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# **Justice and Responsibility Re-learning to be Human**

Edited by  
Balaganapathi Devarakonda & Sebastian Velassery

The Council for Research in Values and Philosophy

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# Preface

BALAGANAPATHI DEVARAKONDA & SEBASTIAN VELASSERY

This study is the outcome of a conference that took place at the University of Delhi, India, in 2017, under the auspices of the Department of Philosophy, the University of Delhi and the Council for Research in Values and Philosophy, (RVP) Washington, DC, with the generous support of the Indian Council of Philosophical Research (ICPR), New Delhi. The book approaches the issues around conceptions of justice and responsibility in relation to re-learning to be human from both theoretical and applied aspects.

The encouragement and support that we received from the Council for Research in Values and Philosophy (RVP) in organizing the seminar as well as in bringing out this volume in print are immense. We are grateful to RVP for its continuation of the spirit of Professor George McLean in contributing to the academic solidarity around the world.

Professor S.R. Bhatt, the then Chairman of ICPR and also Executive board member of RVP, supported the seminar with his academic inputs and interventions along with financial resources. We are indebted to him for his support.

We thank all the contributors who have taken pains to revise their papers in the light of the discussions during the seminar and further comments of the reviewers. We are grateful to them for their patience in waiting for the volume to come in print.

Many scholars and students supported us in the processing of finalizing the volume. Initially, Jayshree Jha and Anmol Preet Kaur helped in compiling the work. Sudeep Raj Kumar extended his strenuous support in the process of editing the work with reminders and updates for which we owe much to him. It is his continuous follow up action at each level in the process of finalizing the work that deserves our special appreciation.

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# Introduction

BALAGANAPATHI DEVARAKONDA & SEBASTIAN VELASSERY

The concepts of justice and responsibility are so closely related to each other in the domain of human life that it would be difficult to consider one without bringing in the other into the discussion. A just act entails that it is responsible, and in being so, it can never be unjust. This general conception which seems to be indomitable is too simplistic in assuming the relationship between justice and responsibility in a naïve way. The relationship is more intricate and convoluted than it appears. The present volume is a modest attempt to present some of these intricate and convoluted aspects of the relationship between justice and responsibility.

As pointed out by William Sweet, “justice is undoubtedly a broad, vague and a contested notion” throughout the social as well as the intellectual history of cultures. Every culture, beginning from its early developments of intellectual and social history, has recognized justice as something that is concerned with relations between individuals, communities and the state. However, what is important to note in this context is the conception of the individual’s relation to him/herself which influences his/her other relations (either with the rest of the individuals or the state/community) that s/he can envisage. This is what was advocated during early Greek times as well as in the ancient Indian tradition.

Nevertheless, one may identify such a conception of justice to be broad as it attempts to bring in all possible human relations into its purview. Though it would be conceived on the basis of the cognitive capabilities of the particular time and space of the culture groups, as the broad one, yet there would always be the prospect of contestations. It could be contested by those who make out the limitations in a ‘broad conception.’ Consequent to the contestations, it appears to be vague in its nature and scope from a particular given conception.

An engaged active relationship between justice and responsibility is said to be the answer to taking into consideration the life of an individual to be human. Being Human, here, is identified with relating to oneself and to others as well as to nature. With the understanding and use of these two concepts, individuals realize their selves in relation to themselves and in relation to nature as well.

Justice has many forms – social, legal and natural – depending on the point of view. It has been transforming its meaning as well as referent continuously since its initial formulations in Ancient Greek times in the West and Vedic times in India with the growth of human civilization. Its conception as well as its ensuring mechanisms has been changing from

time to time in the writings of Plato, Aristotle, Manu, Kautilya, Augustine, Aquinas, Hobbes, Hume, Kant, Mill, Rawls, Robert Nozick, Michael Sande, Thomas Pogge, Martha Nussbaum, Amartya Sen, Michael Boylan, etc. We may also take into consideration that institutions charged with providing justice must understand responsibility in terms of norms governing what people are entitled to expect of each other. On this conception, the kind of responsibility is not just that of interest to private law or that distributive justice is not merely a relation between a person and the consequences; rather, it is a relation between persons with respect to consequences. As a result, non-relational facts about a person's actions and the circumstances in which s/he performs them will never settle the questions of responsibility that matter to institutions charged with providing justice.

Similarly, philosophical discussions on the concept of responsibility have varied from agent oriented to prospective, retrospective and virtue forms. Globalization has brought a new orientation to these forms of discussion on responsibility by conferring a new dimension. Philosophers such as Edmund Burke, J.S. Mill, Max Weber, etc. have enriched the discussion historically. J.S. Mill for instance writes of responsibility from the point of principles of representative government. Similarly, Max Weber propounds an ethics of responsibility for politicians. In the light of the above discussion, what kind of novel challenges that globalization poses to the essentially human conceptions on justice and responsibility is one of the concerns of this volume.

In exploring the intricate and convoluted relationship between justice and responsibility, the following issues are of importance to the academic engagement.

1. Can there be justice without responsibility and vice versa? Are concepts like justice and responsibility dependent on concept of reciprocity?

2. What would be the philosophical foundations of responsibility in the times of global challenges to the (re)understanding of being human? In this context, how is responsibility understood in terms of individual responsibility versus group responsibility, responsibility of the group to the group, group towards the individual and vice versa individuals towards individual?

3. What forms of responsibility – either as virtue or agent oriented or prospective or retrospective – would be useful to address global challenges of being human?

4. How do we go beyond the limitations of the existing theories of justice such as distributive theories of justice: social justice, virtue, fairness, property rights; and maximization of welfare: retributive theories of



justice: utilitarianism, restorative justice and mixed theories in addressing global challenges of being human?

5. Whether discussion on justice for the unknown, the non-existent, the future has any legitimacy?

In view of the above considerations, should we not assume that justice in its broad sense is a virtue by which everybody and everything receives its due? This is to suggest that justice has to do with external actions in relation to others. It also entails that justice can be termed as equality of persons. And by equality it is meant to give each his/her due so that each person may possess which is due and which enables him/her to be a self-acting, independent and self-ordering person. From this broad perspective, we believe that there are things of value in Indian tradition which is relevant to good living today as it is important for the Indians to investigate their tradition and properly acquaint themselves with a unique concept – concept of Dharma – this tradition has provided a guideline for generation after generation.

*Dharma* is an omnibus concept with multiple shades of meaning that includes the nature of things and the laws of their being and relationships; it also represents a cosmic order permeating the universe, rules of conduct in social and individual life like justice and responsibility, moral righteousness and religious life. We may also take into consideration that in earlier times, all human values and norms, individual and social, were explained by referring them back to the concept of *dharma*. Toward this end, we have a great deal of information about the Hindu traditions which are based on this concept in understanding the social, moral and political values in religious and semi-religious texts such as *Mahabharata*, *Ramayana*, *Dharmasastras*, *Puranas* and *Dharmasutras*. We can also claim that even the *Arthashastra* of Kautilya is a serious and systematic reflection on political science based on dharma rather than political philosophy. Kautilya's problem is not what justice is, so to say, a theoretical conception of justice, but to devise an efficient machinery for the upholding of a given conception of justice.

The concept of *dharma*, if understood in its collective aspect, is the foundation of all ideas of progress and social order. It is considered to be the foundational ideal of human life which includes certainly justice and responsibility. In the Indian thought, the human being attains his/her 'goal' through *dharma*. Sri Aurobindo has correctly pointed out the implications of dharma in the following way: "The *dharma*, at once religious law of action and deepest law of our nature, is not, as in the western idea, a creed, cult or ideal inspiring an ethical and social rule; it is the right law of functioning of our life in all parts. The tendency of man to seek after a just and perfect law of his living finds its truth and its justification in the *dharma*. Everything indeed has its *dharma*, its law of life imposed on it

by its nature.”<sup>1</sup> It seems that the presence of *dharma* in the universe underpinning the right functioning of things, sometimes as their norm, sometimes simply as their nature, was taken for granted in ancient India, and this was so not only for the Hindus but also for the Buddhists and Jains, even if they interpreted this concept in different terms. According to Pratima Bowes,<sup>2</sup> *dharma* is the basis of philosophical reflection on values; asking such questions as what is the source of social, moral and political obligation, or what justifies them would seem superfluous. The Mahabharata provides a hint to this point and perceives *dharma* as a symbol of the formless and universal reality beyond. Understood in this way, *dharma* and society are closely related to each other while the latter is a product of human being. Covertly, the ethical strength of *dharma* as the ethics of justice and responsibility toward the other has its proper value, which can neither be dissolved in nor derived from anything else but from the principle of *dharma*. In other words, justice and responsibility is not merely a value of human life but is precisely an aptitude to live humanly, so to say, being human in one’s daily life. From this standpoint, to have a life based on *dharma* is a life that entails human responsibility which consists in enlarging the general conditions of life in order for the existence of human beings to be fully enhanced so as to develop in as many ways as possible for individuals, communities’ and cultures. Thus *dharma* not only relates to the relationship between the human being and the supernatural but also to the entire relationship between the individual and society. *Dharma* refers not to the religious duties but to the rightful activities and such ethical duties and virtues as righteousness, responsibility, justice, morality, beneficence’ and non-violence.

The above considerations propose that from a strictly Indian philosophical perspective, the moral values such as justice and responsibility which include individual and social rights have an absolute and categorical status in the concept of *dharma*. Categorically in those it depends upon no further ends, least of the moral agent’s desires which they may serve; absolutely for their sake human being will give up any other end or desire which conflicts with *dharma*. Accordingly, a discussion on the concepts of justice and responsibility in the Indian context as moral norms has an absolute and categorical imperative in the concept of *dharma* independent of the moral agent’s desires and the moral claims. These requirements are binding even on the individual who has no regard for them for *dharma* is the force of the “ought.” Thus, *dharma* has been denoted as law, justice, proper and specific duties, moral precepts and righteous course of conduct. It is said to be the force that circumscribes the individual and social

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<sup>1</sup> Sri Aurobindo, *Foundations of Indian Culture* (New York: Sri Aurobindo Library Inc., 1953), 104.

<sup>2</sup> Pratima Bowes, *Hindu Intellectual Tradition* (New Delhi: Allied Publishers, 1977), 91.

life and conditions his/her past, present and future in the way he/she orients himself/herself to it. Hence, one's birth, socialization, role and status of the family, caste and society, the meaning and aims of life and his/her relation with the supernatural are defined and dependent on *dharma*. That is why justice and responsibility are to be recognized as part of *dharma* which is considered to be the fundamental ideal of human life. All other ideals – *Kama*, *Artha* and *Mokṣa* – are based upon it. Thus, Kautilya's *Artha Shastra* is an attempt to take *dharma* into the sphere of polity. *Manu-smṛiti* is an attempt to bring out the application of *dharma* in the ethical and religious spheres. The various *dharma-Sutras* are concerned with both secular and religious laws. In most cases, they are the study of human relationship with society. In other words, the attainment of "*Ut-tamapurusa*" state of life is possible in the Indian ethical and social thought only when there is order in society which is attained only through *dharma*. The Hindu perception of life and its activities in ancient India were based on the concept of *dharma* though we have distorted our understanding of this concept due to the social, cultural and political changes that occurred in the Indian social life from time to time.

Though the above articulated issues are of immense importance to the discussion on the intricate relationship between justice and responsibility, it is not possible for the volume to exhaust all the considerations and discussions. Nevertheless, articles of the volume engage with some of the issues raised above from theoretical as well as applied perspectives from the India and the West.

### Structure of the Volume

The present volume intends to bring out the academic engagement from both theoretical as well as applied perspectives of the concepts justice and responsibility from both Indian and Western perspectives by various scholars in four sections.

Taking the discussion on intricacies of the concept justice into focused orientation, the first section deals with Indian understanding of justice from various perspectives.

Sebastian Velassery's article, "Re-learning to Be Human: An Alternative Indian Query," addresses the issue on how it is possible to relearn to be human with the Western cultural virtues such as justice and responsibility within the Indian social life. According to the author, Indian tradition to a certain extent could not develop the concept of social justice based on the concept of social equality of the human being. Rather, Indian tradition emphasizes on the concept of compassion and is sensitive enough to the distress and pain of the people. The author effectively develops the thesis that the common denominator that can be reasonably

considered as a value in the social and cultural diversities of Indian life in the present context is the concept of human rights. As a derivative of the concept of compassion it has provided certain space to the other human being. The worldview, which Indian culture fosters and develops, is the universal unity and harmony of all beings. This worldview has never accorded to the common people that his/her individual needs/rights should be protected. Even its philosophical trend does not encourage the struggling for power, dominance or self-advancement. Rather, this tradition and culture is more concerned about the advancement of self than self-advancement. The individual grievances as well as the group grievances are sacrificed in relation to the value of universal unity. For example, the idea of justice had never been regarded in this culture as the central idea while dealing with human relations. The harmony and the consequent equality of people are arrived at through compassion and the mutual conscious striving for harmony.

The article, “Free Will and Determinism: Agency, Intentionality, and Action” by Balaganapathi Devarakonda and Sudeep Raj Kumar, addresses the issues of free will and determinism from a Buddhist perspective by focusing on the debate between ‘compatibilists’ and ‘hard determinists.’ Scholars like Mark Siderits claim that early Buddhists were defenders of some form of compatibilism, the idea that free will and determinism are compatible with each other. On the other extreme, scholars like Galen Strawson argue that at least some schools of Buddhism are committed to the non-existence of freewill and the incoherence of moral responsibility. These two positions are critically analyzed in order to develop a perspective that goes beyond this binary. The move beyond the binary is attempted by an analysis of the nature of causation in Buddhism which is rooted in the concept of *pratityasamutpāda*. The way *pratityasamutpāda* is related to and effects the formulation of significant concepts like psychological determinism, nature of agency, free will etc. is explicated in the course of discussion. Broadly, this paper elaborates the conception of philosophy of action and its intentional structure as understood in certain schools of Buddhism. The nature of action (*kamma*) and its fruits (*kamma-vipāka*) are important to understand the nature of agency, continuity of agent, etc. Specifically, it is claimed that these issues have important implications for analyzing free will and determinism especially in the context of the moral responsibility of the agent.

Varun Kumar Tripathi in his article, “Justice as Absence of Injustice vis-à-vis Nyāya in the Buddha’s Teachings,” while taking justice in virtue-ethical context examines the backdrop of observed cases of injustice that related to a kind of virtue-crisis at both individual and social level. Varun points out that the virtue-crisis is expressed in attitude, conduct, decision making, irresponsibility, etc. which may further influence the operation of the political order too. The author brilliantly identifies certain

action or non-action as cases of injustice in a situation of ‘personalization’ leading to unwarranted action or non-performance of due duties. Personalization here refers to all cases of assumption of certain action, advantages or entities as personal, causing imbalance or disharmony in society. The reasons of personalization are the psychological basis and *definience* of injustice. After examining the reasons that obliterate justice Varun proposes that the absence of those reasons could be the foundation of justice, morality and fair interpersonal exchange in society. Buddha’s teachings in the Nikāya treatises are taken as reference to show how the teachings demand a right awareness (*satipaṭṭhāna*) towards the process of personalization that engenders moral miseries and injustice. Varun makes an attempt to explore if the Buddha’s exposition of justice (*nyāya*) addresses certain contemporary questions pertaining to it.

Section two deals with Western approaches to justice and responsibility. Pantheistic Humanism, Cultural solidarity of Maritain and need to reconsider hierarchy are the three perspectives of the west that are taken up for discussion in this section.

Anthony Carroll’s article, “Global Challenges to Justice and Responsibility: Approach through Pantheistic Humanism,” sketches the background and meaning of the concept of ‘pantheistic humanism.’ The author provides a genealogical account of the emergence of ‘pantheistic humanism’ as a structuring concept for speaking of the God-human-nature relations. He uses the word ‘pantheism’ specifically in the context of humanism to indicate that an essential dimension of the human person, our experience of infinity, is best understood in the context of the constitutive relation of God to humanity. He follows the Hans Joas’ methodology of ‘affirmative genealogy’ of re-telling the story of the origin of our fundamental values such as the sacredness of the person. Following Kierkegaard, the author further argues that whilst re-telling the story of the emergence of a value can do much to make it attractive, its acceptance always requires a further step of free, personal decision in order to make it operative in the subject. In this pantheistic conception of reality, God is immanent to space and time and so to our ordinary human experience. An intentional decision of human freedom allows for this experience and whom or what we encounter is shaped by such decision and worldview. Carroll argues that today, particularly in the Western world, the binary distinctions between the sacred and the profane, the transcendent and the immanent, and the religious and the secular have lost their appeal, and as a consequence some of the experiences which lay behind these categories are in danger of receding from our vision. He further elucidates Honneth’s conception of freedom which seeks to reactualize Hegel’s *Philosophy of Right* by charting the historical development and failures of development

of social freedom in modern democratic societies. Charting these developments in personal relationships, the market, and in the sphere of democratic will formation, the author seeks to show that the normative orientation of modernity towards ever greater freedom provides a means of judging the healthy and pathological developments of modern Western societies. This criterion of social freedom, argues Carroll, provides Honneth with a means of proposing a theory of justice through developing a critical social theory that both identifies the normative progress of modernity in comparison to earlier times and also outlines the ways in which the fundamental value of modernity, e.g., freedom, has unevenly embodied in the central institutions of democratic societies.

