

Paul Ricœur's Search for a Just Community

The Phenomenological Presupposition of a Life "with and for others"

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Abstract:

The aim of this article is to examine how Ricœur's critique of Husserl's and Levinas's notions of intersubjectivity informs his own alternative conceptualization of the intra- and interpersonal as a complex intertwining of moral selfhood and a just community. My first assumption is that law, as a prescriptive intervention in the social structure of our communal life, presupposes a phenomenology of our "being with others". My second assumption is that Ricœur's entire philosophical anthropology, and specifically his ideas on ethics, legality and justice, can be read as a prolonged response to Husserl's solipsistic deadlock in the famous Fifth Cartesian Meditation. Taken together these two assumptions connect Ricœur's early analysis of phenomenology with his complex reconceptualization of moral selfhood in *Oneself as Another*, culminating in the ethical maxim of "a good life with and for others in just institutions."

Keywords: phenomenology, Husserl, intersubjectivity, Levinas, justice

Résumé:

Le but de cet article est d'examiner comment la critique de Ricœur concernant la notion d'intersubjectivité de Husserl et de Levinas informe sa propre conception alternative de "l'intra" et de "l'interpersonnel" comme entrelacement complexe de l'individualité morale et d'une communauté juste. Ma première hypothèse est que le droit, en tant qu'intervention prescriptive dans la structure sociale de notre vie communautaire, présuppose une phénoménologie de notre "être avec les autres". Ma deuxième hypothèse est que toute l'anthropologie philosophique de Ricœur, et plus particulièrement ses idées sur l'éthique, la légalité et la justice, peuvent être lues comme une réponse prolongée à l'impasse solipsiste de Husserl dans la fameuse *Vème Méditation Cartésienne*. Prises ensemble, ces deux hypothèses relient l'analyse ricœurienne précoce de la phénoménologie à sa reconceptualisation complexe dans *Soi-même comme un autre*, aboutissant à la maxime éthique d'une "vie bonne avec et pour les autres dans des institutions justes."

Mots-clés: phénoménologie, Husserl, intersubjectivité, Levinas, justice

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The Phenomenological Presupposition of a Life "with and for others"

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In whatever way, we may be conscious of the world as universal horizon, as coherent universe of existing objects, we, each "I-the-man" and all of us together, belong to the world as living with one another in the world; and the world is our world, valid for our consciousness as existing precisely through this 'living together.' [...] we, in living together, have the world pre-given in this together [...]"¹

Edmund Husserl

Introduction

Paul Ricœur never wrote a separate book on law or justice, but in the early 1990's he gave a range of lectures in Paris for the *Institut des Hautes Études sur la Justice* which focussed on key aspects of law like the act of judging, the plurality of justice, the concept of responsibility, the relation between law and conscience, sanctioning, rehabilitation and pardoning and, most importantly, the question 'who is the subject of rights'? Ricœur's early work on willing, consent, the symbolism of evil, sin and guilt, and his later work on promising, forgiveness, amnesty, recognition and 'states of peace' can easily be perceived through a legal lens as they engage with basic problems of any judicial system. Many of Ricœur's explorations of Kant, Hegel, Arendt, Weber, Gadamer, Rawls, Walzer, Boltanski or Habermas also touch on fundamental legal issues such as rights, duties, obligations, fairness, impartiality, equality, plurality, universality or authority. Although Ricœur perhaps did not develop a systematic critique of jurisprudence, his references to key legal theorists of his time, such as HL Hart, Hans Kelsen and Ronald Dworkin, show a clear awareness of the debates among legal positivism, legal hermeneutics and natural law.²

In her impressive overview of the field of *Rechtsphänomenologie*, Sophie Loidolt outlines that phenomenology can clarify how law constitutes itself as a social ontology of acting subjects in the *life-world* (*Lebenswelt*), while as a phenomenology of transcendental intersubjectivity it opens up the foundation and existential dimensions of our legal community or, following Levinas, an ethics that examines law from the perspective of the response towards and responsibility for the Other (which will inform Ricœur's ethics).³ As a descriptive phenomenology of violence, power and authority it becomes a critical legal theory, and as a "pure" phenomenology of law it explores the ultimate question: why do humans need law at all? why do we think and act in legal orders? Each act of judging automatically provokes the question of when, how and why humans experience certain rulings as "right" or "just," not just legally, but scientifically, morally, politically, logically, existentially, and so on. Because the deep experience of *injustice* seems prior to any theory of justice, and because injustice is *done* to us by

others, it is the intersubjective relation between humans which a 'judgement' judges whereby the aim of the judgement is to reinstall a 'just experience' (reflecting our *sense* of justice).

