

INTERPELLATION AND LAW

For a Phenomenology of the Juridical Relation

The triadic structure Call · Response · Resonance put to the test of the legal framework

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Fifth founding text of the Mahoukou corpus

Triadic structure of interpellation (known as the Mahoukou Law)

Foreword Law speaks. But to whom?

"Law addresses everyone — and therefore, structurally, no one in particular. That is its strength and its limit. The phenomenology of interpellation begins where law stops: at the threshold of singularity."

Law is a system of address. It speaks — in codes, contracts, judgements, procedures. It says: you have rights, you have obligations, you may appeal, you must respond. In this sense, law has the form of a Call: it addresses, it engages, it opens a space in which a response is expected.

But this Call is generic. It targets the litigant, the contracting party, the citizen, the legal person — types, categories, juridical abstractions. It does not target you, singular, irreplaceable, bearer of a history that resembles no other. And it is precisely this difference — between the generic Call of the norm and the singular Call of existential encounter — that is at the heart of this text.

The phenomenology of interpellation, as formalised by the triadic structure Call · Response · Resonance, describes a structure of experience that law can neither exhaust nor replace: the structure of encounter between two singular existences, in which

something is given that cannot be reduced to rights and obligations. This something — Resonance — is precisely what law cannot decree.

The thesis defended may be formulated as follows: *law is a condition of possibility of certain forms of genuine interpellation — it protects the space in which encounter can take place. But it cannot substitute for the encounter. It can forbid impediment; it cannot decree Resonance.*

PART I

Law as a System of Call

What it accomplishes and what it misses

§ 1 — The legal norm as generic Call

The legal norm has the formal structure of a Call. It addresses an addressee, it engages them in a relation in which a response is expected. In this sense, law is a massive system of interpellation: it simultaneously mobilises millions of subjects, tells them how to behave, places them under obligation to respond to specific situations.

But the address structure of the legal norm structurally differs from the phenomenological Call described by the triad. The difference lies in the singularity of address. In genuine interpellation, the Call targets a singular and irreplaceable addressee. The legal norm, by definition, targets a class of addressees — all those in the situation described by the rule.

This genericity is not a defect of law — it is its condition of possibility. But it has a precise phenomenological cost: the juridical Call may pass without reaching anyone in their singular existence. The right to benefits is notified; no subject recognises themselves as its real addressee.

Impediment at the level of the juridical Call: when a norm formulates a right without anyone receiving it as a singular address. Not because law is deficient — but because the genericity of its Call does not suffice to constitute an existentially engaged addressee.

§ 2 — Singularity of address as missing condition

The juridical Call may pass without reaching anyone in their singular existence. This phenomenon — massive, documented, resistant to information policies — reveals phenomenologically that the genericity of the juridical Call is structurally insufficient to

constitute an existentially engaged addressee. Something more is needed: an interlocutor who singularises the address.

Non-recourse to rights is not primarily an information problem — it is an address problem. The norm has spoken; no one has heard their name. The generic Call has not found its singular addressee.

§ 3 — Situations where law attains singular Call

Law is not condemned to the generic Call. Three devices merit examination from the phenomenology of interpellation.

Equitable decision. When a judge rules in equity — taking into account not only the general rule but the singular circumstances of the person before them — they operate a decisive phenomenological shift: from generic Call to singular Call.

Mediation. The mediator is, phenomenologically, a Call translator: they take the generic Call of law and help each party receive it in their singularity. Mediation creates the conditions of a singular address that ordinary judicial procedure cannot produce.

Legal accompaniment. The lawyer, social worker, rights defender — insofar as they do not merely inform but accompany — are relays of singularisation of the juridical Call. Their phenomenological function is precise: they translate the generic norm into a singular address.

PART II

The Contract

A Call-Response structure without Resonance

§ 1 — Offer and acceptance: formal Call and Response

The contract is phenomenologically remarkable. Among all juridical devices, it is the one that most resembles a structure of interpellation: an offer — a Call addressed to an addressee — an acceptance — a Response from this addressee — and a mutual commitment resulting from it. The juridical theory of contract has intuitively grasped something true about the structure of human exchange.

But the analogy stops precisely where the phenomenology of interpellation begins. Contract law does not require that the offer be a genuine Call — it suffices that it be precise and firm. It does not require that acceptance be an engaged Response — it suffices that it be unequivocal. And it does not require that the execution of the contract produce a Resonance — it suffices that it conform to the agreed stipulations.