William Sweet in his article, “Contemporary Principles of Justice, Jacques Maritain, and Solidarity across Cultures,” discusses how in this pluralistic world we can have a shared understanding of justice that enables cooperation, harmony and solidarity across cultures and traditions. Sweet develops his thought from three perspectives – individualist principle of justice, communitarian principles of justice – and an analysis of French philosopher Jacques Maritain. The first two approaches are problematic because though each provides important insights it does not offer clear and plausible account of justice that could be accepted across the globe or, even, translated across cultures. This leads the argument to the appraisal of the philosophy of Jacques Maritain which reflects both the value of the human person and a notion of the embedded self, suggested in classical accounts (such as those of Aristotle and Bernard Bosanquet), and revived recently by those ‘communitarians’ (such as Alasdair MacIntyre, Charles Taylor, and Michael Sandel). Sweet suggests that Maritain’s writings may consent to the generation of a theory of justice which preserves basic beliefs about justice that is reverential to cultural differences and promotes understanding and cooperation across cultures. The author argues that like individualists and communitarians, Maritain recognizes a conception of justice that depends on basic underlying principles that adheres to the ‘ideal’ of the good. Maritain’s alternative to individualistic and communitarian principles of justice, according to Sweet, offers a robust understanding of the human person which affirms both the basic dignity of the person and the basic value of the common good or good of society. Sweet contends that Maritain’s view of ‘true justice’ which is rooted in the affirmation of the dignity of the person and offers the basis for a theory of justice. It is consistent with views about justice that are common to many traditions and cultures, and also recognize and respect cultural differences which, in turn, can provide a way of enabling and promoting cooperation and solidarity across cultures.

Dan Chițoiu in his article, “Reconsidering Hierarchy: Responsibility and Justice in the Eastern Christian Societies,” re-evaluates the social concept of hierarchy which often has negative connotations. He points out

that the paradigm of hierarchy is central for the articulation of the Byzantine and Post-Byzantine (Eastern Christian) societies, but its understanding and purpose are different from the signification gained in the Western Modernity. By linking it to another pertinent concept *analogy*, hierarchy is explained as an *analogous* participation in knowledge, and more, as a *participation in the Good (the real Being)*, with special appeal to explanatory schemes founded in the writings of Plato. Dan Chițoiu has persuasively argued that both from theistic and secular perspectives mediation is necessary, because the social good is meant nothing else but the possibility of participation in transcendence through the best possible way. The levels of the administrative hierarchy are seen as the degrees of participation in the Good, and at the same time as the manifestations of the good towards the ones who find themselves in a lower level. The author argues that the contemporary perspective of society which endorses equality and human rights as fundamental to all human beings does not approve any hierarchy. Nevertheless, we can find an interesting solution to the issue of compatibility between hierarchy and justice in the Eastern Christian cultural traditions which has developed the social idea of hierarchy. It puts accent on the analogous participation in the Good, thus gives a symbolic and inward reason for acting responsible in doing justice.

The third section includes well-articulated discussion on the concept of justice while addressing the issues such as; perfect justice and minimizing injustice, the need for a dialogue in the context of perceived injustice and combating inequality within epistemic injustice.

R.P. Singh in his paper, “Realm between Perfect Justice and Minimizing Injustice,” points out a distinction between two groups of philosophers, one group includes Hobbes, Locke and Kant who advocate an insight about the perfect idea of absolute justice on the basis of hypothetical social contract; and the other Smith, Wollstonecraft and Bentham who have argued towards minimizing injustices in one way or another. While pointing out that justice concerns with the proper ordering of things and relation among persons within a society the author argues that justice can be thought of as distinct from and more fundamental than benevolence, charity, mercy, generosity or compassion. In an imperfect world, institutions are required to instantiate ideals of justice, however imperfect they may be. The arguments of Hobbes, Hume, Kant and Rawls are presented in the course of the discussion about the richness of the domain of justice as an idea of perfect and a possibility of minimizing imperfections. It is further emphasized that institutional choice and arrangement focused on approaches to justice are not sufficient conditions because society consists of human beings who are outside the institutions while the latter gets affected by the former. The notion of minimizing injustice is necessary

wherein fewer people are capable to use their freedom, rights' and toleration. According to the author, Amartya Sen and Martha Nussbaum have developed justice as welfare through capability approach in recent times. This is an attempt to tackle the issues of minimizing injustices by highlighting that the human being has a dignity with their ability to pursue their own ends. Sen's notion of minimizing injustice is a dynamic departure in the debate on justice for it concentrates on the well-being of each and every individual.

Thomas Menampampil's article, "Re-learning to Be Human for Global Times: Dialogue in the Context of Perceived Injustice," opens a different dimension of the discussion on justice and responsibility – moving from a contestation to a dialogue with a ruptured memory. Conflicts occur not only due to actual injustice, Menampampil points out, but sometimes due to a perception of injustice. A memory of an injustice can still be perceived to be existing that contributes to tensions and conflicts. How to handle conflicts that such perceived injustice contributes to be the key concern of the paper. By analyzing various inter-related themes such as growing inter-civilizational distances and the reasons for the collapse of societies, it is intended that the trouble begins when one perspective seeks to impose itself on another. The way out from such a trouble, the paper argues, is a dialogue that can help us in our endeavor in "re-learning to be human for global times." One significant aspect of this dialogue is a discussion on "shedding of negative memories." It is noted that "we need to initiate a dialogue on civilizations." It is concluded by pointing out that the life is not a desperate struggle but a cooperative venture," and for such a venture "self-cultivation is essential" which requires people "of deeper insights and communities of vision."

Ayesha Gautam's article, "Epistemic Injustice: Combating Inequality," focuses on epistemic injustice which broadly refers to injustice meted out to an agent in his/her capacity as a knower. Injustice manifests itself variously in different domains while embroiling with different forms of inequality, the author argues that the epistemic justice is the realization of freedom (or capabilities) of individuals ensuring socio-political and economic forms of justice. Based the argument majorly on Miranda Fricker's work on epistemic injustice the author argues that any framework of development which ignores the blatant ground realities ends up committing distributive injustice and thereby grave inequality. According to Ayesha, the discriminatory form of epistemic injustice – which is of two kinds, testimonial injustice and hermeneutic injustice – hampers the overall capability of an individual. Testimonial injustice refers to prejudicial dysfunction in our testimonial practice, whereas hermeneutical form of epistemic injustice refers to the reduction in the intelligibility of wisdom and experience of a person who belongs to a marginalized group. Hermeneu-



tical injustice is most often attributed to the lack of hermeneutical resources to comprehend and interpret the experiences of a particular community. Epistemic injustice perpetuates inequalities. Knowledge claims of people who are oppressed, marginalized and occupy the lower rung in a given society are mostly rejected, and people inhabiting such identity positions are very often made the objects of knowledge formation rather than being considered as subjects of knowledge in their own right. Epistemic responsibility becomes significant in this regard. Ayesha persuasively argues that as epistemic agents, we have the epistemic obligation to pursue activities which enhances the possibility of attaining true beliefs.

Justice and responsibility are intricately related through ethics. The common ground of both, justice and responsibility, is deeply rooted in ethical domain which is the concern of the last section.

In the article, “Concept of Justice and Obligation of Moral Agent,” Saral Jhingran aims to philosophically explore and present a conception of justice, independent of the perspectives of legalists and political analysts whose concern lies in individuals’ values and conduct. While providing an overview of the conception of justice in Ancient and Medieval times, Jhingran observes that the rationale behind the discourse on justice in both ancient Greece and India was the desire to ensure the stability and the common good of society and that the individual was not considered independently of the community, and her/his rights as individual person were rarely contemplated. The paper, further, reviews the idea of justice based on human equality during the Enlightenment period, specifically focusing on the ideas of Kant, the paradigmatic philosopher, who has given a new meaning to morality and justice as *sine qua non* for our being truly rational human persons. To broaden the horizon of discussion, Jhingran discusses the ideas of several post-Kantian philosophers such as Henry Sidgwick, John Rawls, R.M. Hare, Kurt Baier, and others. The author also elaborates the conception of justice and its relation to the rights of others as well as certain limitations of some Western accounts of the rights of others. One’s responsibility for behaving justly and creating a just society are emphasized from the point of view of our desire to be more humane. It is argued that the most important step that we can take in this context is not only to respect the rights of others, but also to help those who, due to various socio-political and economic circumstances, are deprived of their fundamental rights. The conclusion follows that “justice” is to give “everyone her/his due,” where the due is understood in a moral context, not only arising from our mutual relations with other persons in society, but also as a result of our conviction of the inherent equality and inviolability of all persons.

Reetu Jaiswal in her work, “Journalistic Responsibility in the Age of Commercialism,” presents the practice of ethics by journalists, which

forms one of the significant issues in media ethics. It discusses the challenges that journalists face due to commercialization, and the clash of interests between journalism as a profession and journalism as a business. It examines whether these changes could be accommodated by resorting to citizen journalism. The discussion in the paper is developed in three parts. The primal role that media is supposed to play both as a watchdog and Fourth estate of the Democracy is presented in an engaging way in the first part. The second part presents the conflict of interests between journalism as a profession and as a business which unsettles the practice of a journalist at every step of his/her professional life. Particularly, how the role played by capitalism along with commercialism, and the influence of power elite that forces the journalism to keep its ears at viewer's interests and eyes at Television Rating Point (TRP) jeopardizes the profession. The third part discusses compensatory theory that views the mainstream journalists as ethically responsible and accountable to their profession, which could be compensated by the increasing involvement of citizen journalism. In sum, Reetu establishes through her arguments that the emergence of citizen journalism is helpful only to the extent of questioning the moral negligence, if any, on the part of journalists, but it cannot be an alternative to professional journalism.

Anumita Shukla and Mayank Bora's paper, "Justice and Responsibility in the framework of Care Ethics," argues that notions of justice and responsibility can be better captured in terms of care. Difference is spelt out between the "feminine" care-based approach and the "masculine" justice based approach. It is argued that the best way to understand the difference between the two approaches is in terms of how they understand the nature of moral agency. In the traditional justice based moral approach, agents are conceived as emotionally dissociated rational beings supposed to be guided by an ideal of duty. The other care-based approach is understood as a selfless concern for the other and the receptivity of the other's needs which results in the desire to meet those needs. Thus, women or anybody else need not be considered morally deficient on account of paying no heed to the notion of duty but acting out of care as occasioned by the relationships in effect. According to the authors, care ethics can offer an understanding of motives and actions solely based on the notion of care wherein the motives are not deficient but actions will be acknowledged as just and responsible. Such a care-based ethics could very well see both positive moral worth in acting out of care and negative moral worth in acting out of a lack of it. This would result in issuing the injunction that we should act out of care for all others involved in the given situation. It is argued that an agent following this injunction would try to meet the needs of all others involved in the most balanced way possible. Hence, the authors propose that the ethics based on care attach importance to the notions of rightness, duty, fairness, etc. and are able to

have a balanced meeting of needs of the other. Toward this end, an agent who acts out of care and who is not deficient morally would also be a just and responsible agent, without having to be specifically concerned with the sense of justice and responsibility.

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**Part I**  
**Indian Understanding of Justice**



1.

# **Re-learning to Be Human: An Alternative Indian Query**

SEBASTIAN VELASSERY

## **Introduction**

Ambivalent change – political, social, and technological – has been the outstanding feature of the 20th century, affecting Indian societies and peoples as it has affected the entire globe. While the first half of the last century witnessed elaborate campaigns of political and economic unification culminating in totalitarian systems of suppression in different parts of the world, in India it paved the way for the political independence of this country from the British Empire. At the end of 20th century, the emergence of greater sensitivity to human freedom and the dignity of the human person found the expression in movements like the implementation of Mandal commission report and the scheduled castes and tribes demanding greater respect and greater role in the social life of Indian societies. Within this context, the present paper raises the question as to how far it is possible to re-learn to be human, with the Western cultural virtues of justice and responsibility within the Indian social life.

On the outset, we would like to briefly state that the two principal dynamics of re-learning to be human – justice and responsibility – in the context of Indian social life are a contestable issue. The reasons are manifold. Can we reasonably say that the virtues of justice and responsibility are prime contenders for re-learning to be human in the Indian cultural and social life? Would that all human beings agree on a common concept of what it is to be the basis of re-learning to be human? Plato in his Republic attempted to give us a view as to how social life can be constructed by basing it on a concept of a humanized individual who is just. By justice he meant the interdependent and harmonious relationship of the three parts of the human soul, namely, the rational part, the spirited part and the appetitive part. As society is the setting in which the person exists and acts, person and society seem closely interrelated, thus ideals of justice and responsibility become intrinsic virtues that accompany him/her in his/her social relations. However, is there any one particular aim at which these virtues may be characterized as the prime denominators of humanization of Indian social life that makes Indian social life really human and spiritualized. I think that the issue under consideration is a questionable one because this tradition to a certain extent could not develop the concept of social justice based on the concept of social equality of human being.

Rather, Indian tradition emphasized on the concept of compassion and was sensitive enough to the distress and pain of the people that one personally has to deal with. Justice compared to compassion is an abstract virtue and it is less dependent on personal involvement. Compassion is best exercised in one's immediate circle while justice refers to society at large.<sup>1</sup> The traditional Hindu culture fosters a good deal of concern and affection to one's relations, dependents and friends and even those who personally seek help but are not concerned with social justice.

I intend to develop the thesis that the common denominator that can be reasonably considered as a value in the social and cultural diversities of Indian life is the concept of compassion which has provided certain space to the other. Towards that extent, one of the contenders to be considered for the ideal of humanization is the concept of human rights. Here, I would also argue that one should not understand the ideal of human rights in the sense of the Western model. In the Indian context, I would argue that human rights as human dignity may be understood as promoting virtuous sentiments among people to be an overarching factor of (our) life-world. It means that any claim of re-learning to be human is not solely and exclusively connected with justice and responsibility. It would complicate the matter more than to help to settle down this conflict, since one has to foresee a universal world beforehand.

### **Re-learning to Be Human: Person in Indian Philosophies**

The theme 're-learning to be human' immediately directs our attention to the notion of person and extends the problematic on the theme 'the place of the person in society' because the one who has to re-learn is a person, and such a re-learning is to be happened only in a society. A major mode of dehumanization which affects the contemporary people is that he/she has reduced him/herself as a digital self. As a result, persons have been reduced to an entity with distinct structures in which persons are considered only functional or as roles. The modern person as a digital self would be accused of playing a role well; being oneself means to be doing something private, something disconnected from the social role. But, being a digital self, does he/she have a substance apart from the accidents that he/she accrues to him/herself? This is to state that the modern self who is highly digitalized may not be a reality which exists in and by itself apart from the accidents. In other words, he/she is no longer the substance, the reality which exists in its own right. As George McLean suggests, pro-

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<sup>1</sup> I have expanded the concept of compassion as a unique virtue in an article "Human Rights and Human Dignity: A Hindu-Christian Perspective," *Panjab University Research Journal (Arts)* XXXVI (April-October 2009): 35-47.



gressively through ancient times, and especially through Christian philosophy's development of the sense of existence as the direct effect of the creative power of God, the subject comes to be recognized as having three characteristics: completeness, independence and being the subject or source of actions.<sup>2</sup> However, the digital self is devoid of these characteristics.

When we turn our attention to the Indian cultural model, we may say that it is the personality, not the social life, which is being humanized. In the case of Western cultural model, it is the social relations, not the individual human life, which is being humanized. Thus, the issue of humanization of social life and re-learning to be human with the perspectival of social relations appears to be rather problematic and unsolvable. The components, which seem complementary to one another theoretically, become incompatible in the practical level. This suggests certain pessimistic overtones. The pertinent and significant question is the issues of human dignity (that covers covertly the notions of justice and responsibility) that can be harmonized with social structure. Towards that end, we need to describe in brief the concept of the person in Indian Philosophies.

To understand the human subject from a strictly Indian philosophical perspective, it may be noted that the image of the human person which is projected in Indian philosophy and especially in the Upanishads is that of a self whose reality is grounded in consciousness which has a directional force sustaining the entire range of perceptual experience. Person and action, choice and situation, person and experience are then closely bound to each other not only in their implications but also in their fundamental structure. Therefore, the approach to the human person adopted in Indian philosophical system requires something of a movement, a development and an odyssey of reconstruction. It is only fair, then, to indicate the general itinerary.

Stating openly, we propose to trace the philosophical history of the nature of person vis-a-vis human self in Indian philosophy in general. To put the problem in a more nearly philosophical manner, given a concept of self, what are the factors necessary for accounting for its coherence? Or how is a self/person explained in the Indian philosophical systems in which experience (consciousness) is coherent and possible?

Indian philosophy in general accepts "self" as an eternal and permanent principle. There is, however, no universal agreement among the different schools of Indian philosophy regarding the noumenal character of the self (*atman*). The *Carvakas* adopt the materialistic conception of self.

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<sup>2</sup> George F. McLean, "Person and Culture," in *Hermeneutics and Inculturation*, eds. George F. McLean, Antonio Gallo, and Robert Magliola (Washington, DC: The Council for Research in Values and Philosophy, 2003), 19-67.