The aim of this article is to examine how Ricœur's critique of Husserl's and Levinas's notions of intersubjectivity informs his own alternative conceptualization of intersubjectivity as a complex intertwining of moral selfhood and a just community. My first assumption is that law, as a prescriptive intervention in the social structure of our communal life, *presupposes* a phenomenology of our "being with others." In law, our experience of our "being with others" is taken as an object of research and regulation and as such turns the phenomenological description of an experience into a prescription of what that experience *ought* to be. In more general terms, this experience evokes a set of common values, laws and regulatory institutions creating a symbolic order, which aims to reflect the meaning we attach to our "being with others." My second assumption is that Ricœur's entire philosophical anthropology, and specifically his ideas on ethics, legality and justice, can be read as a sustained response to Husserl's solipsistic deadlock in the famous *Fifth Cartesian Meditation*. Taken together these two assumptions connect Ricœur's early analysis of phenomenology with his complex reconceptualization of moral selfhood in *Oneself as Another*, culminating in the ethical maxim of "a good life *with and for others* in just institutions." A final assumption is that Ricœur's intersubjective phenomenology of the moral capable self and just institutions can revitalize the forgotten field of a *phénoménologie du droit*.⁵

While Husserl's pure form of eidetic phenomenology lost much of its influence during the 20th century, his analysis of intersubjectivity and his conceptualization of the *Lebenswelt* have remained important and have deeply influenced Ricœur's moral and social anthropology.⁶ Viewed from a phenomenological perspective, values, law and our sense of justice emanate from how we experience "our being with others" and, more precisely, from the quasi-natural act of normative rule-setting emerging from communality and collective action. Hence, any claim about the validity of law and justice presuppose a prior phenomenological understanding of a *shared* existence.

Husserl and the non-other Other

The well-known starting point for Husserl's exploration of intersubjectivity can be summarized in the question: if everything can only be perceived and experienced from the position of a pure subjectivity, how can we ever establish any form of reality, how can we be sure there really is a "world" out there? To radically summarize Husserl's answer: an intersubjective validity—what we commonly call objectivity—can be "actualized" only if two pure subjectivities make *similar* observations. Hence, if I want to claim an objective validity for my subjective experience I must assume the 'presence' of Others 'like me.' Matheson Russel summarizes Husserl's point aptly as, "when I see something as a real object, I am implicitly recognizing that it is something experienceable by others, even if in fact no one else *does* experience it, and even if I am not explicitly conscious of giving it such a meaning."⁷ This assumption is what Husserl describes as the layering of objects with an "appresentational stratum": we *layer* the object with the assumption that others perceive them similarly to me. This phenomenological presupposition of the existence of others leads Ricœur to state that "the constitution of the other plays the same

role in Husserl that the existence of God does in Descartes in preserving the objectivity of my thoughts.”⁸

In short, Husserl's phenomenology ultimately depends on an intersubjective actualization of our experiences validating the existence of a common, shared world.⁹ But in Husserl's eidetic analysis this validation still depends entirely on a pure transcendental *Selbstausslegung* (self-explanation). In the famous fifth study of his *Cartesian Meditations* Husserl confronts the limitations of this *Selbstausslegung* when attempting to describe how the solipsistic ego includes the actual alterity of the Other:

On the natural, the world-accepting attitude, I find differentiated and contrasted: myself and others. If I “abstract” (in the usual sense) from others, I “alone” remain. But such abstraction is not radical; such aloneness in no respect alters the natural world-sense, “experienceable by everyone,” which attaches to the naturally understood Ego and would not be lost, even if a universal plague had left only me. Taken however in the transcendental attitude and at the same time with the constitutional abstraction that we have just characterized, my (the meditator's) ego in his transcendental ownness is not the usual I, this man, reduced to a mere correlate phenomenon and having his status within the total world-phenomenon. What concerns us is, on the contrary, an essential structure, which is part of the all-embracing constitution in which the transcendental ego, as constituting an Objective world, lives his life.¹⁰

