From Radical Evil to the Question of Justice: Jean-Luc Nancy and Paul Ricœur

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Abstract: The wars and unprecedented violence of recent years, not only against people but also against the natural environment, have created such a strong sense of injustice that it has become clear that the previous world, which provided for more or less peaceful coexistence, is no longer valid. It is, therefore, important to consider the question of justice in a much more general way, going beyond politics and law, in the narrow sense, to the question of human existence and its relationship to the world and other people. Drawing on the interpretations of French philosophers Jean-Luc Nancy and Paul Ricœur, this article explores the ontological implications of the evil done and evil endured (action and suffering). It proposes the perspectives of the ontology of freedom and the ontology of the body, which allows us to think about responsibility and justice when a relationship with positive law is complicated, even discredited.

Keywords: radical evil, justice, ontology of freedom, ontology of the body.

It has been observed since ancient times that the question of justice does not begin with abstract considerations of the best world order. It rather arises insistently from the experience of evil. In other words, the demand for justice emerges first and foremost from a sense of injustice, which, in turn, guides the search for justice. Commenting on the appearance of the idea of justice in the ancient Greek world, from Greek tragedy to Plato and Aristotle, Paul Ricœur writes:

> […] sense of justice and of injustice, it would be better to say here, for what we are first aware of is injustice: "Unjust! What injustice!" we cry. And indeed, it is in the mode of complaint that we penetrate the field of the just and the unjust[1].

Another French philosopher, Jean-Luc Nancy, echoes Ricœur in stressing the need for justice and the primacy of the sense of injustice. He points out the inseparability of justice from the emergence or creation of the world itself, manifested in irreconcilable tensions as "incongruous incongruity":

> […] infinite justice is in no way visible. On the contrary, intolerable injustice arises everywhere. There are earthquakes, infectious viruses, and people are criminals, liars, and torturers. […] This is also why justice is always – and maybe principally – the need for justice, that is, the objection to and protest against injustice, the call that cries for justice, the breath that exhausts itself in calling for it. […] Justice does not come from the outside (what outside?) to hover above the world, in order to repair it or bring it to completion. It is given with the world, given in the world as the very law of its givenness. Strictly speaking, there is no sovereignty, or church, or set of laws that is not also the world itself, the severed [or carved up] trace that is both inextricable from its horizon and unaccomplishable. One might be tempted to say that there is a justice for the world, and there is a world for justice. But these finalities, or these reciprocal intentions, say rather poorly what such justice is. In itself, the world is the supreme law of its justice: not the given world and the "such that it is," but the world that springs forth as a properly incongruous incongruity[2].

Therefore, it is not surprising that today, in Europe, we are also raising the question of justice out of a sense of injustice that has arisen from the war that Russia has started in Ukraine. During this war, Russia has violated numerous treaties of international law; it has repeatedly committed heinous

[1] P. Ricœur, *Oneself as Another*, translated by K. Blamey, Chicago and London, University of Chicago Press, 1992, p. 198.

[2] J.-L. Nancy, *Being Singular Plural*, translated by R. D. Richardson and A. E. O'Byrne, Stanford, Stanford University Press, 2000, pp. 188-189.

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war crimes. However, the international community in general, and the United Nations in particular, has proven to be completely incapable of responding to this aggression. Now, we are aware that our old world is collapsing, but are we witnesses and participants in creating a new one? Is a new sense emerging, or is the chaos spreading and involving more and more actors? Is there any solution to this situation for the contemporary world other than is the so-called "victor's justice"? At the beginning of the twentieth century, Walter Benjamin highlighted the paradoxical relationship between violence and law. He spoke of violence as having a law-making and a law-preserving character. Referring to the military law as the "primordial and paradigmatic of all violence used for natural ends," he drew attention to the victor's efforts to legitimise victory, to establish it as law, as a just order[3]. Echoing Benjamin's thought, Nancy sees the ambivalent relationship between war and law in the very notion of "just war", which simultaneously subordinates war to law and law to war[4].