According to them, the self is the living body with the attribute of consciousness. The Buddhists reduce the self to a stream of thought or a series of cognitions, perceptions, feelings, dispositions and consciousness. The *Advaita Vedanta* takes the self as the unchanging and self-shining intelligence (*svaprakasa caitanya*), which is neither a subject nor the object, neither the 'I' nor the 'me'. According to *Nyaya-Vaisesika* School, the self is a unique substance to which all cognitions, feelings and conations belong as its attributes. It is unconscious in itself. All conscious states arise in the self when it is related to the *manas* (mind), and the *manas* are related to the senses and the senses come in contact with the external objects. The *Nyaya-Vaisesika* system regards consciousness as synonymous with *buddhi* (intellect) and *upalabdi* (apprehension). The *Samkhya-Yoga* regards *buddhi* as an unconscious modification of *prakrti*; the root evolvement in which the conscious self (*purusa*) is reflected. The non-recognition of the identity between self and consciousness constitute an important feature of *Nyaya-Vaisesika* realism. Accordingly, *Nyaya-Vaisesika* system regards consciousness as a quality of self. Self is the permanent substance in which consciousness inheres. In other words, self is the inherent cause of consciousness though it is produced by a collection of conditions. To that extent, the self organizes the experiential world through the medium of consciousness. Thus, there is a bipolar tension in the self between the present and the future, the actual and the possible. This tension may be considered as an essential feature of self, because it is essentially open to itself and on to the world. To sum up, we may say that the texture of the person/self is the texture of its openness to itself and the world. This is the phenomenological position in one sentence, and this is the phenomenology of person/self in the philosophical systems of India in general and the Upanishads in particular.<sup>3</sup>

The transcendent subjectivity of the self is described differently by Indian philosophical systems, depending upon the metaphysical framework of each system. Broadly, there are two views: the first describes transcendent subjectivity as "objectless" or as being its own object; here no duality is experienced. The second view regards itself as capable of being in relation to "an object," namely, to *Brahman* or *Isvara*; here the subject and the object remain distinct. The *Samkhya*, *Nyaya-Vaisesika* and *Advaita* systems hold the former view, while the latter view is held by the *Visistadvaita* and *Dvaita* systems of philosophy. Even in the latter view, however, this "object" is itself so "united" with the subject as to be its inner ground; hence there can be no strict "dualism" between them. These systems maintain that the transcendent subjectivity of the self is other than

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<sup>3</sup> Sebastian Velassery, *Casteism and Human Rights: Toward an Ontology of the Social Order* (Singapore: Marshall Cavendish Academic, 2005), 47.

the principle of egoity (*ahamkara*), which is the cause of “exclusive” subjectivity. Ramanuja regards the self as *ahampadartha* or the spiritual subject of experience. It is not the product of *avidya* (ignorance), it is distinct from *ahamkara*, which is born of *avidya* connected with the body, and is the set of pride.

The self is capable of three kinds of subjectivity: the “exclusive,” the “inclusive” and the “transcendent.” The self is egoistic and practical in its exclusive subjectivity; it seeks to rise above the egocentric limitations and becomes altruistic and philosophical in its “inclusive” subjectivity; and finally, it seeks to transcend this ethical level of being and becomes “spiritual” in its metaphysical and “transcendent” subjectivity.

The *Samkhya system* of Indian philosophy conceptualizes three constituents (*guna*) of human personality, which are *sattva*, *rajas* and *tamas*. *Tamas* is the principle of inertia and infatuation (*moha*); it is predominant over anonymity and passively submissive to others; one gives oneself over to sensory pleasures completely and is dominated by senses (*indriyas*). *Rajas* is the principle of activity and of the ego; its domination over the other constituents leads one towards an extreme form to self-assertion and domination over others. The *rajasik* person dwells in *ahamkara* (egoity) more than in the senses, and is prepared to give up sensory pleasures if such sacrifices are necessary to fulfill the craving for distinction and fame. *Sattva* (goodness) is the principle of knowledge and equanimity; its predominance over the other two constituents gives the proper perspective to one’s relation to the world. The *sattvik* person acts from the standpoint of *buddhi* (intellect), which is said to be the course of the action to be pursued for one’s own good as well as for others. The person who dwells in *buddhi* is not controlled or hindered either by *indriyas* or by *ahamkara*.

The movement of the individual from the senses to *ahamkara* and from *ahamkara* to *buddhi* is thus a dialectical movement proceeding through ‘opposites’ towards a synthesis. This dialectical yet psychological movement of human existence receives a cosmic ontological interpretation in the *Samkhya system*, whereby *buddhi*, *ahamkara* and the *indriyas* are not distinguished from each other depending upon the predominance of one *guna* over the others, but are regarded as the successive stages of *prakritic* evolution and involution.

Such a descriptive picture of the human self obviates the necessity to regard it as a transcendent entity that constitutes and reveals in consciousness. Human consciousness is not closed in oneself but constantly opens to reality, which is beyond itself. We may say that we never are what we are because we are always beyond what we actualize in any particular moment. We are more than that what we are because the horizon of our existence extends beyond what we are at any one point.

This aspect of the transcendental dimension of the human person is faced with its metaphysical dimensions, which manifests itself through

diverse signs. Not only does person raise the question of ultimate meaning; he/she him/herself is that question. This ultimate dimension reveals itself to us in the perception of person as a mystery, which does not lend it to being objectified. That is why the Indian conception of *purusa* is a partaking of the cosmic *Purusa*. Such a conception of human as a person inevitably undergirds his/her existence, which is dependent upon the existence of others as persons. In other words, a person cannot exist without being an 'I' ordered to another who constitutes a 'thou'. Using the language of existential phenomenology, we may say that "co-existence become a constitutive aspect of the being of man," or is it only a consequence of the fact that, without knowing why, another man or woman does exist?

So far, we have been examining the notion of human person to recognize that the concept of person is fundamental to the concerns of analyzing the idea of re-learning to be human. Two examples from Indian philosophies, which we have cited, namely, the *Vedantic* and the *Samkhya* systems of philosophies, are meant to be indicators to the way the question of human self vis-à-vis person is approached and debated. The Indian wisdom is predominantly occupied by the person's attaining *Mokṣa* or liberation. Such a sense of the personhood implies the understanding that persons are selves whose actions are necessarily directed to attain *mokṣa* and whose worth and value does not matter in the social living.

### **Re-learning to Be Human and Human Rights**

Given the practical problem of diversity of social life in India and the theoretical problems of determining what it is to be human, it is impossible to arrive at a conclusion of re-learning to be human in the fullest sense of the term, for this would entail respecting the values of the various sub-cultures in the Indian societies. What is argued here is to derive common elements of humanization from various cultural fields of Indian societies to serve as criteria for determining the shape and form of social structures and for judging the degree of humanization in the social life of Indians. The common denominator that we would put forward to such a proposal is the concept of human rights. What is proposed here is that the Indian societies are humanized when human rights are attained by all members of society. In independent India, it is a sad fact that the individual exists only as a representative of another reality. When one is asked on whose behalf one comes and talks, if the answer is "I come in my own name," then the response is cold and sham; but when the answer is on behalf of an important person or a well-known company, then you are attended to

and obliged in a special way. This is to suggest that one is forced to represent another reality knowing well that he/she is not part of it.<sup>4</sup> It is indeed a pathological situation, and this trauma is commonly exhibited in all spheres of life. The ontological foundation of human rights, as McLean has suggested, is subsistent individuality. Of course, this minimalist definition of humanization is subject to criticism precisely for being minimalist. But this is also its strength in allowing freedom for each individual to pursue what he/she believes to be the ideal man or woman. It allows freedom for both secular humanists and religious humanists to pursue their own brand of humanism.

The 1948 United Nations Declaration of Human Rights furnishes us with a working list of these rights which any individual regardless of race, religion, etc. must have. These issues of human rights may be divided into three, 1) civil rights, 2) political rights, and 3) economic and social rights. Civil rights are mainly claims against the state. They include freedom of speech, association, religion, movement, freedom from arbitrary arrest, right to private property, etc. Political right means the right to a voice in the government of the country, hence, a claim to a control of the state. And economic and social rights, which are of recent origin, mean claims to benefits from the state. These include an income consistent with a life of human dignity, the right to work, the right to equal pay for equal work, the right to social security against illness, old age, unemployment and death of the breadwinner, etc. What is missing in the UN declaration is the right of subjected ethnic groups and native or aboriginal peoples to self-determination and to their traditional way of life.

Having narrowed the concept of re-learning to be human to the pursuit of human rights, we can now interpret the recent historical changes in the eastern European countries and in the Third World countries as a process of humanization. In the case of India, the important and urgent problem of humanization is the pursuit of not merely economic and social rights but providing a status to all individuals devoid of his/her caste and ethnicity. After nearly seventy years of independence, Indian people continue to be in the grip of caste consciousness. Historically, India has been surviving as a nation for millennia with closed groups divided by caste, creed and language. Although India is said to have a long tradition of pluralistic culture, in terms of religions, philosophies, languages and lifestyles, yet it is a group of people which have been bound down by the authority of *Smṛti*, *Achara*, *Dhramasastras* and *Dharma sutras*. These enabled the Indian societies to develop a philosophy of exclusion, and made

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<sup>4</sup> Sebastian Velassery, "Human Rights and Human Dignity: A Hindu-Christian Perspective," in *Human Rights Today: Theory and Practice*, eds. Justice A. Anand and A.V. Afonso (Shimla: Indian Institute of Advanced Studies, 2011).

a section of people as untouchables whose rights as persons and very often their existence as individuals were denied. The traditional social value of *Varna dharma*, which has been operating the social consciousness of this country, resulted in a segregation of the majority of people in the hierarchic pattern of social arrangement that restricted the interaction between individuals belonging to various groups. Since the status and opportunities of the individual were coupled with the *Jati* (caste) to which he/she belonged by birth, and one's birth was theologically conditioned by the past *karmas* that one performed in the previous births. Thus, oppression towards these groups were made easy and theologically found correct. The age-old Indian concept of *dharma*, which was interpreted in terms of *Varnashrama dharma* by Manu, Prasasthapada and Kautilya, seldom provided a place for the majority group of people, who were called *Sudras* and later metamorphosed as Dalits. In terms of consciousness this has been reflected in the various Hindu literatures (Sanskrit), which were not accessible to this group of people. The effect was a reduction of *anvikshiki* (philosophy) only to the higher castes or the *Brahmins* who had been able to systematically reject reason (that is philosophy) including any deeper and authentic sense of human freedom and humanization of a society. Resultantly, the Indian concept of *dharma* underwent a series of interpretations and was conveniently used as a theological weapon for the suppression of the human spirit. Down the centuries these broken ones (Dalits) were imposed on enslavement by the powerful interpretations of the apparently harmless exegesis and footnotes of the doctrines like *Dharma*, *Karma*, *Svadharmas*, *Nishkama karma* and *Mahayoga*.<sup>5</sup>

It is an amazing fact that there is no particular word in Sanskrit language to signify 'Person.' Although *Purusa* is a term that denotes person, yet this term and its representation are regarded as the manifestation of the cosmic person in individual persons. Accordingly, in India's philosophy even the attainment of self-realization is directed not only to the attainment of personal advantage, but covertly, to a rational and moral concern for the welfare of other members of the family or society/community. Hence, the considerations of the concept of human being as a person are fundamentally based on the moral dimensions of an individual whose existence is regarded as an "existence of co-existence" with others or with the supreme Reality. The freedom of the individual is not regarded as the freedom to do what one likes rather it is the freedom to do what one does not like to do when a higher goal is to be attained by a concern with the welfare of others. This difference in the understanding and definition of freedom (not a 'freedom to' but a 'freedom from') is also conducive to the non-recognition of individual rights. Thus, the feeling of concern for the 'other' has underlined all Indian Philosophies generally

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<sup>5</sup> Velassery, "Human Rights and Human Dignity: A Hindu-Christian Perspective," 144.

and motivated people to transform themselves by being naturally and morally harmonious with the 'other.'<sup>6</sup> Such an outlook and philosophy fosters the idea of the organic worldview and develops an intellectual basis of the oneness of all existence.

This tantalizing experiential metaphysics of the 'Indian' is the philosophy and worldview within which this culture thrives and progresses. Such an understanding and worldview of India's philosophy has hardly ever taken any interest in individual existences; but, on the contrary, laid much emphasis on the socio-community existences. This tradition to a certain extent could not develop the concept of social justice based on the concept of social equality of the human being. The traditional Hindu culture fosters a good deal of concern and affection to one's relations, dependents and friends and even those who personally seek help but are not concerned with social justice.

The above considerations obviate the necessity to understand and thematize the issue of Human Rights from a different perspective in this culture. An issue becomes a problem only when it is present in our awareness as a privation. The issue of Human Rights has never been a problem for the Indian masses, as they have an individual existence with the support, concern and care of their social existence. In view of the predominance of social existence over individual existence, conceptually and ontologically, the essential being of the human being is looked at as a part of the whole, while the whole is being seen as the society or even the cosmos. Hence, it generates a sense of compassion rather than social justice in the human being toward all beings.

The worldview, which this culture fosters and develops, is the universal unity and harmony of all beings. The issue of individual rights or *Varna* or *jati* does not take the shape of a problem, nor does any form of struggling for individual rights become recognized as a legitimate moral activity. The philosophy of ideal unity, which is fostered by this culture, has its beginnings from *Rigveda's Purusasukta* onwards and generates the desire for cooperation rather than rebellion. Thus, the desire for individual rights has never been a problem. This worldview has never accorded to the common people that one's individual needs/rights is to be protected. Even the philosophical trend does not encourage struggling for power, dominance or self-advancement. Rather, this tradition and culture is more concerned about the advancement of the self. Given the philosophical background and the conception of human being as a part of the cosmic *Purusa*, and also because of the ideal of harmony and unity, the issue of Human Rights could not detain the status of a genuine and independent

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<sup>6</sup> Sebastian Velassery, "Metaphysical Approach to Human Rights: Concept of Dharma Re-Considered," *Journal of the History of Social Sciences* (JHSS) (July-December 2010) (Allahabad, India: University of Allahabad).

problem. The individual grievances as well as the group grievances are sacrificed in relation to the value of universal unity. Hence, conceptually, not only are the actual experiences of human relations ignored, but also the issue of Human Rights never aroused as a problem. As for example, the idea of justice had never been regarded in this culture as the central idea while dealing with human relations. The harmony and the consequent equality of human beings are to be arrived at through compassion and the mutual conscious striving for harmony.

The historical evidence for the general inclination toward the philosophies of harmony can be seen from the fact that the logical school – the *Navya Nyaya* – had never gained any real influence in the Indian consciousness. Their social positions were always secondary in comparison with the schools that upheld a metaphysical view on universal harmony.

Let me recapitulate the essentials of the historical and cultural factors, which stimulate the rise of the issue of individual rights and freedom in this culture. The pursuit of four ends by the human being through four stages of life is indeed the pursuit of every kind of possibility that is open to people: righteousness, material wellbeing, pleasure, liberation or spiritual well-being, and freedom. The achievement of all these by a human person would mean that he/she would have realized in their life the totality and unity of existence. To be a sage or a gentleman who wishes to perfect and transform him/herself is to pattern him/herself after the ideal of the compassionate human being. This kind of life perspective could not allow the struggle for personal freedom at the expense of other people's happiness to be a genuine goal of morality. In other words, the general view of life, for an Indian, is to submerge his/her ego, to disappear, and to be absorbed into the universal harmony. Even during the period of rationalistic school of Indian Philosophy – *Navya-Nyaya* – and the reformation movement by many leaders – Dayananda to Gandhi – moral philosophies had assumed a predominant role in the creation of an ideal society. This ideal of harmony had persisted for a long time because there was no clear consciousness of the meaning of a person independent of the family and the society, where the individual freedom as understood in Western philosophies was disvalued. Although there were many changes in the various communities and groups that held political power, the people maintained the outlook of 'accepting' whatever living conditions were thrust upon them.<sup>7</sup> These observations suggest that the Indian worldview and philosophy has never accorded to individual rights as absolute or that one's reality must be recognized unconditionally and necessarily.

In this part of the paper, I have analyzed the trajectory of Indian thought with regard to the issue of human rights and has shown that the

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<sup>7</sup> I have broadly developed this idea in my book *Casteism and Human Rights*, *op. cit.*, 132-142.



trend of political views as well as of the philosophies of life of this culture had always been more conducive to the promotion of virtuous sentiments in rulers and the ruled than the desire for rebellion to gain rights for the people. Unquestionably, there had been bad rulers who did not recognize such an ideal and there had been wars too. But neither the bad rulers nor the wars came to be seen as cases for gaining rights for the oppressed. The wars were regarded as the aberrant behavior of certain rulers whose dominance and self-advancement engineered the causes of war. Probably, the general masses were never quite conscious of having rights as citizens. Unfortunately, the Brahmins who had all monopoly over all thoughts and teaching were silent in making people understood about their rights too. Fortunately, the situation is changing toward a better future for this marginalized people.

### **Concept of *Dharma* and Ethics of Rights**

Such a line of thinking and philosophy in this culture sprouts the distinctive idea of social harmony and social democracy, which is rooted in the concept of *dharma* and *Varnashrama*. Throughout the ages, the Indians have believed that when actions are determined and controlled by *Varnashrama dharma*, it promotes the development of a healthy society. Mistakenly, they are made to believe that the good – summum bonum – is to be understood in terms of the realization of *Varnashrama dharma*. Thus, *Varnashrama dharma* has constituted the ideational nexus of a cultural continuum of Indians through the ages. Consequently, *dharma* is practically limited to the duties of various *varnas* later metamorphosed into innumerable *Jatis*. Thus, according to the notion that has prevailed over the last two thousand years or more, *dharma* was limited to the scrupulous pursuit of hereditary occupations. Practically what happened was that the emphasis on prescriptive rules and customs, the *Smritikars* did not carefully analyze the ethical implications of the concept of *dharma* and its moral grounding. Thus, *dharma* became a system of injunctions and prohibitions in order to ensure the harmonious functioning of the various elements in the life of the community. What lost was the ideal of social development or *abhyudaya*, and what was upheld was the social status of various *Jatis*. The presence of *dharma* in the universe, underpinning the right functioning of things, sometimes thought of as their norm and sometimes simply as their nature, was taken for granted in India, not only by the Hindus but even by the Jains and Buddhists too.<sup>8</sup> Hence, the Indian social and religious philosophy recognized an organic vision of society where all functions were considered as essential parts of one order.

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<sup>8</sup> Pratima Bowes, *Hindu Intellectual Tradition* (New Delhi: Allied Publishers, 1977), chap. 4.

The unity, which this tradition talks about, is openly acknowledged to transcend reason. To say in this scheme that the doctrine of the unity of all existence is not rational is to utter a tautology, since it amounts to saying that unity cannot be comprehended by means of the use of a device which works through mutual exclusion of polarized oppositions. This device, which reason inevitably uses for doing the kind of job it is supposed to do, is the discrimination of differences.