To explain the “total world-phenomenon” Husserl's phenomenology moves from a *monadic reduction* to *collective life*, thus, his analysis does not start *from* community—like the sociologist or anthropologist would do,—but rather befalls the methodological necessity to move *towards* it (the existence of an intersubjective community is, what *cannot* be presupposed!).¹¹ Husserl's “move” towards Otherness will, in the end, severely undermine the eidetic aspects of his entire project (for which only pure subjectivity be the source for an ultimate foundation). Ricœur aptly summarizes the problem:

“The alterity of the other person, like all other alterity, is constituted *in* me and starting from (*aus*) me. Yet it is precisely as other that the stranger is constituted as an ego for himself—that is, as a subject of experience just as I am, a subject capable of perceiving me as belonging to the world of his experience.”¹²

The paradox stated here is that the other is Other because it is outside me (and I can never gain access to this outside), but simultaneously it is my own ego cogito which constitutes this other as Other.¹³ Husserl finds a solution for this paradox through the concept of analogical apprehension (*analogisierende Auffassung*) of “another flesh.” Through a “precategorical and preintellectual transposition.”¹⁴ I perceive and intuitively experience that my body is a “body among bodies.” This perception Husserl calls an “apperceptive transfer”: I presume that other bodies are *like me* and, thus, my transcendental ego evokes an analogy or model-copy relation between “my” consciousness and that of Others. The apperceptive transfer constitutes three sorts of connections between the ego and the other (thus dissolving the original dissymmetry). First, we can fulfil ourselves through “pairing” (*Paarung*) with Others in “sexual experience, friendship, ordinary conversation, and the exchange of ideas”; second, we experience a confirmation or

“agreement of expressions, gestures, and postures” of our own behaviour (the habitat-reassurance); and third, with the help of our imagination the transfer enables a switch of positions: “The other is over there, where I could be if I were to move. In this way, imagination makes the other’s ‘here’ coincide with my ‘over there.’”¹⁵

This last result of the analogical apprehension forms the basic starting point for Ricœur's own notion of intersubjectivity—oneself *as* another—, and the ethics of promising and attestation attached to it. But in Husserl's sense, the Other never really becomes known to me: the other can only become a sort of *alter ego*, thus, another *me*. Ricœur notes a fundamental tension: Husserl needs to shift the position of the ego cogito towards an *intentional* sociology (our consciousness is always a consciousness of a “body among bodies” and, hence, constituted through community), *or* the ontic status of the community can only refer back to the singular status of the ego. Put differently: what for sociology is *primary* (community) can for phenomenology only be an analogical mimicry extending *singularity* (cogito): the Other only discloses another level of cognitive self-revelation, solipsism does not allow for genuine relationality. Ricœur recaps, “To represent something to oneself is to assimilate it to oneself, to include it in oneself, and hence to deny its otherness.”¹⁶

Whereas Husserl's notion of intersubjectivity amounts to the assimilation of exteriority into the ego, the work of Emmanuel Levinas reverses the phenomenological experience of otherness.

Levinas and the Absolute Other

Levinas considers our exposure to the face of the Other as so overwhelming that our ego dissolves in it leading to an inescapable ethical injunction. Hence, while Husserl's phenomenological description of our confrontation with the other reveals the impossibility of real communality (the other only evokes another self-foundational cognitive layer), Levinas' Other evokes a phenomenological imperative (we can never escape the effect of our exposure to the face of the Other): our “being with Others” seems to lead to cognitive solipsism or unilateral ethical violence. Hence, the two most influential phenomenological explorations of our “being with others” both fail in establishing a genuine intersubjective reciprocity. In his final work, *The Course of Recognition*, Ricœur declares that *reciprocity* cannot be built on “the ethical primacy of the other” over oneself because this primacy would create another “originary asymmetry” leading to forms of forced *equalizing*¹⁷ between self and other. Unsurprisingly, Ricœur's own conceptualization of our “being with others” takes a different approach:

“It is in me that the movement coming from the other completes its trajectory: the other constitutes me as responsible, that is, as capable of responding. In this way, the word of the other comes to be placed at the origin of my acts. Self-imputation [...] is now inscribed within an asymmetrical dialogic structure whose origin lies outside me.”¹⁸