Paradoxically, the contemporary world's relapse into violent power relations has brought to the fore a passage in Plato's dialogue The Republic, in which Socrates' interlocutor Glaucon, Plato's elder brother, expresses an idea that illustrates the attitudes of the sophist Thrasymachus and the "common people" towards justice:

> This they affirm to be the origin and nature of justice; – it is a mean or compromise, between the best of all, which is to do injustice and not be punished, and the worst of all, which is to suffer injustice without the power of retaliation; and justice, being at a middle point between the two, is tolerated not as a good, but as the lesser evil, and honoured by reason of the inability of men to do injustice. For no man who is worthy to be called a man would ever submit to such an agreement if he were able to resist; he would be mad if he did. […] Now that those who practise justice do so involuntarily and because they have not the power to be unjust […] (Resp. 359a-b).

This line of reasoning presents justice as a means necessary only for the weaker, and the stronger will never accept justice except when imposed against their will. Such reasoning splits the unified structure of human existence as action and suffering into separate parts, declaring that to suffer injustice without the power of retribution is the ultimate evil or injustice, and to do injustice and not be punished is the best of all. In this way, we might say that the aggressor succumbs to the temptation of the Ring of Gyges, which makes its owner invisible and promises to avoid an inherent aspect of the experience: bodily vulnerability and suffering. The opposite temptation is to expect the victim to

[3] W. Benjamin, "Critique of Violence," in *Reflections: Essays, Aphorisms, Autobiographical Writings*, translated by E. Jephcott, New York, Schocken Books, 1978, p. 283.

[4] J.-L. Nancy, *Being Singular Plural*, cit., p. 107.

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remain a perfect victim or sacrifice, that is, to embody pure passivity. If we do not succumb to these temptations, however, we must admit that we define evil in a much more fundamental way, considering both the evil done (action) and the evil endured (suffering). The field of the problem of evil, thus defined, requires an analysis of existence as a structure of action and suffering, considering the evil done in the context of the ontology of freedom and the evil suffered in the context of the ontology of the body. However, by distinguishing between the ontology of freedom and the ontology of the body, we do not want to maintain a dualism of soul and body, but, on the contrary, we rely on the assumption of the embodiment of freedom. In other words, we approach the aspect of activity not only from the perspective of the ontology of freedom but also from the perspective of the ontology of the body; similarly, we approach the aspect of passivity not only from the perspective of the ontology of the body but also from the perspective of the ontology of freedom.

In this article, we will explore the ontological implications of evil done and evil suffered through the interpretations of contemporary French philosophers Jean-Luc Nancy and Paul Ricœur. And later on, in light of this analysis of evil, we will try to return to the question of justice.

1. *Radical Evil and the Ontology of Freedom*

Ricœur's analysis of evil, beginning with the hermeneutics of the symbolism of evil, has revealed the dialectic between the consciousness of the evil suffered and the consciousness of the evil done, in which the schema of the exteriority of evil (the evil as a tragic event that I have suffered, that has happened to me, that I can only passively endure) and the schema of the interiority of evil (the evil that I have inflicted, the evil that arises from my freedom) are constantly intertwined.[5] This dialectic has taken different forms throughout history. The modern thought on evil has taken as its framework the scheme of interiority developed in Immanuel Kant's reflection on evil, in which evil is seen as arising

[5] P. Ricœur, *The Symbolism of Evil*, translated by E. Buchanan, Boston, Beacon Press, 1972; P. Ricœur, *The Conflict of Interpretations. Essays in Hermeneutics*, edited by D. Ihde, London, The Athlone Press, 1974, pp. 269-377. Ricœur describes the different notions of evil by analysing the symbols of evil (stain, sin, guilt) and interprets the dynamics of the symbols of evil using Georg Hegel's scheme of dialectics, in which one notion of evil is overcome while preserving the other. In keeping with Ricœur's own intentions, it would probably be more accurate to speak of a conflict of interpretations – a conflict between the hermeneutics of suffering and the hermeneutics of guilt – than of a Hegelian dialectic. This is particularly true in the period following *Freud and Philosophy*. Ricœur writes: "For me, the passage through Freud was of critical importance; besides the decreased concentration I owe to him on the problem of guilt, and a greater attention to underserved suffering, I owe to the preparation of my book on Freud the acknowledgement of the speculative constraints tied to what I have called the conflict of interpretations" (P. Ricœur, "Intellectual Autobiography," in *The Philosophy of Paul Ricœur*, edited by L. E. Hahn, Chicago, Open Court, 1995, p. 21).