A contract may be valid and empty — valid because all formal conditions are met, empty because nothing has taken place between the two parties that has touched them in their existence. The triad is formally complete, existentially absent.

§ 2 — Informed consent: free Response or formatted Response?

Informed consent represents law's most ambitious attempt to ensure that the subject's Response is genuinely free. Phenomenologically, informed consent is a device for validating the Response. But it validates the form — it cannot guarantee existential authenticity.

A subject may have received complete information, had all the time needed, suffered no formal pressure — and yet give a Response that is not truly theirs. Not because they were constrained, but because they lacked the existential resources to recognise themselves as the real addressee of this particular Call in this particular situation.

Impediment at the level of the Response in the contract: the subject signs, accepts, consents — but has not recognised themselves as the singular addressee of this Call. Their Response is juridically valid and phenomenologically empty.

§ 3 — What Resonance reveals about the contract

Resonance is the moment that contract law most radically ignores. The contract, once executed, is extinguished — it has produced its legal effects and disappears as relation. But phenomenologically, what takes place between the parties during and after execution of the contract may be considerable.

Nullity for defect of consent seen from the triad: it is not only that the Response was vitiated — it is that the Call was simulated. The one who manipulates, deceives, or abuses another's weakness does not launch a genuine Call: they produce the external form of a Call without the existential engagement that makes it real. Nullity sanctions the impediment at the level of the Call itself — the simulated Call.

PART III

Justice and the Victim

The impeded Call

§ 1 — Judicial procedure as a device for receiving the Call

Justice is, in its fundamental vocation, a device for receiving the Call. The victim of an offence, a wrong, an injustice, launches a Call. The judicial procedure is supposed to be the place where this Call is received, heard, processed.

But this institutionalisation of the Call has a phenomenological cost that the procedure does not recognise: the juridical qualification of the Call. For the Call to enter the procedure, it must be translated into the categories of law. Suffering must become a prejudice. Wrong must become an offence. Felt injustice must find a legal qualification. This translation is necessary — without it, there is no law. But it is also, phenomenologically, a reduction of the Call.

Juridical qualification is the condition of entry of the Call into the procedure — and simultaneously its first transformation. What enters the file is no longer the victim's raw Call: it is its qualified, categorised, legally admissible version. Something of the original Call has already been lost in translation.

§ 2 — Systemic dialogical impediment in judicial procedure

Impediment at the level of the Call: singular address absorbed into the file

When the claimant files a complaint, their singular Call — charged with their suffering, their history, what was done to them — is translated into exhibits, criminal qualifications, constitutive elements of offence. The original Call, bearing the irreplaceable singularity of what happened to this person, has dissolved into the genericity of the legal category.

Impediment at the level of the Response: decision delegated to a system

The judgement is not, in the phenomenological sense, the Response of an engaged subject to the victim's Call. It is the decision of a system — founded on rules, evidence, precedents — applied to a case. The judge responds in the name of law, not as an existentially engaged subject.

Impediment at the level of Resonance: judgement without transformation

Resonance in the judicial relation would be the moment when something transforms in both parties following the procedure. The ordinary judicial procedure rarely produces this double Resonance. It produces a decision — conviction or acquittal — that juridically closes the dispute without necessarily producing any existential transformation in either party.

The judged case without Resonance: law has spoken, procedure has been accomplished, judgement rendered. And the victim leaves with the feeling that nothing was truly heard, that the violence suffered was treated as a file. This is the most insidious dialogical impediment — because it occurs within a formally correct procedure.

§ 3 — Devices that seek to restore interpellation

Restorative justice. Restorative justice seeks to restore precisely what ordinary procedure prevents: genuine encounter between victim and offender, in a protected space where the Call can be truly addressed and truly received. Phenomenologically, it is a device of singularisation of the Call in the juridical space.

Penal mediation. Penal mediation is a more limited device, but one that seeks the same phenomenological shift: singularising the Call, allowing an engaged Response, opening the space of possible Resonance.

Circles of speech and community justice. Heirs of indigenous traditions, these devices seek to inscribe the resolution of conflict in a broader community. Phenomenologically, they expand Resonance beyond the dyad: not only the victim and offender are transformed, but the surrounding community becomes party to transformation.