In this tradition and culture, hence the idea of the oneness of reality helps to develop characteristic attitudes in the phenomenal sphere. It has made Hindu phenomenal ontology pluralistic and led to the acceptance of a variety of conceptual schemas for phenomenal classification and explanation. The effect is that this tradition does not demand that all beings should be capable of being packed into one beautifully coherent system. It has also led to a relativistic epistemology, the doctrine that no one conceptual schema can claim to constitute the truth absolutely; its truth being relative to its proper framework of reference, so to say. It has led to a pluralistic methodology: 1. Empirical, based on perception and inference, as used by *Nyaya*; 2. Discriminative, based on conceptual or rational clarification such as being used by *Samkhya* (*Samkhya* means discrimination); and 3. Intuitive, being used by *Vedanta* (and others in different measures) In the Western conceptual framework, there is a duality within the nature of the human being, the physical aspect which includes all undesirable appetites, and which is considered to represent the evil nature of humans, and the spiritual aspect which has a divine origin, and which contains all good qualities in the human person. With this duality arises the division between the mundane and the transcendent. Such a dualistic nature of the human being necessarily makes an external, supernatural cause – God – to intervene and to sustain human worth, dignity and rights. In the case of Indian worldview, there is a force immanent in human self that drives man/woman toward being good. Man/woman follows a pattern created by his/her own deeds in relation to his/her situation over several lives until such time that he/she is liberated. The same *jiva* (life-urge) may move backwards and forwards many times over before the goal is reached. And the goal is not just his/ her rights in the phenomenal sphere but what I would call the rights of attaining *Mokṣa* or liberation.<sup>9</sup> Hence, the Indian worldview and philosophy has never accorded to that the individual rights is absolute or that one's reality must be recognized unconditionally and necessarily. The Indian worldview is specifically centered on the doctrine of *dharma* that provides the necessary tools for the realization of an ethics

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<sup>9</sup> Sebastian Velassery, "Civil Society as an Arena of Cultural Contestation: Reconsidering Indian Ontological Foundations," in *Reasoning in Faith: Cultural Foundations for Civil Society and Globalization*, eds. Octave Kamwizika Wozol, Sebastian Velassery, and Jurate Baranova (Washington, DC: The Council for Research in Values and Philosophy, 2013), 216-217.

of rights not that of justice and responsibility as understood in the Western way. The doctrine of *dharma* is meant to make life ever more possible at exemplary levels with criteria and standards of quality, that is, with universally desirable value. The kind of life that concerns and constitutes *dharma* is by no means the hypostasis of an ideal; on the contrary, preoccupation for human life is defined in immediate and direct relations with persons in society in their concrete situations. What interest us here, therefore, are the possibilities of human existence and the way they ground human rights.

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## 2.

# Free Will and Determinism: Agency, Intentionality, and Action

BALAGANAPATHI DEVARAKONDA & SUDEEP RAJ KUMAR

### Introduction

In our day to day lives, we perform so many actions through body, speech, and mind for which we feel intuitively responsible. We feel responsible that the actions we perform are going to affect us as well as those surrounding us. Why do 'I' feel this sense of responsibility? One reasonable explanation is that I believe there are alternative pathways at every moment, and I have the freedom to choose among them. Thus, the notion of responsibility seems to assume a degree of freedom to make sense. It is related to the nature of our experience of choice. I have the freedom to choose this option than the other option, so I feel responsible for the same. However, at a more fundamental level, responsibility seems to assume an agent, an enduring 'I', a permanent subject who perform actions, evaluates them and their own responsibility

However, the Buddhists are metaphysically committed to the doctrine of no-self (*anattā*). Given that they deny the existence of an enduring agent, a permanent Self, questions that requires to be answered are: can there be responsibility without the existence of an agent? Can there be any action when there is no doer who is performing?<sup>1</sup> Can there really be freedom when there is no one who is making the choices? Above all, do we make any real choices at all or the sense of freedom is just an illusion which is entrenched with our delusional way of living. The broader objective of the paper is to analyze the questions raised above within the Buddhist metaphysical framework. In the pursuance of the said objective, the paper is divided into three sections.

The first section broadly aims to enter the debate between 'compatibilists' and 'hard-determinists.' The aim is to understand the contemporary positions on the metaphysical questions of 'free will,' 'determinism,' 'freedom' and to evaluate their arguments. The second section aims to discuss whether 'subjectivity' exists in the Buddhist conception. The question is explored by analyzing the doctrine of 'dependent-origination' (*pratītyasamutpāda*) as it is found in Early Buddhism. The third section

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<sup>1</sup> This question arises in *Kathāvatthu* I VI. Theravādins respond positively to the question of Puggalavādins "Is there such a thing as karma (action taking effect)?" However, they deny that there is anyone as the maker of karma.

is a philosophical exploration of concept of action (*kamma*) and its constitutive elements such as intentions, promptings, and motivations. An account of action is critical in the present paper as it can be argued that action is the locus of freedom or an indicator of one's deterministic existence. The discussion would substantiate the view that a minimal subjectivity can be conceptualized in analyzing the doctrine of dependent origination which supports minimal agency that can be viewed as a site of expressing freedom.

### The Debate

Recent articulation of the debate on freedom and determinism is very well developed in the work of Galen Strawson (2017).<sup>2</sup> Strawson has argued for the incoherence of the concepts of free will and moral responsibility. Particularly, he favors 'incompatibilism' by arguing for the position that free will and determinism are not compatible with each other. If we accept a deterministic world where our actions are conditioned by certain laws, rules, and processes, then we cannot be held morally responsible or accountable for their consequences. He wants us to reflect on the thought that what if "one comes to believe that no one is ever ultimately responsible for what they do in such a way as to truly deserve praise or blame, punishment or reward."<sup>3</sup> He claims that "there's an immovable sense in which we neither are nor can be ultimately responsible for what we do."<sup>4</sup>

Pertinent questions which needs to be asked in this context are: Why does one have a *sense* of responsibility? Why does one *feel* freedom and choice? What is it that makes our commitment to the idea of possessing a free will so strong? Strawson does reflect on these issues and argues that these notions are connected with the sense of self which one assumes to be possessing. One believes that he is truly a controller, planner, and performer of actions; that there is a center of agency which is responsible for all these functions. Strawson observes that "the true center of one's commitment to the notion of human freedom lies in one's experience of oneself and one's own agency, one's deep sense of oneself as a self-determining, planner and performer of action, someone who can create things, make a sacrifice, do a misdeed."<sup>5</sup>

Is there a possibility to soften this strong commitment to the belief in free will? Strawson thinks that the belief can be undermined. As shown above, the belief in free will emanates from the belief in the nature of agency. This is where he ropes in the Buddhist metaphysical view of non-

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<sup>2</sup> Galen Strawson, "Free Will and the Sense of Self," in *Buddhist Perspectives on Free Will: Agentless Agency*, ed. Rick Repetti (New York: Routledge, 2017).

<sup>3</sup> *Ibid.*, 72.

<sup>4</sup> *Ibid.*, 73.

<sup>5</sup> *Ibid.*, 77.

self (*anattā*). Buddhists are ontologically committed to the non-existence of a substantial, permanent, unchanging self, and they believe we ignorantly possess what is termed as *satkāyadr̥ṣṭi*, the “false view of individuality.”<sup>6</sup> It is this illegitimately constructed ‘I’ which considers itself the agent of free will, worthy of blame and punishment, feeling responsible for actions. Strawson is arguing that “a sense of self is... a necessary condition of possession of the allegedly illegitimate sense of oneself as a radically self-determining planner and performer of action.”<sup>7</sup> If there is no ‘I’, there is no one making a choice, thus no one who will feel responsible. He writes that “if there’s no ‘I’, there’s nothing to fear in death and dissolution, because it’s precisely the dissolution of the ‘I’ that is feared. Nor is there anyone there to feel fear, because it’s precisely the ‘I’ that does the fearing.”<sup>8</sup> The challenge is to overcome this basic delusional experience of ourselves which in some ways is the root of all sufferings.

On the other side of the spectrum, Mark Siderits (2017)<sup>9</sup> argues that Buddhists belief in some form of compatibilism is ‘paleocompatibilism.’ It is the view that free will and determinism are compatible with each other. In the absence of any compelling incompatibilist argument, we should accept the common-sense view that persons are generally morally responsible for their actions.<sup>10</sup>

According to the Buddhist metaphysical framework, Siderits argues, we are living in a world which is governed by determinism. Also, there is sufficient scope with the agent to exercise free will and make independent choices. This view is constructed by using two conceptual schemas. The first involves the doctrine of two truths. That doctrine claims that there are two ways a statement may be said to be true, ultimately and conventionally.<sup>11</sup> The second involves the distinction between event causation and agent causation.

Ultimate truth is defined by Siderits as “the property a statement has when it represents reality as being a certain way and reality mind-independently is that way.”<sup>12</sup> He is claiming that according to Buddhism reality is deterministic at the ultimate level where it consists of momentary mental events. Examples of mental events are intending, willing, feelings of pleasure and pain, and cognizing. The kind of causation at work here is event causation: one event causing another.<sup>13</sup> Conventional truth includes

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<sup>6</sup> Ibid., 81.

<sup>7</sup> Ibid., 82.

<sup>8</sup> Ibid., 81.

<sup>9</sup> Mark Siderits, “Buddhist Paleocompatibilism,” in *Buddhist Perspectives on Free Will: Agentless Agency*, ed. Rick Repetti (New York: Routledge, 2017).

<sup>10</sup> Ibid., 133.

<sup>11</sup> Ibid., 134.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid., 137.

the commonsensical way of talking about the world which includes persons, things, objects, etc. The talk about person, moral responsibility, freedom of choice pertains to the conventional discourse which involves agent causation.

An important point to note here is the kind of relationship he stresses between ultimate truth and conventional truth. Can there be terms of ultimate truth which can creep into conventional truth? Or there should be total isolation between the two? Siderits says that Buddhists like Dharmakīrti hold the position that the insulation between the two discourses must be complete. As per him, this is the position he wants to explore, “two-way semantic insulation.”<sup>14</sup> He writes in this regard:

The proposed revision is that we [do]not allow referring expressions from ultimate discourse to be employed in the conventional discourse. Buddhist Reductionists might take either of these two stances [either accept conventional discourse with contradictions or take the contradictions to show that conventional truth be reformed]. What I want to explore is what happens if we take the second, according to which that sentence has no truth value, since it is simply meaningless.<sup>15</sup>

As noted, Siderits argues that at the ultimate level mental events like intending, cognizing happen in deterministic ways. Who is doing the intending? Who is bringing about the intention? Is intention an action performed by the agent? According to him, these questions do not make any sense at the ultimate level because the referent of ‘who’ is non-existent. Mental events and their relationship with the person are explained by Siderits: “Mental events like desires and intentions are among the parts that make up the whole known as a person. This means that such events cannot be said to have persons as their causes. A mere conceptual fiction cannot be the cause of something ultimately real.”<sup>16</sup> He further stresses that the said mental events are impersonal.

Since the talk about persons makes sense only at the conventional level, the discourse on moral responsibility, free will and agency makes sense only at this level. He stresses that:

...the question of ‘free will’ or responsibility only arises at the level at which it makes sense to speak of persons and the things they think of themselves as achieving through their intentional

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<sup>14</sup> *Ibid.*, 136.

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*, 138.



acts: doing the laundry, killing Lee, complying with the instructions in the psychology experiment.<sup>17</sup>

Thus, determinism holds true at one level and responsibility of agents at another level. Because there is two-way semantic isolation, anything we say about deterministic event causation cannot influence talk of responsibility of agents.

Assigning an impersonal status to a mental phenomenon such as intentions, desires, and volitions by Siderits raises an issue that requires us to reflect on the interpretation of *pratītyasamutpāda*, the doctrine of dependent co-arising. Siderits argues, these mental processes follow a pattern which is causally related and fixed, which means that at the ultimate level only determinism operates.<sup>18</sup> However, his view is based on a particular, extremely metaphysical interpretation of *pratītyasamutpāda* (*Pali paṭiccasamuppāda*) where the doctrine of causal conditioning is applied to all phenomenon. In this process, the experience is reduced to a series of mental and physical processes-cum-events with no element of subjectivity. As it will be argued below *pratītyasamutpāda* as explained and analyzed in the *Nikāyas* allows a minimal notion of agency to be accepted. Thus, to base the argument of determinism on the causally deterministic nature of mental processes is problematic. Also, it can be asked that, is Buddhism really using the concept of substance causation or agent causation at the conventional level? Even at the conventional level, Buddhists do not talk about a substance as such, but only a changing stream of consciousness.

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<sup>17</sup> Ibid., 143.

<sup>18</sup> In fact, some statements of Buddha can be read as implying that the process of dependent co-arising is indeed pre-determined. In one instance, while explaining dependent co-arising and dependently co-arisen phenomenon, Buddha says that “whether there is an arising of Tathāgatas or no arising of Tathāgatas, that element still persists, the stableness of the Dhamma, the fixed course of the Dhamma, specific conditionality” (SN ii 25, Translation Bodhi 551). Interestingly, Siderits is not the only one to infer determinism from the fixed course of the mental processes. *Kathāvatthu* records a lively debate on a similar issue. There were some schools like Andhakas which maintained that a cause of things is predetermined (KV, XI 7). The commentary to the text alludes to the above-mentioned words of the Buddha which are liable to such interpretation. The Theravādins deny this interpretation of Andhakas stating that: “Is then the cause of causes predetermined [by something else]? You deny. For if you assent, you commit yourself to this: that, because of the continued eventuating due to endless causation, there can never be an end to made to Ill, nor any cutting off the round of rebirth, nor any Nibbāna, free from the residual stuff of rebirth” (Ibid.).

In contrast with both Strawson and Siderits, Allan B. Wallace (2017)<sup>19</sup> attempts a middle position between determinism and indeterminism. He rightly argues that Buddha rejected fatalistic doctrines as well as a deterministic view of the universe and left sufficient room for freedom of the individual in the realm of thought and action.<sup>20</sup> Buddha was definitely critical of the views which undermined the responsibility of the individual. Wallace is critical of the compatibilists' who try to argue for freewill in a deterministic world.

In presenting the account of action and volition in Early Buddhism, Wallace appropriately stresses that the relationship between action and consequences is a complex one. He quotes AN<sup>21</sup> to confirm his point which says, "The causal relations between actions and consequences are so complex that they cannot be fully comprehended conceptually." What he emphasizes is that one's lack of understanding of the rationale for moral responsibility must not come in the way to see what hinders our freedom. The important thing is to recognize the myriad ways in which we are *not* free to make wise choices, to follow courses of action that are beneficial to our and others' well-being, and to devote ourselves to the cultivation of such freedom.<sup>22</sup>

What kind of freedom an individual has and what are we free to choose? Buddhism maintains that our ordinary intuitive modes of experiencing the world can be profoundly misleading. Our experiences are normally limited by such unwholesome mental factors like greed, hatred, and delusion. Wallace puts forth an interesting position that we are free to choose the framework in which we operate. He states that:

There is freedom in the present to view the world through different conceptual frameworks, and here free will may enter our experience. By shifting our way of framing appearances and making sense of them within our cognitive framework, we alter the very nature of the world as it arises from moment to moment relative to our way of viewing it.<sup>23</sup>

Wallace identifies freedom in the Theravāda tradition with the notion of *bhavanga* which he understands as the "naturally 'pure ground of becoming' (*bhavanga*), the resting state of the mind that is not included among the six modes of consciousness, namely the five physical senses

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<sup>19</sup> Allan B. Wallace, "Buddhism and Free Will: Beyond the 'Free Will Problem'," in *Buddhist Perspectives on Free Will: Agentless Agency*, ed. Rick Repetti (New York: Routledge, 2017).

<sup>20</sup> *Ibid.*, 113.

<sup>21</sup> *Ibid.*, 80.

<sup>22</sup> *Ibid.*, 116.

<sup>23</sup> *Ibid.*, 119.

plus ordinary mental consciousness.”<sup>24</sup> He considers this to be the notion of a radiant mind, a kind of non-dual awareness. There are a few problems with this conception. Firstly, understanding *bhavanga* as a kind of radiant mind is problematic.<sup>25</sup> It does explain the continuity in experiential life as it is held that mind reverts to the state of *bhavanga* when it is not engaged in any other activity.<sup>26</sup> Secondly, understanding freedom as obtaining a non-dual awareness is an extremely idealistic reading of the tradition which has been criticized by scholars.

Taking a position closer to Wallace, Peter Harvey (2017)<sup>27</sup> advocates a weak free-will, psychological agency and minimal subjectivity in the Theravāda tradition. He distinguishes between a metaphysical agent and a psychological agent. He rightly argues that a permanent self could not be a free agent of actions. As noted, denying the existence of a permanent agent is central to Buddhist philosophy. On the other hand, he makes a case for the acceptance of a psychological agent, thus retaining an element of subjectivity in the discourse of individuals.

In the metaphysical framework of non-self, what kind of agency and its actions can make sense? Harvey states that “an agent of actions must be something that is subject to change and have limited influence. It would be enmeshed in the network of conditions that is a person, and like all conditioned things, be non-Self.”<sup>28</sup> He further adds:

actions are done by the kind-of-person-one-has-been-so far, but this is ‘permanent’ only in an approximate sense, as a cluster of mental and physical process-events with a reasonably consistent, but still changeable, pattern to it. This is the only kind of ‘thing’ that can be an agent of action, and Buddhism does not, and has no reason to, deny its reality. That said, ‘it’ is a misleading term here, for what is being talked about is not a single thing, but an interacting cluster of processes.<sup>29</sup>

Harvey is accepting an empirical individual how so ever limited, changing and impermanent it be. The dynamic stream of conditioned mental and physical processes constitutes empiric individuality. What constitutes freedom in this psychological agent? Harvey says that “the

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<sup>24</sup> Ibid., 116.

<sup>25</sup> See Jonardon Ganeri, *Attention: Not Self* (Oxford, UK: Oxford University Press, 2017), 45-46.

<sup>26</sup> Abhs III 8.

<sup>27</sup> Peter Harvey, “Psychological versus Metaphysical Agents: A Theravāda Buddhist View of Free Will and Moral Responsibility,” in *Buddhist Perspectives on Free Will: Agentless Agency*, ed. Rick Repetti (New York: Routledge, 2017).

