how they talk about the people that enable them to reach their corporate goals.
 - b. The way you talk about something or someone is the manner in which you will address them and treat them. If the corporation refers to their staff and employees in terms of

their humanity (with their dignity and well-being in mind), then they will approach their staff and employees in the same way.

10. Has the corporation ever been accused of immoral, amoral or unethical action/behavior?
 - a. If the answer is yes, this is another opportunity for the corporation to look at its past behavior to determine how it exposed itself to this type of criticism or accusation and how it may act more responsibly in the future in order to reduce its exposure to unfavorable corporate action.
 - b. If the answer is no, then this is still an opportunity to take a critical look at its policy and action to determine if there are any areas that present a risk.
 - c. If the corporation has a habit and culture of shirking responsibility and not holding itself accountable for its corporate action, then there may be an underlying problem related to how decisions are made and how/if the shareholders are taken into consideration.

These questions are not exhaustive, but they can lead any person participating in a corporation to conduct a comprehensive reflection on the corporate culture, carefully scrutinizing policies, common practices and accepted norms as they relates to its regular functionality. In completing this reflection, the executives and senior managers can choose if and how they would like to change the corporate culture and standard of behavior; additionally, staff can think about how they may approach their managers about perceived issues or problems.

It is important to point out that the reflection and eventual change does not have to come from the executive officers of a corporation; staff and employees at all levels can use these questions to determine whether the corporation has a standard of behavior that promotes, supports and protects human dignity. Admittedly, a dependent of a corporation (staff and employees) would be taking a risk presenting their observations to their senior management; the management could consider their observations negatively and take punitive action or management, if it is open to change, could take the observations as constructive criticism and reconsider the value of embracing this ethic. If an employee believes they work for a corporation that does not value their human dignity or does not embrace their responsibility to and for the *other*, then this exercise could also

prompt the employee to find a corporation that provides an environment that is receptive to or already embraces that responsibility.

The crux of this system of ethics is that everyone is responsible. The executive is responsible for ensuring that the culture of the corporation embraces its responsibility, and the staff/employee is responsible for doing what it can when it hears the call of the *other* even when the culture runs contrary to that call.

BIBLIOGRAPHY

- AHNER, Gene., *Business Ethics, Making a Life, Not Just a Living*. Orbis Books, Maryknoll, NY. 2007.
- ANDERSEN, Bjørn., *Bringing Business Ethics to Life, Achieving Corporate Social Responsibility*. American Society for Quality, Quality Press. Milwaukee, WI. 2004.
- ARENDT, Hannah – HEIDEGGER, Martin., *Letters 1925-1975*. Edited by Ursula Ludz. Translated from the German *Briefe 1925-1975* by Andrew Shields. Harcourt, Inc. Orlando, Florida. 2004.
- ARISTOTLE., *Nichomachean Ethics*. Translated by Terence Irwin. Hackett Publishing. 1999.
- , *Rhetoric*. Translated by W. Rhys Roberts. ReadaClassic.com. 2010.
- ARJALIÈS, D., “A Social Movement Perspective on Finance: How Socially Responsible Investment Mattered.” *Journal of Business Ethics*. 2010.
- AUGUSTINE., *The Confessions*. Originally published as *Confessiones* circa 400AD. Translated by John K. Ryan. Doubleday Dell Publishing Group, Inc. New York, NY. 1960.
- BARTHOLD, Lauren Swayne. “The Truth (and Untruth) of Language: Heidegger, Ricoeur, and Derrida on Disclosure and Displacement.” *Heythrop Journal*. Volume 55, Issue 4. July 2014. 739-742.
- BERNASCONI, Robert., “What is the question to which ‘substitution’ is the answer?” *The Cambridge Companion to Levinas*. Edited by Simon Critchley and Robert Bernasconi. Cambridge University Press. Cambridge, UK. 2002. pp. 324-251.