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from my freedom. At the same time, it becomes clear that there is unavoidable tension within this scheme: for Kant, freedom is both the power to grasp and apply the moral law and the power to violate it. Nancy, in turn, develops an ontology of freedom while simultaneously reflecting on a contemporary radical or absolute evil that has lost its relation to the law. However, here we must bear in mind that Kant spoke of radical evil in order to grasp the root of evil, whereas Nancy (and we in this article) associate radical evil with its excessive character.

Let us, therefore, look more closely at Kant's way of reasoning to see how the ontological analysis of Nancy and Ricœur modifies it. As is known, it was Kant who introduced the concept of "radical evil" (radical Böse) into the philosophical discourse of modernity. However, he withdrew from it: he did not dare to recognize the malicious reason and unconditionally bad will operating in man, which could jeopardize the entire Enlightenment project. Recognizing reason and will as seeking to violate the moral imperative, the subject would turn into a diabolical being[6]. However, we should not lose sight of the fact that when raising the question of "radical evil," Kant was looking for the root of evil in human nature, and, therefore, he did not want to admit that man as such is a diabolical being. Researchers of Kant's philosophy, Richard J. Bernstein and John R. Silber, note the internal contradiction of his position, arising from the tension between different levels of analysis of evil: the metaphysical level (the definition of human nature) and the existential level (the possibility of choosing evil). They point out that by recognizing not only the will (Wille) as the rational aspect of the will (i.e., the law-legislating will) but also the will (Willkür) as the power to choose between different possibilities, Kant, without contradicting himself, cannot in any way exclude the possibility that at the existential level, some people can become devilish because such a conclusion is implied in the very concept of a free choice, or free decision (Willkür)[7]. Moreover, an interpretation of Kant's philosophy that emphasizes the existential aspect would make it possible to link the possibility of choosing evil, implied in free decision, with the notion of existence itself as a possibility; it is Martin Heidegger and Jean-Luc Nancy who have developed this kind of interpretation of Kant's philosophy. It reverses the very logic of Kant's argumentation and shows that the a priori level is derived from the facticity of being. For example, Nancy, following the Heideggerian interpretation of Kant, claims that the phenomenon of evil is essential to the formulation of the moral law itself: the fact of evil, i.e., the fact that evil already exists, allows for the formulation of a categorical imperative. In other words, the categorical

[6] I. Kant, *Religion within the Bounds of Bare Reason*, translated by W. S. Pluhar, introduction by S. R. Palmquist, Indianapolis, Cambridge, Hackett Publishing Company, Inc, 2009, p. 39.

[7] R. J. Bernstein, *Radical Evil: A Philosophical Interrogation*, Cambridge, Oxford, Polity Press, 2002, p. 43; J. R. Silber, "Kant at Auschwitz," in *Proceedings of the Sixth International Kant Congress*, edited by G. Funke and Th. Seebohm, Washington, DC, Centre for Advanced Research in Phenomenology and University Press of America, 1991, pp. 198-199.

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imperative is an imperative for a finite, conditioned being who does not behave properly[8].

In this context, Nancy's theoretical-historical analysis of the concept of evil is worth examining in further detail. Nancy distinguishes three theoretically and historically developed ways of talking about evil: in the first case, evil is spoken of as misfortune or failure; in the second – as a disease or accidental disorder; thirdly, evil is called simple, pure, or absolute[9]. Each of these ways of articulating evil is specific to a particular historical epoch or world configuration. The first way of articulating evil was typical of ancient culture. It perceived evil as a failure or a fatal, tragic event that happened by the divine will. There is no subjective guilt here; rather, evil as misfortune or fatality is fundamentally rooted in the very existence of man as a mortal, as opposed to the blessed existence of the immortal gods. The second way of articulating evil is characteristic of both philosophical and theological, as well as modern, rational thinking, which confronts evil as a dysfunction of the world or a disease that disrupts an essentially just order. So evil here is the violation or disruption of the normative order or the normatively "healthy" order. Such evil is not fatal – by taking appropriate actions, it can be removed, and the order can be restored, regardless of whether the disruption of the order itself was subjective (sin, guilt) or objective (disease or even death). A third way of talking about evil in an absolute and radical sense, characteristic of the contemporary world, according to Nancy, highlights it as an evil of "complete nihilism"[10]. In the latter sense, evil turns out to be fundamentally related to freedom itself, its groundlessness, and, unlike the previous ways of articulating evil, it is not defined negatively, i.e., as a lack of good, but positively, i.e., as having a reality of its own (attracting or repelling evil for the sake of evil itself).