<sup>28</sup> Ibid., 160.

<sup>29</sup> Ibid.

crucial thing seems to be the capacity for self-direction.”<sup>30</sup> The idea does not seem totally different from Wallace’s of the capacity to choose a framework. The crucial thing seems to be the mastery over one’s thoughts which comes with wisdom which can lead us to act in our best interests; an awareness shunned of ignorance and endowed with wisdom.

An important point is stressed by Harvey that Buddha was critical of the doctrines which advocate that human action or behavior is totally determined by external influences or a fixed destiny. He makes clear that “Buddha criticized all views that saw one’s actions as beyond one’s control – so that bad actions such as killing might be determined by one’s past karma, the creative activity of ‘God’, or no cause or condition other than the fixed course of destiny.”<sup>31</sup> The point he seems to be making is that Buddha recognized that we have a degree of freedom in thought and action. It consists in recognizing patterns of conditioning that afflict our experience and actions and break those off. He presents the doctrine of karma as “based on the idea that intentional actions: (a) have a shaping effect on a person’s character and destiny; (b) can change for the better (or worse); and (c) that this improvement can be consciously chosen.”<sup>32</sup>

A limitation of the account provided by Harvey is that although he recognizes that actions and metaphysical self are irreconcilable, he nowhere provides how the actual action is taking place. That is, what are the dominant factors, external and internal, that are leading to the occurrence of an action?

Another thinker who rejects the unconditioned commitment to freedom is Charles Goodman (2002).<sup>33</sup> He maintains that, in the Buddhist framework, if any account of free will can be coherently constructed, that should either be compatibilism or hard determinism. In this respect, his theoretical position is closely aligned with Strawson and Siderits. He appropriately posits that “the approach to the problem of freewill depends on the Buddhist doctrine of non self.”<sup>34</sup> Also, like Harvey, Goodman points out the complications of explaining free will and responsibility while accepting the soul or a permanent agent. To explain free will in terms of a soul is to wallow in mystery.<sup>35</sup>

The path Goodman takes to discuss the issues about moral responsibility in the Buddhist context is different. His position is that because Buddhist thinkers have never explicitly theorized or speculated on the issue of

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<sup>30</sup> *Ibid.*, 161.

<sup>31</sup> *Ibid.*

<sup>32</sup> Peter Harvey, “‘Freedom of the Will’ in the Light of Theravāda Buddhist Teachings,” *Journal of Buddhist Ethics* 14 (2007): 36.

<sup>33</sup> Charles Goodman, “Resentment and Reality: Buddhism and Moral Responsibility,” *American Philosophical Quarterly* 39, no. 4 (October 2002).

<sup>34</sup> *Ibid.*, 361.

<sup>35</sup> *Ibid.*, 360.

free will, “it is not easy to determine what views about free will, if any, should be attributed to Buddhist thinkers.”<sup>36</sup> He instead establishes a discourse on moral responsibility by locating what Buddhist thinkers have to say about “reactive attitudes”<sup>37</sup> or some of the emotions like anger, resentment, affection, love, we display in our inter-personal relationships.

The basis of Goodman’s argument is Buddhaghosa’s (fifth century Theravādin thinker) account of our fruitless endeavor to show resentment and anger towards persons because ultimately there is no one person that exists. Buddhaghosa rejected the persistence of an agent through time as well as the unity of an agent at one time. Buddhaghosa advises in *Visudhimagga* that:

If resentment arises in him when he applies his mind to a hostile person because he remembers wrongs done to him by that person, he should get rid of the resentment by entering repeatedly into lovingkindness meditation....But if irritation still arises in him in spite of his efforts, he should admonish himself thus: Since states last but a moment’s time. Those aggregates, by which was done the odious act, have ceased, so now what is it you are angry with?<sup>38</sup>

Goodman reads this passage as saying that what exists ultimately are simple, irreducible entities which are ever-changing. There is no agent, no one person who can persist through time. No single agent who can be held morally responsible for its actions. He writes that “because the simple entities exhaust reality, there is no person to have committed the act; no person who can be held responsible; no person, in fact, that could have free will.”<sup>39</sup> This belief can lead one to see the inappropriateness of emotions like resentment or anger and help in transforming them. His argument is based on the radical interpretation of the no-self doctrine. It is debatable that Buddhaghosa would deny all accounts of subjectivity and analyze a person just as an interaction of impersonal mental and physical processes.<sup>40</sup> The above section dealt with how various issues related to moral responsibility within the Buddhist context are debated by various scholars. The discussion was operated within the broader themes of compatibilism and determinism. Charles Goodman is correct in positing that in the Buddhist context the issue of responsibility is intimately connected with the doctrine of no-self.<sup>41</sup> It can be argued that various thinkers above

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<sup>36</sup> Ibid., 366.

<sup>37</sup> Ibid.

<sup>38</sup> IX.14, 22.

<sup>39</sup> Ibid., 367.

<sup>40</sup> See Ganeri, *Attention: Not Self*.

<sup>41</sup> Goodman, “Resentment and Reality: Buddhism and Moral Responsibility,” 361.

are debating about the metaphysics of no self. What is the structure and constitution of no-self? Response to this question underlies their stance on the issue of moral responsibility.

One common theme can be discerned among scholars who deny the coherence of the concepts of responsibility and justice in the Buddhist context. They commonly deny an element of subjectivity in the metaphysics of no-self. However, it is argued that this is not the only position which can be logically deduced from no-self. As mentioned in the previous section, this position is based on a metaphysical reading of the doctrine of *paṭiccasamuppāda* wherein experience is reduced to a set of impersonal mental and physical events-cum-processes. The following section attempts to elaborate on the doctrine of *paṭiccasamuppāda* in its earliest formulation. The attempt is to show that the production of subjectivity forms a core part of the doctrine. Accordingly, the conception of moral responsibility flows naturally from it.

### *Paṭiccasamuppāda*

Following the above discussion questions that need to be addressed in this regard are: Does subjectivity exist in the Buddhist conception? What is its nature, if it exists? What are the factors that are involved in its production? These questions are going to be taken up in the following section by delving into the concept *paṭiccasamuppāda*.

*Paṭiccasamuppāda* or dependent co-arising is generally considered as a metaphysical doctrine which explains that every phenomenon in the world has its origination depending upon various causes and conditions. It is understood as implying the thorough interconnectedness of the world. The conception is expressed appropriately by Eviatar Shulman who states that “the prevalent understanding of *pratītya-samutpāda* is that all factors of existence depend on other factors in order to exist. Nothing exists on its own, nothing possesses independent identity.”<sup>42</sup>

The sequence of conditioned arising is a rich and multi-faceted analysis of existence, and lies at the heart of the early Buddhist understanding of reality.<sup>43</sup> In its earliest formulation as found in the *Nikāyas*, it especially deals with the workings of the mind. That the way mental conditioning occurs, and the way thoughts are dependently originated depends on various factors, processes, and conditions. It is explained as possessing

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<sup>42</sup> Eviatar Shulman, “Early Meanings of Dependent-Origination,” *Journal of Indian Philosophy* 36 (2008): 298.

<sup>43</sup> Peter Harvey, *The Selfless Mind: Personality, Consciousness and Nirvāṇa in Early Buddhism* (London: Curzon Press, 1995), 134.

twelve links that “express the way the mind functions in *samsāra*, the processes of mental conditioning that transmigration consists of.”<sup>44</sup> The standard formula with twelve factors or links (*nidāna*) reads as follows:

And what, bhikkhus, is dependent origination? With ignorance as condition, volitional formations [come to be]; with volitional formations as condition, consciousness; with consciousness as condition, name-and-form; with name-and-form as condition, the six sense bases; with the six sense bases as condition, contact; with contact as condition, feeling; with feeling as condition, craving; with craving as condition, clinging; with clinging as condition, existence; with existence as condition, birth; with birth as condition, aging-and-death, sorrow, lamentation, pain, displeasure, and despair come to be. Such is the origin of this whole mass of suffering. This, bhikkhus, is called dependent origination.<sup>45</sup>

Both the ethical and the intellectual dimensions of the Buddha’s teachings are integrated in the *paṭiccasamuppāda* formula, where they are mainly expressed by the links of craving and ignorance respectively.<sup>46</sup> The formula explicates processing and conditioning of the encountered phenomenon by the mind which is the construction of a causal structure of the flow of psycho-physical states. It is the elaboration of “how and why the arising, maintenance and dissolution of any given individual history, as well as of *samsāric* experience as a whole, follows a certain orderly pattern.”<sup>47</sup>

The important question in this context is how the doctrine is connected to the questions of moral responsibility. The *Acela Sutta*<sup>48</sup> provides some answers here where Buddha succinctly puts his position on the action and experiential consequences of it by placing the discourse between ‘Eternalism’ and ‘Annihilationism’ and explaining the process by way of dependent co-arising. In a series of questions asked by ascetic Kassapa about the creation of suffering, such as whether it is created by oneself or another, by both or by neither, Buddha answered in negative to all of them.

<sup>44</sup> Shulman, “Early Meanings of Dependent-Origination,” 303.

<sup>45</sup> SN ii 2, translation Bodhi 533. *Katamo ca bhikkhave, paṭiccasamuppādo? Avijjāpaccayā bhikkhave, saṅkhārā. Saṅkhārapaccayā viññāṇaṃ. Viññāṇapaccayā nāmarūpaṃ. Nāmarūpaccayā saḷāyatanāṃ. Saḷāyatanapaccayā phasso. Phassapaccayā vedanā. Vedanāpaccayā taṇhā. Taṇhāpaccayā upādānaṃ. Upādānapaccayā bhavo. Bhavapaccayā jāti. Jātipaccayā jarāmaraṇaṃ, sokapari-devadukkhadomanassūpāyāsā sambhavanti. Evametassa kevalassa dukkhakk-handhassa samudayo hoti.*

<sup>46</sup> Noa Ronin, *Early Buddhist Metaphysics: The Making of a Philosophical Tradition* (New York: Routledge Curzon, 2005), 198.

<sup>47</sup> *Ibid.*, 199.

<sup>48</sup> SN ii 18.

He explained that it is incorrect to think that one who acts is the same as the one who experiences the result, as it assumes the belief in a metaphysical Self that leads to Eternalism. On the other hand, it is also incorrect to think that one who acts is one person who experiences and the result is another. It amounts to annihilationism with no scope for continuity in experiential life. Then, how do we explain the link between action and experience? The *sutta* explains that:

Without veering towards either of these extremes, the Tathāgata teaches the Dhamma by the middle: With ignorance as condition, volitional formations [come to be]; with volitional formations as condition, consciousness. Such is the origin of this whole mass of suffering...<sup>49</sup>

It can be inferred that it is through the causal chain of dependent co-arising whereby actions of body, speech, and mind are intimately affected by cognitive conditioning. Buddha admonishes the belief in a metaphysical Self and perhaps, more importantly, belief in rejecting any notion of self at all which annihilates subjectivity completely and evades one of any kind of moral responsibility.

One *sutta*, which is often overlooked by scholars and which, it can be argued, provides a clear articulation that the casual procession of dependent co-arising of states, is the production of subjectivity, is *Paccaya Sutta*. In the *sutta*, Buddha teaches dependent origination (*paṭiccasamuppāda*) and dependently arisen phenomenon (*paṭiccasamuppanna*). Buddha says that when one has clearly ‘seen’ *paṭiccasamuppāda* and *paṭiccasamuppanna*, the questions of the existence of ‘I’ in the past, the future or the present do not arise. Why do these questions do not arise anymore? Buddha explains that “Because, bhikkhus, the noble disciple has clearly seen with correct wisdom as it really is this dependent origination and these dependently arisen phenomena.”<sup>50</sup>

Harvey interprets the *sutta* as implying that “one who understands Conditioned Arising will not wonder on whether or what ‘I’ was in the past, will be in the future, or am now. There is a flow of conditioned states, but no substantial, unchanging ‘I’ is found to exist.”<sup>51</sup> The context in which Buddha is answering these questions is very important. After explaining the dependent co-arising and the co-arising of phenomenon, he says that the questions of the how of ‘I’ or the what of ‘I’ cannot arise.

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<sup>49</sup> SN ii 18, translation Bodhi 547. *Ete te kassapa, ubho ante anupagamma majjhena tathāgato dhammam deseti: avijjāpaccayā saṅkhārā, saṅkārapaccayā viññānaṃ. Viññāna ...Evametassa kevalassa dukkhakkhandhassa samudayo hoti.*

<sup>50</sup> SN ii 25, translation Bodhi 552.

<sup>51</sup> Harvey, *The Selfless Mind: Personality, Consciousness and Nirvāṇa in Early Buddhism*, 65.



Continuing Harvey's point, there is no substantial 'I', but the dependent co-arising that is the what and how of 'I'. The structure and content of 'I' has dependently arisen; subjectivity has dependently arisen. Hamilton<sup>52</sup> makes a somewhat similar observation regarding the doctrine of dependent co-arising that "this is to explain the 'how' of *human* existence in *samsāra*, to give a synthetical formula which explains the mechanics of how a human being *is* a human being."

The above discussion is trying to argue that a minimal notion of subjectivity is assigned to agents in the *Nikāyas*. It seems to follow from the analysis of *paṭiccasamuppāda* as it is found in the discourses of Buddha. Interpreting the notion of no-self in this way retains an element of agency in the discourse about humans and makes the notions of responsibility in the field of actions coherent.

### ***Viññāṇa* and *Saṅkhāra*: Intentional Structure of Action**

Having brought out, through *Suttas*, minimal notion of subjectivity, let us relate it to our earlier discussion on free-will and moral responsibility. It would be worthwhile to recall that Strawson denies any element of freedom to a human subject, and consequently the question of moral responsibility loses its significance for him. Siderits attempts to reconcile free-will and determinism and retains freedom in actions performed in the conventional world. In contrast to these two perspectives, Harvey advocates a minimum psychological agency and thus attributes responsibility for the actions of the individuals.

In the Buddhist framework of no-self, the question of moral responsibility only makes sense if minimal conception of subjectivity is accepted. The present section, in brief, presents the limitations of Siderits and Harvey (representing two contrasting positions on the issue of free-will and determinism). It then proceeds to philosophically explore the nature of action which, as stated above, is either the site of freedom for exercising agency or an indicator of one's deterministic existence.

As mentioned above, Siderits assigns an impersonal status to mental phenomenon which hinges on a metaphysical reading of 'dependent co-arising.' It is shown that the doctrine of 'dependent co-arising' in its earliest formulation explained the processes of production of subjectivity. Further, his differentiation of event causation and agent causation is debatable. It can be argued that agent causation subsumes event causation. Harvey lays too much emphasis on the notion of agency as psychological. It can be observed that a mere psychological agency cannot explain moral responsibility adequately. A stress on psychological agency overlooks the

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<sup>52</sup> Sue Hamilton, *Identity and experience: The Constitution of the Human Being According to Early Buddhism* (London: Luzac Oriental, 1996), 68.

*rūpa* factor in the *nāma-rūpa* formula. It overlooks the engagements with the world *out-there* which is an essential component in the production of subjectivity. Also, he does not adequately explain the nature and dynamics of moral action which will be developed in this section.

The preceding section argued that the doctrine of co-arising in its earliest formulation intended to explain the processes of mental conditioning. Understanding the doctrine of *paṭiccasamuppāda* in such a manner retains an element of subjectivity while still operating within the horizons of the metaphysics of no-self. In fact, three different types of causal chains of the doctrine are present in the *Nikāyas*. The present section seeks to elaborate on two links, one from each chain. In one link ‘constructing activities’ (*saṅkhāra*) condition consciousness or discernment (*viññāṇa*), and the other link has consciousness (*viññāṇa*) and ‘minded-body’ (*nāma-rūpa*) mutually conditioning each other. The attempt is to develop an intentional structure of action in Buddhism focusing on the *Abhidhamma* School and its commentarial tradition. Further, the attempt is to see whether it can provide some clarifications to the questions raised above.

Buddhism denies the metaphysical self but does accept the empiric individual who is explained by the formula of *nāma-rūpa*. *Viññāṇa* and *saṅkhāra* both are factors of ‘personality’ or aspects of ‘minded-body’ (*nāma-rūpa*). As a personality factor, *saṅkhāra* can be understood as constituting ‘constructing activities’ which includes our dispositions, inclinations, etc. and are responsible for fabricating and coloring each and every act of consciousness. In Buddha’s perspective, this is *the* factor that contributes to the individuation of a person.<sup>53</sup> As a link, they are said to be the three constructing activities (*saṅkhāras*): of body (*kaya*-), of speech, and of mind (*citta*-), the three ‘doors’ of action.<sup>54</sup> In the process of the ‘dependent co-arising’ of subjectivity, *saṅkhāra* is continuously conditioning *viññāṇa* (discernment). It implies that the dispositions are continuously constructing a particular view of the world which enables one to act in a particular way. In fact, it is an object which provides the basis for discernment to rise.

When the object is, there is a support for discernment.<sup>55</sup> The mode of appearance of an object is already colored by *saṅkhāras* thus constructing a particular perspective of it. The object is an ‘opportunity’ for discernment to continue to arise, a focus of preoccupation, in which there has been volitional energy invested, where discernment turns for its sustenance and continuation.<sup>56</sup> Thus, the mutual dynamics of *saṅkhāra* and

<sup>53</sup> David Kalupahana, *A History of Buddhist Philosophy: Continuities and Discontinuities* (Delhi: Motilal Banarsidass, 2006), 71.

<sup>54</sup> S.II.4.

<sup>55</sup> SN ii 66.

<sup>56</sup> Harvey, *The Selfless Mind: Personality, Consciousness and Nirvāṇa in Early Buddhism*, 123.

*viññāna* lead to various actions of body, speech, and mind as explained in the canonical Buddhism. Consequently, the process nourishes and sustains the continuance of the ‘minded-body.’