- BRANDHORST, Kurt, *Edinburgh Philosophical Guides, Descartes' Meditations on First Philosophy*. Edinburgh University Press. 2010.
- BROWN, Marvin T., *Corporate Integrity, Rethinking Organizational Ethics and Leadership*. Cambridge University Press. Cambridge, UK. 2005.
- BYRON, William J., *The Power of Principles, Ethics for the New Corporate Culture*. Orbis Books. Maryknoll, NY. 2006.
- CHUNG, H. – TALAULICAR, T., "Forms and Effects of Shareholder Activism." *Corporate Governance: An International Review*: 253-57. 2010.
- CITIZENS UNITED, APPELLANT V. FEDERAL ELECTION COMMISSION. United States of America, Supreme Court Decision, 2010.
- COLLINS, Denis, *Essentials of Business Ethics, Creating an Organization of High Integrity and Superior Performance*. John Wiley & Sons, Inc. Hoboken, NJ. 2009.
- CONILL SANCHO, Jesús, *Horizontes de Economía Ética*. Editorial Tecnos (Grupo Anaya, S.A.), Madrid. 2004.
- COPOERU, Ion, "The Ethical Management of Ethics, Fostering Ethical Behaviour in Corporations." *Business Ethics, A critical approach: integrating ethics across the business world*. Edited by Patrick O'Sullivan, Mark Smith and Mark Esposito. Routledge, an imprint of the Taylor & Francis Group. New York, NY. 2012. pp. 34-46.
- CORTINA, Adela, *Ciudadanos del Mondo, Hacia una Teoría de la Ciudadanía*. Alianza Editorial, S.A., Madrid. 2005.
- , *Ética sin moral*. Editorial Tecnos (Grupo Anaya, S.A.), Madrid. 2008.
- CRANE, Andrew and DIRK Matten, *Business Ethics*. Ed III. Oxford University Press. Oxford, UK. 2010.
- D'AMBROSIO, Rocco, *Come pensano e agiscono le istituzioni*. Centro Editoriale Dehoniano. Bologna, Italy. 2011.
- DE SAINT CHERON, Michaël, *Conversations with Emmanuel Levinas, 1983-1994*. Originally published as *Entretiens avec Emmanuel*

- Lévinas*. Duquesne University Press, Pittsburgh, Pennsylvania. 2010.
- DESCARTES, René, *Discourse on Method and Meditations on First Philosophy, Fourth Edition*. Translated by Donald A. Cress. Hackett Publishing Company, Inc. Indianapolis, Indiana. 1998.
- DETHOMASIS, Louis – ST. ANTHONY, Neal, *Doing Right In a Shrinking World, How Corporate America Can Balance Ethics & Profit in a Changing Economy*. Greenleaf Book Group Press. Austin, TX. 2006.
- DOH, J.P. – GUAY, T.R., “Corporate Social Responsibility, Public Policy, and NGO Activism in Europe and the United States: An Institutional-Stakeholder Perspective.” *Journal of Management Studies*, 43:1, 47-73. 2006.
- DOUGLAS, Mary, *How Institutions Think*. Syracuse University Press. Syracuse, New York. 1986.
- DREYFUS, Hubert L. – HALL, Harrison, *Heidegger: A Critical Reader*. Library of Congress Cataloging in Publication Data. 1993.
- FARIAS, Victor, *Heidegger and Nazism*. Originally published as *Heidegger e le nazisme* in 1987. Temple University Press. Philadelphia, PA. 1989.
- FISHER, Colin – LOVELL, Alan, *Business Ethics and Values*. Ed III. Pearson Education Limited. Essex, UK. 2009.
- FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS., *The Director-General’s Medium Term Plan 2014-2017 and Programme of Work and Budget 2014-2015*. FAO. Rome, Italy. 2013.
- , *The Director General’s Medium Term Plan 2014-2017 (Reviewed) and Programme of Work and Budget 2016-17*. Rome, Italy. 2015.
- , “FAO Use of Contractors and Retirees,” Finance Committee, 123rd Session, Rome, 6-10 October 2008 (FC 123/17 E).
- , “Review of individual consultancies in the United Nations system,” 149th Session Council, Rome, 16-20 June 2014. (CL 149/INF/6 E).
- , “Revised Policy and Implementation of FAO Use of Contractors and Retirees.” Finance Committee 126th Session, Rome, 11-15

May 2009. (FC 126/15 E).

———, www.fao.org.

FUKUYAMA, Francis, *Trust: The Social Virtues and the Creation of Prosperity*. Free Press. New York, NY. 1995.

GOODPASTOR, Kenneth E., *Conscience and Corporate Culture*. Blackwell Publishing. Malden, MA. 2007.

GRONDIN, Jean, *L'herméneutique*: Presses universitaires de France 2006; translated into Italian, *L'Ermeneutica*. Editrice Queriniana, Brescia. 2012.

GUAY, T. – DOH, J. – SINCLAIR, G., “Non-Governmental Organizations, Shareholder Activism, and Socially Responsible Investments: Ethical, Strategic, and Governance Implications.” *Journal of Business Ethics*, 52, 125-39. 2004.

HART, H.L.A., “The Ascription of Responsibility and Rights.” *Proceedings of the Aristotelian Society, New Series*. Vol. 49 (1948-1949). pp. 171-194.