Reflection on the historical development of the concept of evil reveals a transition from the schema of the exteriority of evil to the schema of the interiority of evil, from myth to ethics (this trend is traced by both Nancy and Ricœur). However, as we have seen, this tendency does not mean that the ontological dimension of evil is lost; on the contrary, we return to it by highlighting the existential dimension of ethics itself.

Thus, the third way of articulating evil, which Nancy attributes to the contemporary world, "radicalizes" the Kantian problematics of radical evil by

[8] S. Sparks, "The Experience of Evil: Kant and Nancy," in *Theoretical Interpretations of the Holocaust*, edited by Dan Stone, Berlin, Brill, 2001, pp. 207-211. Ricœur, reflecting on the prohibitive nature of the law in a slightly different context, makes a similar point when he writes: "It is because violence taints all the relations of interaction, because the power-over exerted by an agent on the patient of action, that the commandment becomes law, and the law, prohibition: "Thou shalt not kill" (Ricœur, *Oneself as Another*, cit., p. 351).

[9] J.-L. Nancy, "Considerazioni sul male," in *Il Male. Scritture sul male e sul dolore*, a cura di F. Rella, traduzione di F. Rella, Bologna, Edizioni Pendragon, 2001, p. 101.

[10] Nancy, "Considerazioni sul male," cit., p. 108.

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"inscribing" evil into freedom as such. Juxtaposing the Kantian and the contemporary conceptions of evil, Nancy argues that for Kant, radical evil was inseparable from the law, and in a sense, the ability to recognize evil was protected by the law itself. Having chosen evil, that is, having violated the law, a person knew that he/she was doing wrong. Meanwhile, the evil of our time "is a perversion of the law, such that it is overturned and consigned entirely to the 'concentration-in-itself' of a subject who no longer 'knows' itself as 'evil', which is simply the sinking, let's say 'autistic', into itself of a being that denies existence itself"[11]. Explaining the concept of evil as "complete nihilism" from the point of view of the subject's existence, Nancy points out that there are two ways of being oneself: to be in oneself (or to oneself) and to be for the other (as well as for the other in oneself). Therefore, absolute evil is attributed to a person's excessive desire to be oneself (its over-identity and over-essentiality) because, in this way, the person turns against his own existence, its openness to the other[12]. The inability to imagine another who is not like you and to realize that the world is not for you alone leads to that kind of evil[13].

To deepen the analysis and emphasize the ontological aspect of the problem of evil, both Nancy and Ricœur turn to Heidegger. Martin Heidegger's concept of nothingness, conceived of as a certain way in which Being gives itself, is more helpful because nothingness, not being any entity, allows the groundlessness and contingency of being to appear. Although nothingness seems to have anything to do with destructiveness, in the latter sense, it also reveals its nihilative nature. In the "Letter on Humanism," Heidegger writes:

> With healing, evil appears all the more in the clearing of Being. The essence of evil does not consist in the mere baseness of human action, but rather in the malice of rage. Both of these, however, healing and the raging, can essentially occur only in Being, insofar as Being itself is what is contested. In it is concealed the essential provenance of nihilation. What nihilates illuminates itself as the negative. […] Every "no" that does not mistake itself as wilful assertion of the positing power of subjectivity, but rather remains a letting-be of ek-sistence, answers to the claim of the nihilation illumined[14].

[11] Nancy, "Considerazioni sul male," cit., p. 107.

[12] Nancy, "Considerazioni sul male," cit., p. 108.

[13] Hannah Arendt illustrates this by the example of Adolf Eichmann, one of the organizers of the Holocaust, and his "autistic" behaviour during his interrogation: he poured out his heart to the German Jew who interrogated him and explained that it was no fault of his that he only reached the rank of lieutenant colonel in the SS and was not promoted (H. Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil*, revised and enlarged edition, New York, The Viking Press, 1964, p. 287).

[14] M. Heidegger, "Letter on Humanism," in *Basic Writings: From Being and Time (1927) to The Task of Thinking (1964)*, edited by D. F. Krell, 2nd revised and expanded edition, San Francisco, Harper, 1993, p. 260.