While explaining the nature of action (*kamma*), Buddha famously explained action in terms of intention or volition. As the *Sutta* states, “Intention, I tell you, is *kamma*. Intending, one does *kamma* by way of body, speech, and intellect.”<sup>57</sup> *Cetana* is the chief commitment of consciousness in the cognitive act and is responsible for action. *Cetana* (intention/volition) comes to be regarded as the chief *saṅkhāra* in the system. Buddhaghosa explains that *cetana* to be “the principal formation (*padhāna*- or *patthāna-saṅkhāra-vasena*).”<sup>58</sup> *Cetanā* is frequently regarded as foremost of this broad category of constructed and constructing processes and phenomena known as *saṅkhāras*, the mental factors, temperaments, dispositions, and habits that condition the nature and quality of all conscious experience.<sup>59</sup>

The *Abhidhamma* system develops the etiology of action by deconstructing the structure of a single moment of consciousness (*citta*) and elaborating on the function which *cetanā* plays in it.<sup>60</sup> *Citta* is a “space or frame of awareness,”<sup>61</sup> a mode of “bare consciousness”<sup>62</sup> which is constitutive of “a range of experiential, attentive, and agentive functions (*cetasika*) that take place within it.”<sup>63</sup> A single moment of conscious experience is a dynamic interplay between consciousness and its concomitants. The system posits that a single moment of experience is a complex cognitive-emotive act. There are seven mental concomitants which are characterized as universals (*sabbacittasādhāraṇa*), that is, they are present in all moments of cognition.<sup>64</sup> The point of import is that what is considered as a single moment of awareness is a complex interplay of various cognitive factors, each performing a unique function. *Cetana* plays a central role in organizing and constructing one’s view of the world in a specific way. The question of freedom in action and holding one responsible is really a

<sup>57</sup> AN iii 410, translated by Morris, 415.

<sup>58</sup> *The Dispeller of Delusion*, 86.

<sup>59</sup> Maria Heim, “Mind in Theravāda Buddhism,” in *A Companion to Buddhist Philosophy*, ed. Steven M. Emmanuel (West Sussex, UK: Wiley-Blackwell, 2013), 384.

<sup>60</sup> The *Abhidhamma* system is ontologically committed to four reals: *citta* (consciousness), *cetasikas* (mental concomitants), material form (*rūpa*) and *nibbāna*. cf *Abhs* I 2.

<sup>61</sup> Ganeri, *Attention: Not Self*, 9.

<sup>62</sup> Yakupitiyage Karunadasa, *The Therāvada Abhidhamma: Its Inquiry into the Nature of Conditioned Reality* (Hong Kong: Centre of Buddhist Studies, University of Hong Kong, 2010), 70.

<sup>63</sup> Ganeri, *Attention: Not Self*, 9.

<sup>64</sup> Cf *Abhs* II 2. These are: contact (*phassa*), feeling (*vedanā*), perception (*saññā*), volition/intention, (*cetanā*), one-pointedness (*ekagattā*), mental life faculty (*jivitindriya*) and attention (*manasikāra*).

question of how one interacts with the world, which logically follows from how he/she constructs it.

A significant point to note here which touches issues pertaining to the philosophy of action is the classification of consciousness. The primary classification of consciousness in this system is according to the ethical character of its manifestation which is infused with it, these are: unwholesome consciousness (*akusala citta*) and wholesome consciousness (*kusala citta*). Unwholesome consciousness is the consciousness rooted in and accompanied by the unwholesome roots of greed (*lobha*), hatred (*dosa*) and delusion (*moha*). Similarly, wholesome consciousness is rooted in the wholesome roots or factors of non-greed, non-hatred, although it may or may not be ‘associated with knowledge’ (*ñāṇasampayutta*). The point to emphasize is that the system posits only these two types of consciousness which can lead to action (*kamma*).<sup>65</sup> This point has significance for our discussion on moral responsibility. An awareness of the world translates into action only when it has a clear ethical and moral content. Thus, one can be held morally responsible for those actions which have strong ethical, intentional content.

The function of intention (*cetanā*) in this schema is central as it organizes and constructs the experience in a particular way. Heim observes in this context that “objects do not arrive unmediated and unprocessed in consciousness but are fashioned by intentional activity.”<sup>66</sup> As a mental factor it is *cetanā* that organizes the other mental states associated with itself on the object of cognition.<sup>67</sup> The system employs a four-fold hermeneutical device to understand the nature of any given entity and it includes understanding its characteristic, function, manifestation, and immediate cause. The nature and role of intention or volition in experience is described as:

Volition is that which co-ordinates, that is, it binds itself closely to associated states of objects. This is its characteristic; its function is conation. There is no such thing as volition in the four planes of existence without the characteristic of coordinating; all volition has it. But the function of conation is only in moral

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<sup>65</sup> Cf Bhikku Bodhi, *Abhidhammattha Sangaha: A Comprehensive Manual of Abhidhamma* (Kandy, Sri Lanka: BPS Pariyatti Edition, 2000), 31. Both wholesome and unwholesome consciousness constitute *kamma*, volitional action. The other two types of consciousness are: functional consciousness (*kiriya*) which involves pure activity and resultant consciousness (*vipāka*) which are “those *cittas* or states of consciousness that arise through the ripening of *kamma*” (Ibid).

<sup>66</sup> Heim, “Mind in Theravāda Buddhism,” 383.

<sup>67</sup> Karunadasa, *The Therāvada Abhidhamma: Its Inquiry into the Nature of Conditioned Reality*, 107.

and immoral states; as regards activity in moral and immoral acts, the remaining associated states play only a restricted part.<sup>68</sup>

Buddhaghosa in *Fount* likens the role of intention to a landowner, a cultivator who gathers other strong people and takes them to the field to reap harvest. The efforts of the cultivator are doubled than the others. The cultivator takes care and manages the requirements of other people offering drinks, food, etc. The simile seems to imply that intention ‘owns’ the ‘frame of awareness.’ Its characteristic is to manage, organize, co-ordinate among the associated mental concomitants which have arisen in the frame of mind in the act of cognition. It functions as the will to perform an action and does so in only moral (*kusala*) and immoral (*akusala*) acts.

It manifests as the directing of the associated mental states on the object. Here its role is likened to the chief disciple who performs his duties and sets others to do their duties. Buddhaghosa explains the process using the simile of the chief disciple:

As the chief disciple, seeing the teacher come from afar, himself recites his lessons and makes other pupils recite each his own lesson...even so, when volition starts work on its object, it sets associated states to do each its own work.<sup>69</sup>

For Karunadasa, “[i]t is the most dynamic mental factor, being the driving force, the motivating factor that leads to the realization of goals.”<sup>70</sup> As to the role of *cetanā* as a universal mental concomitant and in producing action, the analysis of Karunadasa is insightful. He makes the following remarks in this regard:

What is the role of *cetanā* as a universal and *cetanā* as *kamma*? We need to understand this in the light of the *Abhidhamma* teaching on *kamma-paccaya*, the conditional relation by way of *kamma*. It is of two kinds. One is co-nascent (*sahajāta*) and the other asynchronous (*nānākhanika*). In the former the conditioning state is *cetanā* which arises with every type of consciousness. The conditioned states are consciousness and mental factors which arise together with it...

In the case of the asynchronous, the condition is a past *cetanā* and the conditioned states are mental and material dhammas

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<sup>68</sup> Fount 147. Fount = (*Atthasālinī*), Buddhaghosa’s Commentary on the Dhammasaṅgani. See Bibliography.

<sup>69</sup> Fount 148.

<sup>70</sup> Karunadasa, *The Therāvada Abhidhamma: Its Inquiry into the Nature of Conditioned Reality*, 107.

which arise as a result of it. This shows that *cetanā* as *kamma* and its results as *vipāka* do not arise at one and the same time. There must always be a temporal difference between them.<sup>71</sup>

The above analysis is constructing an intentional structure of action as it is found in the *Abhidhamma* system. It is important to note here that the mental events like intending, feeling, attending, etc. do not belong to an agent or self. The richness of the psychological exploration presented above can be better appreciated by contrasting it with a contemporary analytical model of action. J.E. Lowe's (2008)<sup>72</sup> account of the 'intentional structure of action' is grounded in substance metaphysics. His view assumes the metaphysical necessity of a substantial self to understand the relationship between mind and agency. Lowe considers "mental causes to be items such as beliefs, desires, and intentions – in short, *intentional* states of the self."<sup>73</sup> Thus, according to Lowe, all our intentional states are of the self and belong to a self. The *Abhidhamma* account of action, as elaborated by Buddhaghosa, rooted in 'intention' targets the view that the mental states belong to a self or an agent. A detailed psychological account of intentions, feelings and attendings is developed precisely to counter the view that the existence of a permanent agent is required to be the cause of actions. It is fruitful to mention Harvey's observation here: "the concept of ultimate agent of action [is] unsupportable... That is, there is intending (*cetanā*) but no specific process that is the agent of action, much less a permanent essence that is the agent."<sup>74</sup>

The discussion in the previous sections has made it clear that the questions concerning free-will and moral responsibility, within the Buddhist paradigm, are contested and complicated. The issues are intimately connected with the doctrine of 'no-self,' which itself relates to the nature of causation. We have seen that various scholars such as Strawson, Siderits, and Harvey have responded to the questions regarding freedom and responsibility differently, as they have interpreted the doctrine of 'no-self' and 'dependent-origination' differently. The discussion above substantiates the view that a minimal subjectivity can be conceptualized in analyzing the doctrine of dependent origination which supports minimal agency that can be viewed as a site of expressing freedom.

The above discussion has significant implications for the larger discourse on free will and responsibility. According to above analysis, it can be argued that we live in a partially deterministic world in the sense that

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<sup>71</sup> Ibid.

<sup>72</sup> J.E. Lowe, *Personal Agency: The Metaphysics of Mind and Action* (Oxford, UK: Oxford University Press, 2008).

<sup>73</sup> Ibid.

<sup>74</sup> Harvey, *The Selfless Mind: Personality, Consciousness and Nirvāṇa in Early Buddhism*, 178.

the processes that govern psycho-physical conditioning have an ontological dimension. This is fully developed in the Abhidhamma philosophy in the onto-ethical mapping of consciousness and its dynamic mode of functioning. However, there is enough scope for freedom in the way one *chooses* to process sensory data where intentionality plays a central role.

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## Justice as Absence of Injustice vis-à-vis *Nyāya* in the Buddha's Teachings

VARUN KUMAR TRIPATHI

### Introduction

Justice as a concept has been talked of in a variety of senses and domains. It has also been seen as a conglomerate of certain virtues or values which determine the nature of one's interpersonal existence in society. These values may be defined in terms of liberty, equality or fraternity for the matter. To contextualize the present discussion, justice or injustice is not being taken as an idea, but as experienced in action or in the life-world. Examination of the moral renderings of justice is also not exactly intended here. Rather, a psycho-analytic approach is being adopted to understand that injustice in society is directly related to the degeneration of what is 'humane' in human beings. Further, instead of imagining that justice is something which is to be brought about or established by the political order, a dichotomy is perceived between the individual moral agency and the abstract agency of the political order or political institutions. Giving primacy to the individual agency, it needs to be looked into the approach of addressing the problems is felt at a larger social level. To examine a representative Indian approach, justice as perceived by the Buddha is taken for reference.

The basis of discussing justice in the context of the Buddha's teaching is twofold – first, the *karmic* basis of justice; and second, the way delineated in the *Satipaṭṭhāna-sutta*. The former (which has numerous sources in the Pāli canon, e.g., the two *Kammaḥaṅgavibhaṅga-sutta* of *Majjhima-Nikāya*, to name a few) lays the foundation of a moral epistemology which describes the reasons for abstaining from one's undue actions based upon the *karmic* non-desirability of the consequences of the action for the doer himself/herself. The latter exposes on a psychoanalytic basis, i.e., the causes due to which one tends to indulge into action, which are unjust and yield suffering to others as well as to the doer. The annihilation of those causes through a method of realization is presented as a foundation of justice and harmony in society.

## Justice (*nyāya*) according to the Buddha

*Nyāya* (*ññāya* in Pāli language)<sup>1</sup> as explained by the Buddha is a state of mind (a virtue) to be achieved through right-awareness about one's psychological-existential states (bodily, cognitive, affective and spiritual), as well as a measure for the redress of all suffering and misery.<sup>2</sup> The entire exposition of *nyāya* (which is translated as both truth and justice both) is not focused to delineate a theory of justice, but to address those states of mind that can be seen as obliterating factors in process of justice. A right awareness about one's psychological-existential states is an enterprise of making objective one's perception about and involvement into one's being and knowing. An objective understanding of the operation of mind is necessary to understand one's role in yielding certain acts taken as unjust in a society. These acts violate certain values or expectations which are understood as primary or basic conditions for existence of all in a harmonious way. Injustice at the societal level can be seen as a conglomerate expression of these individual violations. A just society is an imagination wherein the values constituting justice are not vitiated. If this position is adopted for further examination of the notion, it is imperative to examine those reasons or precursors that give rise to a temper in which one tends to violate the values.

A right-awareness is a spirit of examination of those reasons. The fundamental reason in this regard is to have a subjective view of things or experiences. In the lack of proper awareness or spirit of examination, one develops subjective views – an identity with all experiences, perceptions, knowing, possession, entitlements, etc. The identity may function or express in different ways, viz., in formation of opinions, ideas about truth and falsity, right and wrong, prejudices and preconceptions; and thereby determine one's interpersonal expressions in society. Because of this sense of identity, things, entitlements, advantages, etc. get personalized. By personalization what is intended here is the sense that all that one is

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<sup>1</sup> There are two basic sources referred here, (i) the *Satipaṭṭhāna-sutta* of *Majjhima-Nikāya* and (ii) *Aggañña-sutta* of *Dīgha-Nikāya*. The first talks about the psychic states which are the fundamental precursors of human conduct – just or unjust – in the society. The approach of the chapter is to examine the psychological conditions of humans and the way they develop possessiveness, identity and attachment and thereby the way of being constitutes an unjust society. The second is about the portrayal of psychological degradation of human mind, from a relatively purer state to defiled states of consciousness. It is the human lust and possessiveness that brings conflicts and injustice in society, and gradually governance and kingship appear to establish the order. This is a description of 'state of nature,' but typically in a psychological sense. The description though appears similar to what the contractarians have talked about, but it is different in terms of emphasis on the describing mental states.

<sup>2</sup> *Majjhima-nikāya-pāli*, vol. I, *Satipaṭṭhāna-sutta* (Varanasi: Bauddha Bharati, 2006), 70, 76.

associated with in life is for one's own sake alone and one is entitled to use it at one's fancy, be it property, authority, power, opportunity, etc. This leads to the unauthorized possession, misuse of authority and power, selfish exploitation of opportunity and so on.

The Buddha examines the foundation of this sense of personalization and explains that one's unexamined association with one's body, sensations, states of mind (affinity, aversion, ideologies, opinions, beliefs, etc.) is the basis of the arousal of one's sense of 'I' and of personalization. Once these psychological-existential states – their causal conditions and natures are examined closely, they are realized as objective and transitory in nature, and dependent upon numerous causal conditions which are contingent, fleeting and perishable. This realization is called right-awareness – *sati-paṭṭhāna*. The Buddha says that this realization is for the virtues, viz., upon the realization of the sense of personalization, possessiveness, lust, covetousness, violence and the unrest of mind vanish. The vanishing of these vitiating factors reveals virtues, or that at least the violation ceases. The realization that has the power to question the personalization is not the construction of a different kind of thought process, rather it reveals the commonness of things, which is the very nature of the facts, the world.

To delineate the commonness of things, the Buddha's description of the 'state of nature' needs to be brought into discussion here. The Buddha describes the initial stages of society in terms of the nature of social existence of people and the absence of their identities with property and possession. The description is similar to that of some of the contractarian thinkers of modern times. The description claims that initially, in the 'state of nature' (which is not exactly a historical disposition of 'state of nature'), anything in this world did not belong to anyone. This realization or right-awareness (the sense of 'not-mine' – 'not-self') is in accordance with the nature of facts.<sup>3</sup> When this right-awareness is concealed, personal likes and dislikes – affinity and aversion – arise. Based upon the personal like or dislike the urge or desire for acquisition of things, resources, power, etc. arises. Desire can be understood as an urge for personalization of the desired objects or positions. The project of fulfilment of desires or the process of personalization may naturally come into conflict with others' desires, in such situations one develops enmity, resorts to unfair measures so as to secure one's interest anyhow, and the search for power also becomes a resultant tendency. Under the pressure of desires, power

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<sup>3</sup> The realization of 'not-mine' or 'not-self' is described as the realization of the true state of the one's body – that is, it is just a biological organism which, if not rightly understood, becomes instrumental to fulfillment of mere desires; feelings, if the psychological operation behind them are not properly understood, give rise to illusive sense of truth and generate convictions; and so on. These are the foundations of the actions which at interpersonal level create a situation of injustice (with individuals or at the collective level of society).

is misused. Due to the misuse of power, position or entitlement, fear grows up. The fear has two dimensions: one is from possible reactions from whose opportunities or entitlements have been taken away, and second from the feeling of one's own guilt. The fear generates a self-protection psychosis, which further generates a more complex set of behavior. The so-called injustice in society is the aggregate result of these vicious complex expressions of behavior. The socio-political disorder is also an expression of the same. Injustice is therefore a human construct; it is not something that percolates from a given socio-political order.

The observable miseries of injustice in society instigates a thinker to imagine a social structure bereft of injustice and to ensure that kind of social structure, and to envisage an ideal political order. In other words, imagination of a flawless socio-political order is a resultant reaction of our experience of injustice and disorder in society. It is a kind of intellectual escape that draws one's focus towards the society – centric or the order-centric theorization. In this process, the actual examination of the causes of injustice is missed out. Here, it is not argued that in present scenario one can ignore the role of the political order or the governance, but it is simply intended that an inquiry into the causes of violation of virtues can contribute to the better understanding of the psycho-genesis of the problem, and therefore to a better visualization of justice. The reactionary projection of an ideal social order and arguing around that order blurs the entire psychological context of the violations.