HEGEL, G.W.F., *Encyklopädie der philosophischen Wissenschaften. Teil I, Wissenschaften der Logik*, 1812-1816. Translated into English by T. F. Geraets, W. A. Suchting and H. S. Harris, *The Encyclopaedia Logic, Part I of the Encyclopaedia of Philosophical Sciences with the Zusätze*. Library of Congress. Indianapolis, IN. 1991.

———, *Hegels Phänomenologie des Geistes*, Frankfurt 1980. Translated into English by A.V. Miller., *Phenomenology of Spirit*. Oxford University Press. Oxford, UK. 1977.

HEIDEGGER, Martin, *Being and Time*. Originally published as *Sein und Zeit*. Translated by John Macquarrie and Edward Robinson. Harper One. New York, NY. 1962.

HENN, Stephen K., *Business Ethics, A Case Study Approach*. John Wiley & Son, Inc. Hoboken, NJ. 2009.

HOBBS, Thomas, *Leviathan*. First published 1651. Penguin Classics. 1985.

INTERNATIONAL LABOUR ORGANIZATION., *The Employment Relationship*. Geneva, Switzerland. 2007.

———, www.ilo.org.

- JOHNSTON, Herbert, *Business Ethics*. Pitman Publishing Corporation. New York, NY. 1956.
- JONKER, Jan – DE WITT, Marco, *Management Models for Corporate Social Responsibility*. Springer. Berlin and Heidelberg, Germany. 2010.
- KANT, Immanuel, *Critique of Pure Reason*. Originally published as *Kritik der reinen Vernunft*. Translated by Paul Guyer and Allen W. Wood. 14th Edition. Cambridge University Press. New York, NY. 1998, 1999, 2008.
- , *Groundwork of the Metaphysics of Morals*. Translated by H. J. Paton. Harper & Row. New York. 1964.
- KEELING, Michael, *The Foundations of Christian Ethics*. T&T Clark. Edinburgh, Scotland. 1990.
- KOFMAN, Fred, *Conscious Business, How to Build Value Through Values*. Sounds True. Boulder, CO. 2006.
- LEVINAS, Emmanuel, *Ethics and Infinity*. Translated by Richard A. Cohen. Originally published as *Ethique et infini*. Duquesne University Press. Pittsburgh, PA. 1985.
- , *Humanism of the Other*. Originally published as *Humanisme de l'autre homme* in 1972. Translated by Nidra Poller. University of Illinois Press. 2003.
- , *Otherwise than being or Beyond Essence*. Translated by Alphonso Lingis. Originally published as *Autrement qu'être*. Duquesne University Press. Pittsburgh, Pennsylvania. 2009.
- , *Totality and Infinity*. Translated by Alphonso Lingis. Originally published as *Totalite et Infini*. Duquesne University Press. Pittsburgh, PA. 1969.
- LOGSDON, J. – VAN BUREN, H., “Beyond the Proxy Vote: Dialogues Between Shareholder Activists and Corporations.” *Journal of Business Ethics*, 87, 353-65. 2009.
- LUCAS LUCAS, Ramon, *Man, Incarnate Spirit*. Originally published as *L'uomo, spirito incarnato*. Translated by Nikola Derpich, LC and Stephen Arndt. Circle Media, Inc. Torino, Italy. 1993.
- MACINTYRE, Alasdair C., *After Virtue*. Gerald Duckworth & Co. Ltd. London, UK. 2007.

- , *Whose Justice? Which Rationality?* Notre Dame, Ind.: University of Notre Dame Press. 1988.
- MARX, Karl – ENGELS, Friedrich, *The Communist Manifesto and Other Writings*. Originally published in English in 1888. Barnes & Nobel Books, New York, NY. 2005.
- MARX, Reinhard, *Il Capitale, Una Critica Cristiana alle Ragioni del Mercato*. Originally published as *Das Kapital. Ein Plädoyer für den Menschen*. Translated from German into Italian by Chicca Galli. RCS Libri S.p.A., Milan. 2009.
- MCNASSOR, John H. “Paul Ricoeur between Theology and Philosophy: Detour and Return.” *Heythrop Journal*. Volume 55, Issue 4. July 2014. 736-738.
- O’ROURKE, A., “A New Politics of Engagement: Shareholder Activism for Corporate Social Responsibility.” *Business Strategy and the Environment*, 12, 277-39. 2003.
- O’SULLIVAN, Patrick, “Levels of Critique: a Methodological Framework for the Study of Ethics and Morality in business.” *Business Ethics, A Critical Approach: Integrating Ethics Across the Business World*. Edited by Patrick O’Sullivan, Mark Smith and Mark Esposito. Routledge, an imprint of the Taylor & Francis Group. New York, NY. 2012. p. 22-33.
- PLATO, *The Republic*. Translated by Desmond Lee. Penguin Books. 1955. 1974.
- RAWLS, John, *A Theory of Justice*. Revised Edition. President and Fellows of Harvard College. USA. 1971.
- RICOEUR, Paul, *Amore e Giustizia*. Originally published as *Amour et Justice* in 1990. Italian translation by Ilario Bertolotti. Editrice Morcelliana. 2007.
- , *The Conflict of Interpretation, Essays in Hermeneutics*. Edited by Don Ihde. Originally published as *Le Confit des interprétations: Essais d’hérméneutique*. Northwestern University Press. 1974.
- , *Figuring the Sacred: Religion, Narrative and Imagination*. Translated by David Pellauer and edited by Mark I. Wallace. Augsburg Fortress. Minneapolis, MN. 1995.