This active response establishes various forms of self-constitution mediated by otherness. For Ricœur the “passivity” of the experience of otherness is, first, represented by the *body as flesh*; secondly by the “other” as the *foreign* or “other (than) self” (the other of Husserl's intersubjectivity) and, third and finally, as the “most deeply hidden passivity” of the relation of

"self to self" which is "conscience" or "Gewissen." Hereby conscience is, as Ricœur states, "through and through attestation".¹⁹ The otherness of the flesh, the foreign, and our conscience imposes itself on the Self as an inescapable "natural" imperative (and, hence, creates an ethical condition not dissimilar to Kant's *Faktum der Vernunft*).

In search of an alternative position to those of Husserl and Levinas, Ricœur places the Other "at the origin of my acts" but not as a *passive* encounter, but as an otherness which triggers capabilities allowing me to *actively* respond. Ricœur's question "How are we to account for the work of otherness in the heart of selfhood"?²⁰ already has the answer: otherness *works* through selfhood. Our response to the body, to what is foreign, or to the 'call of conscience' necessitates an intentional *activity*. It is through our various *capabilities* (this is a severe short-cut of Ricœur's complex theory) to act, narrate, promise, account, and so on, that our embodied, situated and temporal condition *entangles* sameness (*idem*) with selfhood (*ipse*), selfhood with otherness, and each with everyone. This alternative understanding to Husserl's and Levinas's notions of otherness echo Ricœur's early anthropological-phenomenology of the involuntary and voluntary formulated in *Freedom and Nature*. Through "consent" (an act of willing) we establish an equilibrium between our pre-determined finite nature and infinite willing. Ricœur's phenomenology of "consent" prepares the ground for the complex reformulation of selfhood evoked by the intertwinement between *idem*- and *ipse*-identity, and self and otherness. It is in the way we make promises to others, or account for our acts, that we maintain forms of self-identity, notwithstanding constant change and otherness.

The "work of otherness" also represents my will to live "with, and for others." In promising I state: trust me, I will keep my word because keeping my word to you is part of maintaining *who* I am. And in maintaining 'who I am' my life in common with what is other than me becomes co-represented. As such, the phenomenology of promising (of promises kept or broken) describes the fundamental experience of mutual trust or mistrust that constitutes or destroys any social bond. From a phenomenological perspective, the social bond depends not only on shared modes of being and values, but more importantly, on mutual *receptiveness*.

Ricœur designates the relation between self and Other as solicitude, reciprocity and friendship: strong receptiveness evokes mutuality, mutuality evokes relations of care. The "figures" of mutuality—solicitude, reciprocity and friendship—show the intertwinement of a shared life, self-esteem and the care for "each other" whereby *each* other is recognized (both as perception and identification) as a possible "other me." This "other me" is not so much a duplication of my own self, but the acknowledgement that all Others, as my fellow humans, have the same value as me; I value the other as I value myself, thus, I need to care for them as if I were caring for myself. Equally, if others suffer, I suffer not only because the initial suffering concerns "another me" but also because "it could be me." In friendship, for example, the pain of the other is my pain (we suffer "each-other's" pain), this makes me an "other among others." In this dialogical model of care, solicitude and suffering, it is the figure of unconditional reciprocity that determines the similitude at work in the "reversibility of roles" as well as the "bond between oneself and the other."²¹ Ricœur summarizes this relation as,

Similitude is the fruit of the exchange between esteem for oneself and solicitude for others. This exchange authorizes us to say that I cannot myself have self-esteem unless I esteem others as myself. "As myself" means that you too are capable of starting something in the

world, of acting for a reason, of hierarchizing your priorities, of evaluating the ends of your actions, and, having done this, of holding yourself in esteem as I hold myself in esteem. The equivalence between the “you too” and the “as myself” rest on a trust that can be held to be an extension of the attestation by reason of which I believe that I can (do something) and that I have worth. All the ethical feelings mentioned above belong to this phenomenology of “you too” and of “as myself.” For they well express the paradox contained in this equivalence, the paradox of the exchange at the very place of the irreplaceable. Becoming in this way fundamentally equivalent are the esteem of the *other as a oneself* and the esteem of *oneself as an other*.²²

Although each of us is “irreplaceable,” each of us is a similar (capable) self as “me.” In this phenomenology of the “you too” and “as myself” it is in the mutuality of self-esteem that Ricœur finds “the primordial reflexive moment of the aim of the good life.” (OA 188) Hereby, friendship represents the ideal-type of esteem between human beings as persons “who each esteem themselves.” Mutual self-esteem unfolds through the recognition of similitude, of reciprocity and finally, of equality. By this means, the intersubjective bond of friendship prepares the ethical intention of the larger social bond expressing a generalized idea of justice.