Bibliographical note. Howard Zehr, *Changing Lenses* (Herald Press, 1990; Eng. trans.: *The Little Book of Restorative Justice*, Good Books, 2002); John Braithwaite, *Restorative Justice and Responsive Regulation* (Oxford UP, 2002); Kay Pranis, *The Little Book of Circle Processes* (Good Books, 2005).

PART IV

The Educational Relation under Legal Constraint

The most revealing terrain

§ 1 — The Act of 11 February 2005: a political Call to singularity

The French Act of 11 February 2005 on equal rights, opportunities, participation and citizenship of persons with disabilities is, from the standpoint of the phenomenology of interpellation, an exceptional legislative text. Not because it is perfectly accomplished — it is not — but because it explicitly seeks to do something that law rarely does: singularise the juridical Call down to the individual subject in their concrete situation.

The 2005 Act says: each disabled person has the right to a singular life path, a personalised project, compensation adapted to their own needs. These formulations are not generalities — they are attempts at singularisation of the Call. They say: here is what is owed to this person, in their singularity, given what they are and what they need.

The 2005 Act is a political Call to singularity. It says to society: each disabled person has a name, a history, needs that belong to them. Respond to them, to them, not to the category. In doing so, it introduces into law a phenomenological demand that law alone cannot satisfy — but that it can at least name.

§ 2 — The personalised project: between accomplished triad and empty triad

The personalised project — in its various forms: Personalised Schooling Project (PPS), Personalised Support Plan (PAP), Individual Support Project (IIA) in medico-social institutions — is phenomenologically the most ambitious tool of the 2005 Act. Its formal structure is triadic. But the decisive phenomenological question is this: in how many cases is this triad existentially accomplished?

The formally empty personalised project: the meeting was held, objectives were formulated, the document was signed. The disabled person was not heard in their singular Call. The professionals did not engage their existence in their responses. No Resonance was produced. The triad is formally complete; the relation has remained unchanged. This is the most common form of dialogical impediment in medico-social settings.

§ 3 — The educator between law and interpellation

The special educator in an IME, IMP, SESSAD, or ESAT occupies a particularly tense phenomenological position. They are caught between two logics that do not frontally contradict each other but do not speak the same language.

The logic of law tells them: here is the legal framework within which you work. Here are the rights of the person you accompany. Here are the procedures you must observe. Here are the documents you must complete. This framework is legitimate — it protects the accompanied person against arbitrariness, guarantees fundamental rights, creates traceability and accountability.

The logic of interpellation tells them: here is Soan, here is Malik, here is Inès. They call you — each in their own way, with the resources available to them, from the irreplaceable singularity of their existence. Respond to them, you, now, from what you are. This logic is equally legitimate — it is the condition of possibility of an educational relation that genuinely transforms, that produces Resonance in both directions.

The educator who does not recognise themselves as the addressee of Rayan's Call — because their protocols tell them this behaviour is an incident to manage — commits no professional fault. They commit a phenomenological fault: they treat a Call as a signal. And this phenomenological fault has real consequences on what can or cannot be transformed in the relation.

Bibliographical note. Marcel Nuss (ed.), La personne handicapée : droits, pratiques et combat (Dunod, 2010). Brigitte Bouquet & Jacques Saul (eds.), L'accompagnement dans le travail social (Dunod, 2019). Joseph Rouzel, La supervision d'équipes en travail social (Dunod, 2007).

PART V

Towards a Juridical Phenomenology of Interpellation

Proposals

§ 1 — What law can learn from the triad

Three phenomenological criteria for evaluating a juridical device, corresponding to the three moments of the triad.

Criterion 1. Does this device favour singular Call? A juridical device creates favourable conditions for singular Call when it provides individualisation mechanisms — evaluation procedures that start from the person's singular situation, interlocutors trained to hear what cannot be said in juridical terms, spaces of speech that do not immediately reduce the Call to its qualification.

Criterion 2. Does this device allow engaged Response? A juridical device creates favourable conditions for engaged Response when it leaves actors — professionals, judges, mediators — a margin of personal discernment that allows them to respond from their own judgement and not only from their protocol.

Criterion 3. Does this device leave space for Resonance? A juridical device creates favourable conditions for Resonance when it provides time — for relations to develop, for transformations to occur and reveal themselves.

Proposal: the three phenomenological criteria as an evaluation grid for juridical devices. Not to replace juridical criteria of effectiveness and legality, but to complement them with a question that law does not always know how to pose: does this device create conditions in which genuine encounter between singular subjects is possible?