- , *From Text to Action*. Translated by Kathleen Blamey and John B. Thompsom. Originally published as *Du Texte à l'action Essais d'hérmenéutique, II*. Northwest University Press. 1991.
- , *Hermeneutics & the Human Sciences*. Edited & Translated by John B. Thompson. Cambridge University Press, Cambridge, UK. 1981.
- RICOEUR, Paul, *The Just*. Translated by David Pellauer. Originally published as *Le Juste*. The University of Chicago Press. 2000.
- , *Interpretation Theory: Discourse and the Surplus of Meaning*. The Texas Christian University Press. Fort Worth, TX. 1976.
- , *Memory, History, Forgetting*. Translated by Kathleen Blamey and David Pellauer. Originally published as *Mémoire, l'histoire, l'oubli*. The University of Chicago Press. Chicago, IL. 2004.
- , *Oneself as Another*. Translated by Kathleen Blamey. Originally published as *Soi-même comme un autre*. The University of Chicago Press. Chicago, Illinois. 1992.
- , *The Rule of Metaphor: Multi-Disciplinary Studies in the Creation of Meaning in Language*. Translated by Robert Czerny with Kathleen McLaughlin and John Costello. Originally published as *La métaphore vive*. University of Toronto Press. Toronto, Canada. 1977.
- , *The Symbolism of Evil*. Translated by Emerson Buchanan. Beacon Press; Harper & Row, Publishers, Incorporated, New York, NY. 1969.
- , *Time and Narrative Volumes I-III*. Translated by Kathleen McLaughlin and David Pellauer. Originally published as *Temps et Récit*. University of Chicago. Chicago, IL. 1984, 1985, 1986.
- ROSENZWEIG, Franz, *The Star of Redemption*. Originally published as *Der Stern der Erlösung* in 1921. Translated by Barbara Galli. The University of Wisconsin Press. Madison, Wisconsin. 2005.
- SALLIS, John, *Reading Heidegger, Commemorations*. Indiana University Press. 1993.
- SEN, Amartya, *Development as Freedom*. Random House, Inc. New York, NY. 1995.
- , *The Idea of Justice*. Penguin Books. London, England. 2009.

———, *Inequality Re-examined*. Oxford University Press Inc. New York, NY. 1992.

SHAHAN, Robert W – MOHANTY, J.N., *Thinking About Being, Aspects of Heidegger's Thought*. University of Oklahoma Press. Oklahoma, USA. 1984.

SIMS, Ronald S., *Ethics and Corporate Social Responsibility*. Library of Congress. USA. 2003.

SJÖSTRÖM, E., "Shareholder activism for corporate social responsibility: what do we know?" *Sustainable Development*, 16, 141-54. 2008.

———, "Shareholders as Norm Entrepreneurs for Corporate Social Responsibility." *Journal of Business Ethics*, 94, 177-91. 2010.

STRAWSON, Peter, *Individuals: An Essay in Descriptive Metaphysics*. Originally published in 1959. Taylor & Francis Group. 2003.

UNITED NATIONS, "Administrative instruction, Consultants and Individual Contractors" ST/AI/2013/4. UN Secretariat. New York, NY. 2013.

———, www.greeningtheblue.org.

———, "Review of Individual Consultancies in the United Nations System." (JIU/REP/2012/5) Joint Inspection Unit of the United Nations. Geneva, Switzerland. 2012.

———, www.un.org.

VLASIC, Bill – BUNKLEY, Nick, "Toyota Will Fix or Replace 4 Million Gas Pedal." *The New York Times*. Published November 25, 2009.

WALSH, Terrance, "Review Essay: Heidegger: The Uses and Abuses of Philosophy." *The Heythrop Journal*. Volume 55, Issue 4. July 2014. 663-669.

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