In the Buddha's exposition, the removal of the causes of miseries occupies the primary focus, and if one intends to construct a picture of society from this standpoint, it would be a society of the righteous individuals who strive for overcoming the psychological limitations that produce unjust situations in society. In this sense, for the Buddha, *nyāya* is equivalent to freedom – freedom from the psychological limitations; *nyāya* and *nirvāṇa* (*nibbāna* in Pāli language stands for freedom or emancipation) are same. If justice, in modern renderings, is to be based upon the ideals of equality (and liberty), it is intended here not to first grapple with the question how to ensure the equality (through the political order or so), but to examine the causes of inequality in society. Equality is not to be established by the political order alone, unless the forces creating situations of inequality or unequal treatment to the public interest cease to operate.

The Buddha's rendering of the *state of nature* in *Dīgha-Nikāya*<sup>4</sup> (which is a psychological rendering) describes the human vices and evils

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<sup>4</sup> *Dīgha-Nikāya*, vol. 3, *Aggñā-sutta* (Varanasi: Bauddha Bharati, 2009), 662-664. The chapter narrates the state of nature, as when the evil started rising (such as stealing and other crimes) among people..., they elected a person from amongst themselves who was assigned to establish justice in society, to regulate punishments...and to become an icon of the dharma. The mechanism of voluntary taxation came into practice to facilitate the

as the cause of the emergence of the political order and governance in human history. The role of the political order comes into play when there is degeneration of virtues. There is no question upon the role of the political order intended here, but what is being pointed out is that the political order is always in conflict with the lust, greed, hatred and personal interests of the individuals. It is bound to be in conflict. It operates too externally to bring about any transformation in people. What the Buddha sees as important is to understand the individuals' contribution to the situations of injustice due to their personal attachment, sense of possession, hatred, violence, non-compassion, etc. which arise upon a fallacious understanding of the nature of life and world. Since these miseries exist and continue due to mental afflictions, the resultant injustice will continue in society irrespective of the political order. This is the reason for advocacy of the primacy of examination of these causes for bringing about justice in society. One needs to really learn to be internally human for one's own well-being and of the other too. And the basic responsibility of an individual is to strive for annihilating or minimizing the mental afflictions, personalization, personal aversions that all result into undue possession, misuse of authority, and unequal access to social advantages, etc. which are designated as injustice.

### Justice as the Absence of Injustice

It is obvious now that justice is more or less described in terms of absence of injustice, absence of the causes that produce unjust actions or situations of injustice in society. Justice is assumingly taken to be a natural situation of harmony in society in a fashion that the rights of individuals and their access to social advantages are protected. Due to personalization and morally-legally unwarranted action justice is violated, hence the primary role of the political order, education, moral sensitization, etc. is to reduce and remove the violation. The goal of the state and political institutions to remove the violation can be meaningful only when the causes of those violations are neutralized or, at least, minimized. This is possible only in case when the individuals playing their role in the larger social order choose to contribute towards the said goal.

It can be justifiably argued that justice is not understood merely in terms of absence of injustice, but it positively asserts the access of indi-

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ected person. Being the choice of the people he was called *mahāsammata* (who is accepted by the public), being the protector of the people he was called *khattiya* (protector), and being the guarantor of the well-being of people he was called *rājā* (the king)... However, those who excel in wisdom, virtues and character are even superior to kings and deities, this is because of the nature of the *dharma* (the virtues), not of the *adharmā* (the vices).

viduals to social advantages, entitlements, rights, remedial processes, justice in procedural sense, incentives, compensations, etc. To ensure all these, certain kind of social reality needs to be created, and the availability of advantages and resources needs to be ensured. In the absence of personalization – absence of injustice – one does not know whether there will be justice in society or not, there will be due access to advantages or not. A negative theory of justice is silent on its positive connotations. But on the other hand, imagining a prior picture of justice – a blue-print of just society – has its own limitation. In imagination of such a blue-print, human action and the entire political order have to be designed in accordance with the blue-print. Humanity has tested a number of theoreticians' concern of creating an ideal picture of just society. Such portraits of a just society have been so enticing as to demand or create revolutions, social engineering, legal-political rearrangements as well as to redefine political values and institutions. The virtue-crisis of humanity remains unaddressed in all such intellectual and political processes.

Further, if justice is described to be intrinsically valuable, it must emanate from the inherently good nature of human beings. This is the basic claim of the Buddhist (or Indian in general) description of human nature. All mental afflictions are due to inappropriate understanding of the nature of life and world. All mental afflictions are extrinsic to human nature, so to say, is the claim. That is why, the tone of all moral teaching and spiritual suggestions in India are a kind of refraining from the evil, not to artificially create the good. In the same manner, Richard Reilly and Robert E. Allinson have rightly argued that:

This is a most essential point in understanding Eastern ethical tradition...human nature is intrinsically good and if one is free from obstacles, right conduct flows as spontaneous manifestation of one's nature. For one who accepts that 'inherent goodness' of human nature, it follows that one cannot give things of 'positive' moral value to another except by way of removing obstacles that are the causes of suffering.<sup>5</sup>

Based upon the above discussion, it can be argued that the absence of injustice is not just a negative connotation, but the basis of all positive virtues which are bound to produce justice. The absence of vices that obliterate justice itself is a positive connotation (though linguistically appears negative) in the sense that the absence serves as a necessary ground for justice. The mental afflictions and vices in fact conceal all possible

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<sup>5</sup> *Op.cit.* Richard Reilly, "Compassion as Justice," *Buddhist-Christian Studies* 26 (2006): 28, fn. 10,

and positive virtues like compassion, righteousness, expression of fraternity, sense of dutifulness and refraining from indulgence into unwarranted deeds, etc. If the idea of justice is not just to be based upon not only the value of equality but also the justified discrimination as per the situation of people in a given society; compassion and fraternity do extend the scope of justice. As Reilly again rightly puts it:

...what makes conduct morally right or wrong, from a philosophical point of view, is a matter of 'justice'; and, so, if an ethic of love or compassion is to ground what 'one ought to do,' then the loving or compassionate thing to do must also be what 'justice' warrants. If we view 'justice' in its traditional, 'non-comparative' sense, then, so I argued, we can see how 'justice' or 'compassion' or 'agape' are two sides of the same coin.<sup>6</sup>

Such a projection of the primacy of virtues for justice is not just a hollow projection, rather experimented by Kautilyan political institutions, when the law-canon establishes the mental purity as the foremost quality of the administrators and government functionaries, and proposes training for the same.<sup>7</sup> In the contemporary Indian education system, corporate, and bureaucrats' training, the primacy of the morals for justice and discharge of responsibility is occupying an important place. This is not happening because of any moral consciousness or upliftment, rather as a result of the realization of the failure of state-law agencies – the political order – in ensuring justice in society. An ideological faith in abstract political or legal agency in establishing justice remains elusive as long as the concrete human agency – the role of the mind operating the order – is ignored.

Insightfully, the basis of being just is the realization of one's own being and human conditions in the world. The realization of one's own self, its psychological-existential conditions, is a realization of equality of all beings.<sup>8</sup> Equality is the basis of compassion at all levels – bodily, psychological or spiritual. The realization of equality is not an idea that is to be cultivated because of its utility, rather it arises upon the realization of true nature of all beings; it is a matter of fact, not a hypothesizing. The realization brings about both attitudinal transformation and compassion.

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<sup>6</sup> Reilly, "Compassion as Justice," 26.

<sup>7</sup> Kautilya, *Arthashastra* (New Delhi: Penguin India, 2000), chaps. 1-3.

<sup>8</sup> As Richard Reilly puts it through the Shantideva's *Bodhicaryāvatāra*, "The foundational moral concept of the Buddhist is 'compassion.' Shantideva's *Bodhicaryāvatāra* (The way of the *Bodhisattvas*)...features the meditative practices of 'equalizing' and 'exchanging' self and others as profound means of cultivating compassion. 'Strive at first to meditate upon the sameness of yourself and others. In joy and sorrow all are equal. Thus be guardian of all, as of yourself (8.90)." See Reilly, "Compassion as Justice," 15-16.

In this context, compassion must not be understood as an arbitrary trait; rather it is a phenomenon that is efficacious in the proportion of the minimization of personal afflictions like biases, selfishness, deception, etc.

In such a description, there cannot be any prior presumption about the nature or course of society in a theoretical way. As argued earlier that a presaged social structure and shaping human conduct so as to realize the social order will always have its limitations. What is being pointed out here is that the social order is an expression of the human action and if the source of the expression is right and virtuous, the resultant expression has greater possibility of being just. The celebrated concept of John Rawls “justice as fairness,” as Kant’s non-consequentialist approach commits “priority of the right over the good,”<sup>9</sup> is a similar concern that emphasizes the need for reduction of morally profaned human intervention into the social order, and is an advocacy of right conduct without any prior presumption of what is ‘good’ for society. Not that the ‘good’ is denied altogether, but it should be a spin-off of the right.

It can be further argued if such an exposition of justice be universalized and be useful for the contemporary society. In response to such questions, instead of thinking of universality of an approach, one must ponder over if the approach contributes something to the overall understanding of justice, not theoretically but the way it is experienced in the world and interpersonal existence. If justice is taken as a moral concept, in the given context it can be talked about under virtue-ethical framework only; however every virtue-ethic occupies normative status in situations, yet it often faces criticism for not laying down a clear standard of what is right. Similarly, it can be argued that in a virtue-ethic framework justice is not being defined at all. To address such reproaches, one has to see the components contributing to the aggregate understanding of the concept.

Justice, if fragmented in terms of protection of human rights, absence of vices and violations, accessibility of individuals to their due social and legal advantages, etc., one can easily see that violations of these protections and access to opportunities are a state of virtue-crisis in society. Justice, apart from these fragments does not stand as a monolithic concept or reality even. It is a nomenclature that refers to the assurance of all the conditions aforementioned, absence of all violations (termed as injustice), and the provisions progressively compatible to address the possible/hypothetical cases of injustice, i.e., more than the sum total of all conditions. In all such cases, justice or injustice reduces to an exhibition of virtues in interpersonal expressions or the denial of it, individually or collectively in a socio-political order. The moral depravity on someone’s part is injustice to someone other. One may argue that justice, which has multifarious

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<sup>9</sup> *Op. cit.* Wayne P. Pomerleau, “Western Theories of Justice,” *Internet Encyclopedia of Philosophy*, <https://iep.utm.edu/> (accessed February 1, 2017).



characteristics and is understood in a multidisciplinary domain, is being reduced to ethics; but it is more important to understand that being human is fundamental not only for oneself but for every single being, a human who is rightly aware of one's nature of existence and one's deep psycho-existential-spiritual equality with all beings. The more natural question is "can justice and responsibility be the spin-off of one's being, without artificially bringing it about in society through some political agency."

### Conclusion

One may, for the argument sake, summarize the above discussion as a debate between the primacy of social reality v.s. the psychological behavioral aspect of human activity that shapes the social reality. There is neither the historical precedence of any of the two, nor the supremacy of one upon the other, as they both may incur mutual influence. One may also assume it a debate between the virtue/ethical model of understanding justice and the socio-political theories of justice. Though, the discussion is more or less of the former type, yet the aim is to point out the greater constructive role of individuals in the enterprise of justice. On the other hand, the discussion also advocates a return towards the idea of a "just man," quite in a Platonic sense, through the Buddha's formulations of the foundation of justice and shows how a narrow and personalized view of life results into unjust social realities.

Further, what is argued is that the absence of injustice is a greater foundation for justice. The absence of injustice can at least be seen as a project of minimization of injustice. In the proportion there is an absence of injustice, there prevails justice; however it may not be felt positively. Justice rather cannot be experienced positively without the empirical cases of injustice for which there exist a general will of annihilation. The minimization of injustice accommodates the role of fraternity, philanthropic initiatives, compassion and human virtues as only these factors can fill the gap between the operation of political agency for ensuring justice and the realistic acquisition of advantages and entitlements by the masses.

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**Part II**  
**Western Approaches to**  
**Justice and Responsibility**



#### 4.

# Global Challenges to Justice and Responsibility: Approach through Panentheistic Humanism

ANTHONY CARROLL

## Introduction

Global Justice and responsibility are two of the most important challenges facing the world today. Ever since the critical diatribes recorded in the canonical texts of the Ancient Israelite prophets in the Near East, of Plato's reflections on the just society in *The Republic* in Greece, of the principles of *li*, *ren*, and *yi* in the *Analects of Confucius* in China, and of the cosmological principle of 'Rta' in the Vedas in India, the concepts of justice and responsibility have been reflected on by philosophers and sages, and a range of proposals have been presented and some have been implemented in certain societies.

In this paper, I will outline the implications for global justice and responsibility of the concept of 'panentheistic humanism' through a dialogue with Axel Honneth's recent attempt to develop a theory of justice as an analysis of society elaborated in *Freedom's Right, The Social Foundations of Democratic Life*.<sup>1</sup>

First, I sketch the background to and basic meaning of the concept of 'panentheistic humanism.' This concept offers a philosophical anthropology of the human person that draws on secular humanism and religious traditions in dialogue with contemporary scientific knowledge. It offers a way in which we can re-learn how to be human in global times that is both open to the wisdom of the past and to the current global challenges facing an integral conception of humanism today.

Second, I introduce Axel Honneth's theory of justice as an analysis of society in order to present a recent systematic attempt to think through the issues of justice and responsibility today. Honneth attempts a re-actualization of Hegel's *Philosophy of Right* for our times by developing a new concept of freedom, 'social freedom' as the measure of what we *should* mean by justice today. He uses this concept as a normative basis of critique of the spheres of society, which inadequately instantiate justice in their respective action domains.

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<sup>1</sup> Axel Honneth, *Freedom's Right, The Social Foundations of Democratic Life* (Cambridge: Polity Press, 2014).

Finally, I argue that ‘panentheistic humanism’ provides a more appropriate philosophical anthropology, which is required to understand justice and responsibility today, than that presupposed by Honneth’s theory. I do this by demonstrating how Honneth’s reliance upon an ‘exclusive humanist’ philosophical anthropology circumscribes his conception of justice in such a way that questions of gratuity and environmental justice become reduced to instrumental questions and ultimately to material interests. I further develop the critique of Honneth’s concept of ‘social freedom’ as an Hegelian-Marxist teleology of history, which is no less abstract than the social contract theories of justice that his own conception is intended to replace. Lacking an adequate conception of the God-human-nature relations, Honneth ends up reducing justice to a Western account of institutionally anchored intersubjective freedom.

### **Panentheistic Humanism**

I have developed the concept of ‘panentheistic humanism’ to provide a philosophical anthropology that is serviceable for reflection on individual and collective religious experience, and for tackling questions of social and political theory today. Attempts by prominent figures, such as Charles Taylor, have provided much greater clarity to the fact that in our so-called ‘Secular Age,’<sup>2</sup> the re-integration of the spiritual dimension to human existence is necessary in order to safeguard the gains that modern societies have made in terms of human rights and responsibilities, and international efforts to secure global justice and peace.

I have developed the concept of ‘panentheistic humanism’ in a current book project and so in this paper, I will merely provide the broad outlines of this concept for the purpose of shedding light on global challenges to justice and responsibility.

#### *The Concept of Panentheistic Humanism*

The concept of ‘panentheistic humanism’ has been developed out of an historical reconstruction of the primary binary categories which have been used to speak of ultimate reality: the sacred and the profane, the transcendent and the immanent, and the religious and the secular. I draw on the methodology, developed by Hans Joas, of ‘affirmative genealogy’ but modified through a Kierkegaardian reading of the subjective act of a free decision, to provide a genealogical account of the emergence of ‘panentheistic humanism’ as a structuring concept for speaking of the God-human-nature relations.

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<sup>2</sup> Charles Taylor, *A Secular Age* (Harvard: Belknap Press of Harvard University Press, 2007).

Hans Joas has developed this methodology of ‘affirmative genealogy’ as a means of both *affirming* and *justifying* human rights today.<sup>3</sup> Essentially, Joas’s method is designed to link *justificatory* arguments with *historical* narration. His purpose in doing this is to elucidate a way of *enforcing* the affirmation of value commitments that he sees as in danger of disappearing. He does this by means of re-telling an historical or narrative account of their genealogy. In re-telling the story of the origin of our fundamental values, such as the sacredness of the person, Joas argues that we explicate how we arrive at them and what will be lost if they are abandoned. I depart slightly from Joas’s method in that unlike Joas, I consider, following Kierkegaard’s *Philosophical Fragments*, *Concluding Unscientific Postscript to Philosophical Fragments*, and *Either/Or*, that whilst re-telling the story of a value’s emergence can do much to make it attractive, its acceptance always requires a further step of free, personal decision in order to make it operative in the subject.<sup>4</sup>

In the case of Joas’s project, it is the defence of the value of the sacredness of the person codified in human rights, which is at stake. In my case it is the defence of the value of experience of ‘God-human-nature’ relations as ‘ultimate reality.’ This value of the experience of the ‘God-human-nature’ relations as ‘ultimate reality’ is in danger of being eclipsed in the Western world due to a default ‘exclusive humanism,’ which is losing the ability to articulate this ‘God-human-nature’ experience in a language, which is meaningful for people.

In order to recover the importance of this experience and an appropriate understanding and articulation of it, I narrate the history of the transformation of the primary concepts, used to speak about ultimate reality in the major Axial civilizations (Indian, Chinese, Greek, and Near Eastern) and their successor societies, namely, the sacred, the transcendent, and the religious. I argue that today, particularly in the Western world, the binary distinctions between the sacred and the profane, the transcendent and the immanent, and the religious and the secular have lost their appeal, and as a consequence some of the experiences which lay behind these categories are in danger of receding from our vision. Narrating their genealogy clarifies the importance that they have played in the lives of people and indeed of whole civilizations. It also explicates the losses, which their disappearance could lead to for our societies. But I note that whilst in the past these experiences of God have been codified in a binary

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<sup>3</sup> See Hans Joas, *The Sacredness of the Person: A New Genealogy of Human Rights* (Washington, DC: Georgetown University Press, 2013), 97-139.