§ 2 — Dialogical impediment as a critical category of law

The notion of dialogical impediment can become a tool for critical analysis of juridical systems. It allows naming precisely what is lacking in a device — not in terms of formally unrespected rights, but in terms of structurally absent conditions of genuine interpellation.

This critical category is particularly useful for analysing systems that produce rights without addressees — formally guaranteed but phenomenologically empty rights. It also allows distinguishing two types of juridical failure. The first is formal failure: a right is not respected. The remedy is juridical. The second is phenomenological failure: rights are formally respected but no genuine interpellation has taken place. The remedy is practical and formative: rethink devices, train actors, create time and space for encounter.

Phenomenological failure is the most difficult to identify and treat — precisely because it leaves no juridical trace. Everything is formally in order; nothing has taken place. This is the most insidious dialogical impediment in contemporary juridical systems.

§ 3 — Immanent normativity and juridical normativity

The phenomenology of interpellation operates with a concept of normativity that structurally differs from juridical normativity. Juridical normativity is external: it imposes itself on the subject from without, in the form of a rule anterior to them and holding independently of what they feel or think.

The immanent normativity of the triad is internal: it arises from the structure of the phenomenon itself. It says not what the subject must do, but that without which the phenomenon ceases to be recognisable as accomplished interpellation. It is not a prescription — it is a condition of possibility. These two normativities operate at different levels and are complementary. Juridical normativity can create the external conditions in which the immanent normativity of the triad may operate. It can forbid the most gross forms of impediment. It can impose procedures that open space for singularity.

The decisive question is not: can law guarantee genuine interpellation? It cannot — and to want it to would be to ask it to exceed its nature. The decisive question is: can law create the conditions in which genuine interpellation is possible, and avoid systematically creating those in which it is impeded? To this question, the answer is yes — and that is already considerable.

*Bibliographical note. Paul Ricœur, *The Just* (trans. D. Pellauer, University of Chicago Press, 2000); Ronald Dworkin, *Law's Empire* (Harvard UP, 1986); Hans Kelsen, *Pure Theory of Law* (trans. M. Knight, University of California Press, 1967).*

Conclusion Law as Condition, not as Substitute

This text has conducted a phenomenological description of the relation between law and interpellation across three territories: the contract, judicial procedure, and the educational relation under legal constraint. In each territory, the same tension has revealed itself: law creates conditions, it protects spaces, it sometimes singularises the Call down to the real subject — but it cannot substitute for encounter.

What it can do is considerable: protect fundamental rights, sanction the most serious forms of impediment, create devices that singularise the Call, guarantee the minimal conditions of a free Response. What it cannot do is equally precise: decree that someone

will recognise themselves as the addressee of a singular Call, that someone else will engage their existence in their response, that something will transform in both.

Resonance is the blind spot of law. Not because jurists have inadvertently overlooked it – but because it is structurally beyond the reach of external normativity. One does not legislate on what is transformed in the existence of a subject after an encounter. One does not regulate the horizon of lived experience.

The concluding formula may be stated thus: *law is a condition of possibility of genuine interpellation – it cannot be its substitute*. This formula defines both the dignity of law – it protects what no goodwill can replace – and its constitutive limit – it cannot do in place of subjects what only subjects can do.

Summary of phenomenological proposals

1. The legal norm has the formal structure of a Call – but a generic one. Its constitutive limit is the absence of singularity of address. Singularisation devices – mediation, equity, accompaniment – are phenomenologically pertinent responses to this limit.

2. The contract has the formal structure of the Call-Response dyad, but structurally ignores Resonance. Informed consent validates the form of the Response; it cannot guarantee its existential authenticity. Nullity for defect of consent sanctions impediment at the level of the Call itself – the simulated Call.

3. Judicial procedure may produce three forms of systemic impediment: the Call reduced to a file, the Response delegated to a system, absent Resonance. Restorative justice, penal mediation, and circles of speech are devices for restoration of the triadic structure in the juridical space.

4. The Act of 11 February 2005 is a political Call to singularity. The personalised project may be accomplished triad or empty triad depending on the conditions of its implementation. The educator is caught between the logic of law and the logic of interpellation – and must inhabit this tension without resolving it.

5. Dialogical impediment as a critical category of law allows distinguishing formal failure – juridical remedy – and phenomenological failure – practical and formative remedy. The immanent normativity of the triad and the external normativity of law operate at different levels and are complementary.

Call · Response · Resonance

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