“As for the corollary of reciprocity, namely equality, it places friendship on the path of justice, where the life together shared by a few people gives way to the distribution of shares in a plurality on the scale of a historical, political community.”²³

The third component of the ethical intention, just institutions, is already included in the former two; the position of the “other” (in “oneself as another”) includes the position of “you” or the “each” in “each other.” The good life is a life lived *in common*—both with *intimate* others (like friends or family) and the *general* others included in the “each other.” Oneself *as another* thus, also implies “oneself as *each other*.”

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The inclusion of the unknown Third-party, of the “you” or “each” of “each other,” is already implicated in the definition of the good life in which I strive to act in a “good” way. As a medical doctor, for example, this good means that I treat patient’s unknown to me equally (equally well) as I would treat myself or my family and friends; hence, my “good practice” includes all others with whom I live; all others may not be “intimate others” but all others are my “fellow men.” Institutions represent the realm of the social beyond the interpersonal and it is in “the structure of living together” characterized as the “bond of common mores”²⁴ that the plurality of others meet in a communality. Within the institutionalization of the social bond the question of a just distribution, of the equality of means, is crucial. To guarantee that “each” one can exercise his or her rights—that we all get a fair share—is considered the hallmark of “just” institutions which establish just communities. But the status of the “desire to live together,” the importance of our *power-in-common* (Arendt) is something we have “forgotten.”²⁵ The everyday “relations of domination” derail the power and original sense of a “common initiative” (and make us forget that we organically, morally and politically live while “being with others.”)

Already in an early article, *The Socius and the Neighbour*, written fifty years before the publication of *The Course of Recognition*, Ricœur complains about the lack of a “sociology of the neighbour”: the theme of the “neighbour” is reduced to a “theology of charity” (reflecting the Biblical Samaritan) instead of being understood as the beginning of a yet uncompleted phenomenological sociology of *empathy* and *compassion* (a start for such a “philosophy of the *Mitwelt*” was made in the work of Max Scheler and Alfred Schütz). Ricœur’s ethics resets the original theological tone of this ‘sociology of the neighbour’ into an overall humanistic anthropological key. This leads to a reframing of the question of social recognition within the ethics of solicitude and the concept of just institutions worked out in *Oneself as Another*. Ricœur’s focus is not so much on the social or political claims of recognition, but rather on the primordial essence underlying recognition, i.e., the ontological dissymmetry between self and others (we are common in our humanity but different as humans). Thus, the main question becomes: how to think reciprocity and mutuality in light of the limits set by both Husserl (the other only appears as an alter ego), and Levinas (alterity completely comes to occupy the self)?

After a detour through Honneth’s actualization of the Hegelian concept of recognition, Ricœur shows how reciprocity should rather be understood from the perspective of our need for mutuality (in which mutuality again echoes Aristotle’s notion of friendship). Although concerned with collective identities and the social structures of justice, redistribution and equality, Ricœur’s wish to reclaim “recognition” as a philosophical (and not just as a political) concept aims at, in its final analysis, understanding the phenomenological difference between *reciprocity* and *mutuality*.

To examine this difference Ricœur reformulates Marcel Mauss’ famous anthropological analysis of the gift-exchange which does not just reveal a utilitarian or symbolic structure of (normative) reciprocity but also, as Ricœur argues, shows acts of *giving* and *receiving*. The “gift” from these acts is not just material, it is also *a giving of oneself* and *a giving towards others*; in giving, one also gives oneself, in receiving, one also receives the other. Hereby the highest, absolute and non-conditional form of giving and receiving is found in love as symbolized by the ancient Greek term *Agape* which represents the exact opposite of the theories of recognition based on social struggle. In love and friendship, mutuality and recognition do *not* result from a prior struggle, but are given *unconditionally*. In contrast to forms of recognition resulting from war or conflict (Hobbes), recognition emerging from a peaceful personal encounter can create forms of reciprocity based on mutuality, care, solicitude, respect and, ideally, unconditional love. Real recognition of otherness is, hence, a gift that harbors *no expectation of return*.