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Reflecting on this passage in Heidegger's "Letter on Humanism," Nancy writes that the freedom that turns against itself cannot be interpreted as a mere exposure of man's "wickedness" in opposition to the generosity of being. The fact that we distinguish between these two possibilities – healing and the raging – means that "evil is possible as the "rage" that precipitates being into the nothingness that it also is"[15]. On the other hand, by asking how an ek-sistence that is put into nothingness can be distinguished from an ek-sistence that is set up for its own possibility, i.e., how one nothingness can be distinguished from the other, Nancy replies that any predefinition of evil would be a retreat from the necessity to thinking the possibility of evil as a possibility of ek-sistence[16]. This means that no matter how deep the roots of evil go, even if they reach to the "rage" of existence itself, evil must be considered as a possibility for our existence. This interpretation seems to allow Nancy to stay within an ethical perspective without abdicating absolute responsibility for the meaning/sense of the world.

In this groundlessness of being, Nancy sees the origins of freedom that can turn against itself or withdraw from itself. Freedom is not a human quality or property; rather, it is liberation itself, being beyond oneself, withdrawing from oneself. According to Nancy, evil "is a possibility of the existent only in the sense that in evil the existent withdraws existence into the abyss of being – pure immanence or pure transcendence – instead of letting being withdraw into the existentiality of existence"[17]. It is in this sense, in relation to existence, that freedom is the ability to choose good or bad. Suppressing or taking away the existentiality of existence (which can take many forms beyond killing) is a decision that takes away the possibility of a decision, leaving nothing left to decide. As we can see, the decision here is also not interpreted in a moral sense. Therefore, the choice of good or evil does not mean an attitude towards the content of "values" or "norms" but a relationship with existence. According to Nancy, a decision that chooses evil "does not know itself as evil"; it can appear to itself as "good," "taken," or " resolved." Concurrently, an authentic decision holds open the very possibility of a decision. Paradoxically, the authentic decision also does not know itself as a decision that chooses the good; it cannot present itself as "good" "because as deciding, and not as already decided, the decision is at every moment new"[18]. However, the authentic decision, which retains the difference of in-decision, does not mean the possibility of doing "anything" or letting it be done. This would invalidate the decision itself. It is rather involved in obligation and responsibility in the sense that it appears

[15] J.-L. Nancy, *A Finite Thinking*, edited by S. Sparks, Stanford, Stanford University Press, 2003, p. 191.

[16] Nancy, *A Finite Thinking*, cit., p. 192.

[17] Nancy, *A Finite Thinking*, cit., p. 128.

[18] Nancy, *A Finite Thinking*, cit., p. 162.

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before every imperative and every law as freedom in relation to the law or as "law withdrawn from every form of law"[19].

As we have seen, Nancy's ontology of freedom is based on Heidegger's groundlessness of being, but it is precisely on the issue of Heidegger's groundlessness of being that the positions of Nancy and Ricœur differ. According to Ricœur, in Heidegger's case, we are dealing not with evil but with an "ontological trait, prior to any ethics"[20]. Therefore, Ricœur regrets that "Heidegger does not show how one could travel the opposite path – from ontology toward ethics"[21]. Since Being itself is understood by Heidegger as a contest between healing and rage, this "letting-be of ek-sistence," which, according to Ricœur, responds to the claim of nihilation, turns out to be the deepest level of passivity, from which there is no transition to ethics. Also, it is not only the transition from ethics to ontology but also the transition from ontology to ethics that is central to Ricœur's considerations on justice. We therefore suggest that the embodiment of freedom, and thus the link between the ontology of freedom and the ontology of the body, could be the thread that prevents the loss of the ethical dimension.

2. *The Ontology of the Body*

The phenomenon of the body, which escapes both Kant's and Heidegger's reflections on freedom, leaves a certain gap or lacuna. In fact, we must note that although Kant does not extend his analysis of the phenomenon of the body, it appears in his lectures on ethics and confirms its fundamental role. Kant indicates that the embodiment of freedom expresses the very concreteness of our existence and, let us add, our presence in concrete situations, to which we must respond without abandoning them:

> […] if the body belonged to life in a contingent way, not as a condition of life, but as a state of it, so that we could take it off if we wanted; if we could slip out of one body and enter another, like a country, then we could dispose over the body, it would then be subject to our free choice, albeit that in that case we would not be disposing over our life, but only over our state, over the movable goods, the chattels, that pertained to life. But now the body is the total condition of life, so that we have no other concept of our existence save that mediated by our body, and since the use of our freedom is possible only through the body, we see that the body constitutes a part of our self[22].

[19] Nancy, *A Finite Thinking*, cit., p. 163.
[20] Ricœur, *Oneself as Another*, cit., p. 349.
[21] Ricœur, *Oneself as Another*, cit., p. 349.
[22] I. Kant, *Lectures on Ethics*, edited by P. Heath and J. B. Schneewind, translated by P. Heath, Cambridge, Cambridge University Press, 1997, p. 144.

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Although the phenomenon of the body, or rather the sensitive (living) body, is central to both Ricœur's and Nancy's notions of justice, they move in different directions in their interpretations of corporeality. First, Ricœur seeks to show how the phenomenon of the body (suffering and action) shapes the reciprocity of interpersonal relations. Nancy's description, on the contrary, seeks to not only reveal the body's entanglement in the multiple relations of the world but also to rethink the notion of meaning/sense itself in terms of suffering and anguish.

We will try to briefly outline the specificities of these two approaches and show how the ontology of the sensitive body enables us to articulate the question of justice. Ricœur's ontology of the sensitive body leads us to understand human existence as action and suffering[23]. It allows us to grasp the structure of intersubjectivity implicit here, which is fundamental to the definition of both ethics and justice. Indeed, Ricœur takes a circuitous route to the ontology of the sensitive body in order to show how the fundamental concepts of self-esteem and self-respect that define interpersonal relations are rooted in this phenomenon. Ricœur's detour is through Kant's philosophy and helps us to link the theme of the categorical imperative and freedom mentioned at the beginning with the theme of corporeality discussed here. Ricœur begins with the second formulation of Kant's categorical imperative, which instructs us to behave in such a way that the human being, both in his own person and in the person of the other, is regarded as an end in himself and not merely a means in his own power. According to Ricœur, injustice, violence against the other person, occurs when the delicate balance between action and suffering is disturbed, and the other is reduced to pure suffering. He writes:

> The power-over, grafted onto the initial dissymmetry between what one does and what is done to another – in other words, what the other suffers – can be held to be the occasion par excellence of the evil of violence. The descending slope is easy to mark off, from influence, the gentle form of holding power-over, all the way to torture, the extreme form of abuse. Even in the domain of physical violence, considered the abusive use of force against others, the figures of evil are innumerable, from the simple

[23] Here I would like to mention Jean-Luc Amalric's article, which explores the passage from the evil committed to the evil undergone in Ricœur's reflection on evil and considers Ricœur's idea that suffering is not the same as pain. This enables us to situate suffering precisely within the context of intersubjective relations, including war: "For Ricœur, the fact that we still experience suffering as an evil testifies to the "extraordinary intertwining" of the phenomena of suffering and guilt. And it also remains true that the portion of suffering that results from the action of humans on each other is enormous. It seems to me, as such, that the theme of the "human being who acts and suffers" – which becomes central in *Oneself as Another* – corresponds precisely to the taking into account of this *profound entanglement of action and suffering* at the core of human plurality" (J.-L. Amalric, "Finitude, Culpability, and Suffering: The Question of Evil in Ricoeur," in *A Companion to Ricœur's Fallible Man*, edited by S. Davidson, Lanham, Boulder, New York, London, Lexington Books, 2019, p. 195.

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> use of threats, passing through all the degrees of constraint, and ending in murder. In all these diverse forms, violence is equivalent to the diminishment or the destruction of the power-to-do of others. But there is something even worse: in torture, what the tormentor seeks to reach and sometimes – alas! – succeeds in destroying is the victim's self-esteem, esteem which our passage by way of the norm has elevated to the level of self-respect. What is called humiliation – a horrible caricature of humility – is nothing else than the destruction of self-respect, beyond the destruction of the power-to-act. Here we seem to have reached the depths of evil[24].

If we return to Ricœur's critique of Heidegger's groundlessness of being (on which, as we have said, Nancy based his ontology of freedom) as the deepest level of passivity, from which Ricœur argued that no ethics could be derived, if we compare it with the passivity of bodily existence, which makes the phenomenon of suffering possible, we could say that for Ricœur the latter becomes precisely the possibility of ethics (and at the same time the possibility of radical evil and justice). In Ricœur words, "[…] the passivity belonging to the metacategory of one's own body overlaps with the passivity belonging to the category of other people; the passivity of the suffering self becomes indistinguishable from the passivity of being the victim of other (than) self"[25]. The bodily suffering through which the passivity of my existence is given thus becomes the precondition for the perception of the suffering of the other and the establishment of an intersubjective relationship defined not in terms of power, but in terms of action and suffering. Accordingly, the pursuit of justice here would imply the desire to maintain a balance between action and suffering.