Conclusion

Ricœur’s thoughts on “recognition as mutuality” is the central ethical category underlying his entire anthropological system of thought. The path from *self*-recognition to *mutual* recognition connects the dialectic of idem- and ipse-identity (united in narrative identity, attestation, promising and remembering), with the dialectic of private and public, individual and collective identities (united in *communal* narratives, institutions, and the good). In this way, the “standing for” of moral selfhood and the “standing for” of the community share a dialectical and dialogical process that, if it fails, points back to our fragility and fallibility. But, if it succeeds, evokes an ontological commitment of mutual care, friendship and love as fulfilment of a concrete, communal life “for *oneself and with others* in just institutions.”

- ¹ Edmund Husserl, *The Crisis of the European Sciences and Transcendental Phenomenology* (Evanston: The University of Chicago Press, 1954), p. 136.
- ² Paul Ricœur, *The Just* (Chicago: The University of Chicago Press, 2000), and *Reflections on the Just* (Chicago: The University of Chicago Press, 2007).
- ³ Sophie Loidolt, *Einführung in die Rechtsphänomenologie. Eine historisch-systematische Darstellung* (Tübingen: Mohr Siebeck, 2010), pp. 44-45
- ⁴ Cf. *Ibid.*, p. 45.
- ⁵ Our desire to know 'what is right' or 'what is just' is so fundamental that it informs all forms of thinking, deciding and acting. As such "juridical thinking" (*rechtliches Denken*) or "juridical being" (*rechtliches Sein*) is anchored in an existential innate structure where epistemological, ontological and ethical aspects of reasoning presuppose a phenomenological experience that "gives"—as Ricœur would say—meaning. Cf. *Ibid.*, p. 45
- ⁶ Cf. *Ibid.*, p. 37. Loidolt rightly points to three generations of 'intersubjectivity' scholars influenced by Husserl's work: first, Martin Buber, Max Scheler, Edith Stein; second, Maurice Merleau-Ponty, Jean-Paul Sartre, Hannah Arendt, Emmanuel Levinas; and third, Jacques Derrida, and Bernard Waldenfels. Ricœur's thinking seems to be across all three generations whereby his translation of Husserl's *Ideen* I had a lasting impact on the French second and third generation of these scholars.
- ⁷ Matheson Russel, *Husserl. A Guide for the Perplexed* (New York: Continuum, 2006), p. 165
- ⁸ *Ibid.*, p. 165.
- ⁹ *Ibid.*, p. 163
- ¹⁰ Edmund Husserl. *Cartesian Meditations. An Introduction to Phenomenology* (Den Haag: Martinus Nijhoff Publishers, 1960), §94
- ¹¹ Paul Ricœur, *Husserl. An Analysis of his Phenomenology*. Trans. Edward G. Ballard and Lester E Embree. (Evanston: Northwestern University Press, 1967), p. 135
- ¹² Paul Ricœur, *The Course of Recognition*. Trans. David Pellauer. Institute for Human Sciences Vienna Lecture Series (Cambridge Mass.: Harvard University Press, 2005), p. 154
- ¹³ Thus, this paradox summarizes the conflict of idealism and realism.
- ¹⁴ *Ibid.*, p. 155
- ¹⁵ *Ibid.*, p. 155
- ¹⁶ Paul Ricœur, *Oneself as Another*, trans. Kathleen Blamey (Chicago: University of Chicago Press, 1991), p. 336
- ¹⁷ *Ibid.*, p. 161. Ricœur argues: "Whether one starts from the pole of the ego or the pole of the other, in each case it is a question of comparing incomparables and hence of *equalizing* them."
- ¹⁸ *Ibid.*, p. 326

¹⁹ Ibid., p. 319

²⁰ Ibid., p. 318

²¹ Ibid., p. 193

²² Ibid., p. 194

²³ Ibid., p. 194

²⁴ Ibid., p. 197