Nancy, for his part, examines the phenomenon of suffering by drawing his attention to the changing meaning of the suffering body. In the past, the suffering body was "quivering," pathos-laden, and rich with signs, and suffering was confused with jouissance, torture, and sacrifice. But the suffering body of our time is broken, dismembered, shrunken, without any meaning, and for no reason[26]. Moreover, Nancy argues that even the notion of the sensitive/living body (flesh), which is overloaded with meaning and retains a strong egological trace, should be replaced by the more neutral notion of the body, for the world to come is now a world of bodies and suffering is simply there, without meaning. According to Nancy, it is not only in hospitals that we will find such an "anaesthetized" body; even in wars, there is no longer a passionate glorification of suffering, only the cold horror of shameful stupidity. Nancy argues that it is only in the face of the body, thus abandoned, that we can think

[24] Ricœur, *Oneself as Another*, cit., p. 220.

[25] Ricœur, *Oneself as Another*, cit., p. 320.

[26] J.-L. Nancy, *The Sense of the World*, translated by J. S. Librett, Minneapolis, London, The University of Minnesota Press, 1997, p. 149.

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of belonging to suffering without projecting redemption or final anaesthesia. In other words, the meaninglessness of the suffering body allows us to stand in the face of the obscurity of meaning/sense, to think of meaning/sense itself not as revealed, granted, or conquered but as suffered. Suffering as an archi-transcendental condition of meaning/sense is, according to Nancy, nude exposition to it, disproportionate, impenetrable hardness to constitute meaning/sense. This suffering is echoed in Nancy's text fragment from Noli me tangere:

> […] at the very least ''Do not touch me'' is necessarily in a register of warning before a danger (''You're going to hurt me'' or ''I'm going to hurt you,'' ''You're challenging my integrity'' or ''I have to defend myself''). To say it in a word, and making a kind of saying out of it – difficult to avoid – ''Don't touch me'' is a phrase that touches and that cannot not touch, even when isolated from every context. It says something about touching in general, or it touches on the sensitive point of touching: on this sensitive point that touching constitutes par excellence (it is, in sum, ''the'' point of the sensitive) and on what forms the sensitive point within it. But this point is precisely the point where touching does not touch and where it must not touch in order to carry out its touch (its art, its tact, its grace): the point or the space without dimension that separates what touching gathers together, the line that separates the touching from the touched and thus the touch from itself[27].

This "Do not touch me," exposed in the dismembered and broken bodies, separates the touching from the touched and excludes any meaning we might wish to give to suffering. In this respect, Nancy is quite close to Emmanuel Levinas, who spoke of "useless suffering" and rejected any attempt to justify the suffering of the other[28]. So, in suffering, the relation is immediately ethical. This ethic is based not on shared values but on mutual bodily exposure. Moreover, for Nancy, the self itself is a relation, and as such, it can never be closed on itself.

3. *Towards Justice*

Our aim here is not to present the detailed and nuanced conceptions of justice of Ricœur and Nancy[29] but rather make some observations that might help us

[27] J.-L. Nancy, *Noli me tangere: On the Raising of the Body*, translated by S. Clift, P.-A. Brault, and M. Naas, New York, Fordham University Press, 2008, p. 13.

[28] E. Levinas, "Useless suffering," *The Provocation of Levinas*, ed. R. Bernasconi, D. Wood, London and New York, Routledge, 1988, pp. 156-167.

[29] Paul Ricœur has devoted many texts to the analysis of justice. We will mention just a few of them here. First of all, in *Soi-même comme un autre* (1990), the question of justice is discussed in the context of ethics, and in *Le Juste 1* (1995; English translation, 2000), a two-volume set of lectures, and *Le Juste 2* (2001), the question of justice appears at the intersection of philosophical and legal discourse. In many

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to articulate the question of justice in the face of the radical evil of war. Both thinkers break through the narrow logic of war, which knows only the victor's justice, and try to remind us of infinite justice and our responsibility. Both thinkers stress the importance of principles of equality and asymmetry (Ricœur) or equality and singularity (Nancy). Ricœur already sees these principles in the Golden Rule, which we find formulated in both the Jewish (Hillel) and Christian (Paul, Luke, Matthew) religious traditions. It can be formulated negatively, as a prohibition ("Do not do unto your neighbour what you would hate him to do to you"), or positively, as a commandment ("Treat others as you would like them to treat you"). But what Ricœur finds most impressive and surprising is that there is no demand for equality of all: in other words, the demand for reciprocity is based on the initial asymmetry between the one who acts and the one who suffers[30]. Thus, justice will demand symmetry (even if the wrongdoer would never "submit to such an agreement if he could resist"), and asymmetry as well, showing the difference between the positions of the aggressor and the victim.

Nancy, for his part, formulates the question of justice in terms of a distinction between the two senses of *juste*: (1) justice and (2) exactitude[31]. However, he does not distinguish between these two meanings in order to abandon one of them, but, on the contrary, in order to refer to both. Thus, justice in the moral sense is complemented here by exactitude, i.e. what is fitting, since what is right/appropriate is to give to the other what belongs to him, what is proper. This, in turn, allows Nancy's concept of justice to combine the demands of equality and singularity (difference, incommensurability), even though there is a gap between them, because, as Nancy says, we will never be able to give everyone what belongs to them. Nancy thus formulates the demand for absolute justice as an imperative to achieve as much justice as possible, which allows him to speak of a being-together and sharing even if we don't know exactly what or who is an "existing singular" and where it begins and ends:

> The measure of the suitability [la convenance] – the law of the law, or absolute justice – is only in the sharing itself and in the exceptional singularity of each – of each instance [cas], each according to this sharing. Yet, this sharing is not given, and "each" is not given (that which is the

texts, Jean-Luc Nancy touches on the question of justice but only in passing, leaving much to be inferred. Justice appears in the context of suffering and violence, of the creation of the world (*Le sens du monde* (1993), *Être singulier pluriel* (1996), *La création du monde ou la mondialisation* (2002)), of the political discourse (*L'expérience de la liberté* (1988), *Vérité de la democratie* (2008)), and so on. It is also worth mentioning the booklet *Juste impossible* (2007), which publishes Nancy's lecture to children and young people and the answers to the audience's questions in 2006.

[30] Ricœur, *Oneself as Another*, cit., p. 219.

[31] Nancy, *Being Singular Plural*, cit., pp. 81, 186; J.-L. Nancy, *Juste impossible*, Paris, Bayard, 2007, p. 12.

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> unity of each part, the occurrence of its instance, the configuration of each world). This is not an accomplished distribution. The world is not given. It is itself the giving [le don]. The world is its own creation (this is what "creation" means). Its sharing is put into play at each instant: the universe in expansion, the un-limitation of individuals, the infinite need of justice. […] And this also entails that one not know exactly (that one not know "au juste," as is said in French) what or who is an "existing singular," neither where it begins nor where it ends. Because of the incessant giving and sharing of the world, one does not know where the sharing of a stone starts or finishes, or where the sharing of a person starts or finishes[32].

In very general terms, then, Nancy's conception of the creation of the world shows justice as a dynamic and never-ending quest, while Ricœur's is more concerned with the search for a just and wise practical solution, oriented to a particular situation, inseparable from the sense of injustice, as it guides us through the difficulties and conflicts of applying the rule of justice.

4. *Conclusions*

The experience of the radical evil of war has placed us in a situation that is both urgent and undecidable. Therefore, it was necessary to take a philosophical detour to analyze the problem of evil, starting from the ontology of freedom. The diagnosis of our contemporary situation as a "complete nihilism", inseparable from the groundlessness of freedom, led to the identification of radical forms of evil, which consisted in the autistic denial of openness both to existence itself and to the other. In turn, the ontology of the body, which made it possible to recognize existence as action and suffering, broke through the logic of power relations as action and reaction. Research into Ricœur's ontology of the body has allowed us to question the Thrasymachian principle of justice as the benefit of the strong by showing action and suffering as non-eliminable aspects of bodily existence. Ricœur showed that the destruction of the victim's self-esteem and power to act, as witnessed by suffering, demands a justice that combines the principles of equality and asymmetry, that is, a justice that distinguishes between aggressor and victim. Following Nancy, who defined justice as the indeterminacy, incalculability, and incommensurability of being, we have also acknowledged the perspective of infinite justice, inseparable from the realization that we are never just enough.

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[32] Nancy, *Being Singular Plural*, cit., pp. 185-186.

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