<sup>4</sup> See Christoph Hübenenthal, “Human dignity: can a historical foundation alone suffice? From Joas’ affirmative genealogy to Kierkegaard’s leap of faith,” in *The Cambridge Handbook of Human Dignity*, eds. Marcus Düwell, Jens Braavig, and Dietmar Mieth (Cambridge, UK: University of Cambridge Press, 2014), 209-214.

structure, today, this dualistic metaphysics no longer serves to communicate effectively about experiences of ultimate reality to our times.

By ‘ultimate reality,’ I mean the most fundamental reality upon which other aspects of reality depend for existence. This category of ‘ultimate reality’ is variously expressed as the ‘ground of being’ the personal God of the Abrahamic traditions, or as a general principle of unity. This is the fundamental reality which we experience as ultimate or absolute and is the basis of all other realities. In this sense, ultimate reality is the unconditioned condition of reality *tout court*.

The actual meaning of the word ‘panentheism’ is derived from the three Greek terms ‘Pan,’ meaning ‘all,’ ‘en,’ meaning ‘in,’ and ‘theism,’ meaning ‘God.’ And so it literally means ‘all in God.’ It appears first as a concept in the work of Karl Christian Friedrich Krause (1781-1832) in his discussion of Friedrich Heinrich Jacobi’s (1743-1819) epistemology. Krause uses the word ‘Panentheismus’ and its equivalent ‘Allingottlehre’ in the context of a critical discussion of Jacobi’s theory of knowledge. Krause is critical of Jacobi’s attempt to abandon reason in favor of an irrational leap of faith in a conventional Theism. Jacobi had argued that such reliance was a form of Spinozism which led towards an atheism, pantheism, and fatalism. But Krause is convinced that only by pursuing the study of reason can a true appreciation of God and human knowledge be discovered.<sup>5</sup> Instead, Krause argues that in order to understand human knowledge at all it is necessary to posit knowledge of the divine essence as the basis of all knowledge.<sup>6</sup>

The idea of panentheism has a long history pre-dating the first explicit usage of the term by Krause in 1829. Its central idea is that God is to be thought of as in relation to the world. This idea can be traced back to early philosophical and religious thought.<sup>7</sup> I use it specifically in the context of humanism to indicate that an essential dimension of the human person, our experience of infinity, is best understood in the context of the constitutive relation of God to humanity. God is present within us as the experience infinity, an absoluteness, which provides the ground of our condition of freedom.

The term humanism in the Western world has recently become synonymous with atheism or ‘exclusive humanism.’ I aim to recover an older

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<sup>5</sup> Karl Christian Friedrich Krause, *Vorlesungen über die Grundwahrheiten der Wissenschaft, zugleich in ihrer Beziehung zu dem Leben. Nebst einer kurzen Darstellung und Würdigung der bisherigen Systeme der Philosophie, vornehmlich der neuesten von Kant, Fichte, Schelling und Hegel, und der Lehre Jacobi’s. Für Gebildete aus allen Ständen* (Göttingen: In Commission der Dietrichschen Buchhandlung, 1829), 484.

<sup>6</sup> *Ibid.*, 494-491.

<sup>7</sup> Charles Hartshorne and William L. Reese, eds., *Philosophers Speak of God* (Chicago, IL: University of Chicago Press, 1953), 29-30; John W. Cooper, *Panentheism. The Other God of the Philosophers. From Plato to the Present* (Nottingham: Apollos, 2007).



tradition of humanism which can be traced back to the early Christian church fathers and became particularly significant in the Christian humanism of the Renaissance.<sup>8</sup> The idea here is that Christ provides the model, the paragon of what it is to be a human being. The human being is, as the book of Genesis notes, made in the ‘image and likeness of God.’<sup>9</sup>

This religious language, used to talk of the *sacredness* of the person, has been translated into a secular language of the absolute right of the human person to “Life, Liberty and the Pursuit of Happiness.” as in the famous statement of the Declaration of Independence of July 4, 1776, and, as expressed in the French *Declaration of the Rights of Man and the Citizen* in 1789, Article 2, as “The goal of any political association is the conservation of the natural and imprescriptible rights of man. These rights are liberty, property, safety and resistance against oppression.” These declarations helped to inspire the United Nations *Universal Declaration of Human Rights* in 1948, and have further embedded the *sacredness of the person* in the social imaginary of many civilizations. Whilst it is clear that this *Universal Declaration* has not found universal appeal it is also true that it is difficult to find a better language to defend people from maltreatment and abuse.

Despite these Christian and Western origins, panentheistic humanism is not the exclusive preserve of Christianity, or in the secularized form of human rights, of the West. Rather, I argue that each major Axial Civilization and its successors has resources within it to derive its own understanding of ‘panentheistic humanism.’ This is why I speak of ‘ultimate reality’ as the sense of the infinite within us and indeed between us.

I acknowledge that each civilization has its own way of understanding this. But, historical reconstruction of the major binaries for talking about this infinity in the world civilizations (sacred/profane, immanent/transcendent, religious/secular) illustrates that each culture has found ways of understanding human beings as intimately connected to this infinite; and hence as in some way, connected to the absolute and unconditioned basis of reality: ultimate reality. This in brief is what I mean by the concept of ‘panentheistic humanism.’

### *Panentheistic Humanism and the Western World*

The default anthropology of the Western world is provided by naturalism. This is a philosophical and scientific conception of the human person, in which we humans are seen as a part of nature and able to be understood and indeed *explained* using scientific rationality. The place of

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<sup>8</sup> Michael Allen Gillespie, *The Theological Origins of Modernity* (Chicago, IL: University of Chicago Press, 2008).

<sup>9</sup> Gen 1: 26f.

philosophy in this worldview is very much as a ‘handmaiden’ to natural scientific exploration. Philosophy explains how concepts of the human are used. In a Lockean sense, we can say that its role is fundamentally as an “under-laborer” to science. However, the problem with this conception of the human person is that if we are *explainable* without remainder according to natural scientific principles then our self-understanding as free conscious beings is difficult if not impossible to derive and so self-consciousness tends to be reduced to an epiphenomenal effect of complex natural systems such as occur in our species *homo sapiens*. So, freewill and self-consciousness emerge as either an unsolved riddle or as an illusion, evolutionarily developed in order to make us feel somehow special. The naturalistic conception of the human person is thus impoverished. It delimits our horizon to a natural system that has somehow developed the unique characteristic of self-consciousness and the concomitant disposition of freewill.

This picture of the human person has not emerged *ex nihilo*. It has emerged out of a confrontation, primarily with the monotheistic traditions of Judaism, Christianity, and Islam and emerged as the default position in thinking about human beings in the West. I have outlined the contours of this genealogy elsewhere and so I will not here go in to details.<sup>10</sup> However, it is important to be aware that in the Western world at least, religious traditions have set the agenda for the emergence of what Charles Taylor terms, ‘exclusive humanism,’ that is to say an anthropology shorn of its spiritual dimension.<sup>11</sup> This agenda has been done in two major ways.

Firstly, the long genealogy of the ‘Theism-Atheism’ binary distinction, which has structured, until recently almost exclusively, reflection about God and God’s existence, has been carried out in terms of highly abstract theoretical reflection promoted by early modern Christian apologetics. In the face of the rise of materialism and atheism in early modern Europe, theologians adopted an abstract language of apologetics to prove the existence of God which set the agenda for both sides right up until today.<sup>12</sup> This has led to reflection on God and God’s relation to humanity as being seen to have little or no practical importance for social and political matters. Whilst it is true, however, that various forms of so-called ‘liberation and political theology’ have arisen and have been critical of these uncommitted theologies, within the domains of political philosophy and social theory these have had, with some notable exceptions,<sup>13</sup> only a

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<sup>10</sup> Anthony J. Carroll and Richard Norman, eds., *Religion and Atheism. Beyond the Divide* (London: Routledge, 2016).

<sup>11</sup> See *A Secular Age* and *A Catholic Modernity?*

<sup>12</sup> See Michael J. Buckley, *At the Origins of Modern Atheism* (New Haven, CT: Yale University Press, 1990).

<sup>13</sup> John Milbank, *Theology and Social Theory: Beyond Secular Reason* (Oxford: Blackwell, 1990).

marginal influence. God, if he is said to exist at all for these disciplines, remains securely in heaven beyond the concerns of global justice and responsibility. As belief in a ‘supra-mundane’ reality has eroded in the Western world so too has any significant relation between reflection about God and questions of justice and responsibility for the vast majority of people. Such questions of justice and responsibility are now generally seen in the West as purely ‘secular’ questions. If they do arise at all in connection with religion, it is primarily in the context of seeing religious faith as a motivator for social and political action. Other than in this specific context, God’s existence itself is not considered as relevant to socio-political questions. Much more popular, at least nowadays in the West, is a vague sense of God being an issue for self-fulfillment rather than for socio-political engagement for justice and peace.

Secondly, in continuing to use a binary metaphysics of a ‘heavenly’ realm and an ‘earthly’ realm, Western religious traditions have failed to provide a convincing worldview for many modern scientifically literate people. As a consequence, non-religious traditions have developed to constitute a default worldview for *thinking* people in the West. Charles Taylor has evocatively characterized this situation as *A Secular Age* in his 2007 work of the same name. Not that religious belief is impossible in this context but rather that it is harder to believe than not to believe given the dominant cultural setting of ‘exclusive humanism,’ understood as the development of a vision of human fulfillment, which makes no reference to God.

The concept of ‘panentheistic humanism’ is intended to address this current situation in the Western world in which religious traditions are operating with an outdated metaphysics and secular traditions with an inadequate anthropology shorn of reference to God. In order to address the problematic metaphysics of religious traditions, I draw on the work of Fiona Ellis and her concept of an “expansive naturalism.”<sup>14</sup> This takes the scientific worldview of naturalism seriously but does not draw the conclusion of an inevitable and necessary atheism, or ‘exclusive humanism’ in Taylor’s terms, which follows from this position but rather allows for meaningful discussion about religious experience.

To address problems that I have alluded to with ‘exclusive humanist’ anthropologies, I draw on recent scientific research in the areas of a systemic and relational conception of life,<sup>15</sup> and on research on the ‘Axial

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<sup>14</sup> See Fiona Ellis, *God, Value, Nature* (Oxford, UK: Oxford University Press, 2014), 8-72.

<sup>15</sup> See Fritjof Capra and Pier Luigi Luisi, *The Systems View of Life. A Unifying Vision* (Cambridge, UK: Cambridge University Press, 2014).

Age'<sup>16</sup> to propose a way out of former binary thinking in ancient and modern civilizations. The concept of 'pantheistic humanism' is developed through a critical and historical reconstruction of these former binary concepts of sacred and profane, immanent and transcendent, and religious and secular that have been used to speak of the 'here and now' of 'mundane' reality and of the 'beyond' of 'supernatural' reality. I argue that the categories of 'natural' and 'supernatural' are no longer adequate to frame our experience of the world. They are inadequate because what formerly has come under the category of the 'supernatural' is now conceivable as part of the 'natural.' This is not to suggest that naturalistic materialism is an adequate way to describe this. I believe it is not. Rather, it is to suggest that our current understanding of the 'natural' is consonant with a view of relationality and systems thinking.<sup>17</sup> This permits a pantheistic understanding of humanism, without positing a separate special realm of reality inaccessible to our ordinary mundane experience of the world. The 'otherness,' of what has been referred to formerly as the 'sacred,' the 'transcendent,' and the 'religious' remains 'other' but is experienced within what was formerly called the 'profane,' the 'immanent,' and the 'secular.'

In human experience, we come to know 'otherness' as infinity within us. We come to awareness of this in a variety of ways. For some without 'religious' convictions it may be experienced, for example, in being caught up in the beauty of art. This has been examined in philosophical terms under the concept of the 'sublime.' Though, as Tsang Lap Chuen argues, this is rather a way of perceiving rather than a particular object as such.<sup>18</sup> The sublime, so-understood in Chuen's work, represents those situations in life in which we are taken out of ourselves and move beyond a certain limit. These 'limit situations' differ for different people. But what is characteristic of all these situations is a certain self-transcendence, which occurs when they are faced.

Such limit situations are obviously not confined to the aesthetic sphere. Religious and philosophical traditions have developed a vast vocabulary to speak of these various moments. In the Western world, the ultimate limit situation has been spoken of in terms of encounter with God. This is the fundamental 'otherness' which monotheistic traditions

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<sup>16</sup> Robert N. Bellah, *Religion in Human Evolution. From the Paleolithic to the Axial Age* (Cambridge, MA: Belknap Press of Harvard University Press, 2011); *The Axial Age and Its Consequences*, eds. Robert N. Bellah and Hans Joas (Cambridge, MA: Belknap Press of Harvard University Press, 2012).

<sup>17</sup> See John Polkinghorne, ed., *The Trinity and an Entangled World. Relationality in Physical Science and Theology* (Grand Rapids and Cambridge: Eerdmans Publishing Company, 2010).

<sup>18</sup> Tsang Lap Chuen, *The Sublime: Groundwork Towards a Theory* (Rochester, UK: University of Rochester Press, 1998).

all acknowledge in their different ways. Amongst these so-called Abrahamic traditions, the Christian tradition is unique in that it holds to the singular and full manifestation of God in human flesh in Christ, Jesus. This manifestation is understood to be ever present in time through the Holy Spirit who dwells in Creation. The concept of ‘panentheistic humanism’ stands within, this tradition of ‘Christian Humanism’ that dates back to early Patristic times.<sup>19</sup>

Such experiences of ‘ultimate reality’ are of course not limited to Christianity. In all the main religious traditions of the world, and indeed in secular humanism, there are ways of speaking of this encounter in theistic and non-theistic terms. But, that human beings truly encounter ultimate reality is denied only by those who are committed to one variety or another of solipsism. As such, dialogue about the nature of this ‘ultimate reality’ is as inclusive as it is possible to be in a pluralistic world. This is not to suggest that there is agreement as to *what* this ultimate reality consists in. Clearly, religious and philosophical traditions are at variance about this. However, that most of these traditions accept that we come to know reality in our experience provides a sufficient basis on which to build a dialogue about the ‘what.’ Even when, in a post-Kantian context, the human subject is seen to be at least partially active in the constitution of this *perceived* reality, we can at least agree on the fact that we are experiencing a reality of which we are a part.

Here, I use this basic agreement to develop the idea that understandings of God and of our absolute value commitments are related to experiences of ‘ultimate reality.’ The term ‘ultimate reality’ here is meant as a summary term for the various experiences of God and of absolute value commitments which are associated with religious traditions, and also, at least with respect to absolute value commitments, with the humanist morality of some atheist traditions. These experiences of ‘ultimate reality’ are mediated by traditions of inquiry, which are embedded in societies and their histories, and are often codified in canonical texts bearing universal significance.

The concept of ‘panentheistic humanism’ expresses the idea of God’s presence to us when we speak of ‘ultimate reality’ and of our commitments to absolute values such as justice and the dignity of the human being. I have developed this concept out of an historical reconstruction of the major categories through which ‘ultimate reality’ has been described and experienced, and I argue that the time is ripe for a rediscovery of versions of humanism which, at least in the West, have been overshadowed by an over-reliance on conceptions of ‘exclusive humanism.’ As recent debates between theists and atheists have prioritized abstract explorations of divine predicates they have failed to consider the beliefs and embodied

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<sup>19</sup> Saint Irenaeus, *Adversus Haereses*, 4. 35. 5-7.

practices of ‘panentheistic humanism’ which have both moral and religious relevance for securing peaceful, responsible, and just societies today.

In order to trace changing conceptions and experiences of ‘ultimate reality,’ I have analyzed the major binary categories which have been applied in global history to represent the dual structure of reality: the ‘sacred’ and the ‘profane’ in ancient cultures, the ‘immanent’ and the ‘transcendent’ in the emergence of the major ‘Axial Cultures,’ and the ‘religious’ and the ‘secular’ in modern cultures. I argue that in our own times this three-fold categorial binary structure is no longer sufficient to portray an adequate understanding of ‘ultimate reality.’ Following a genealogical approach, I trace the evolution of these categories to their dissolution in our time, and the emergence of a new holistic category which I call “panentheistic humanism.”

### *The End of Binary Thinking*

The contemporary binary categories of the ‘religious’ and the ‘secular’ have arisen out of the concepts of the ‘sacred’ and the ‘profane’ in ancient cultures, and the ‘immanent’ and the ‘transcendent’ in ‘Axial Cultures’ of the first millennium BCE. Experiences of ultimate reality in ‘Axial Civilizations’ were codified in canonical texts, which continue to influence religious and philosophical worldviews until our time. However, this modern conceptual structure no longer adequately captures the experience and understanding of the relations between God, the world, and human beings. It conceptually divides experience and understanding into two separate realities which seem to operate according to different laws: the natural world according to the laws and principles of space and time, and the supernatural world according to God’s sovereignty. And, due to the dominance of such binary categories people are referred to as either ‘religious’ or ‘secular.’ depending upon whether they self-ascribe to two realities or to one.

Furthermore, I argue that in a ‘naturalistic’ conception of reality, as is currently dominant in the Western world, experience of ultimate reality is often unnecessarily blocked due to a screening out of both human experiences and categories of understanding, which allow for an ‘expanded naturalist’ experience and conception of ultimate reality. This broader picture of reality is open to God and to values which embody our convictions about the dignity of human beings, the need for international justice, and of the integrity of the natural world.

The concept of panentheistic humanism expresses the idea that God is not simply beyond our experience of reality but actually present to it. Unlike in pantheism, which is a fusional notion of God, panentheistic hu-

manism is an account of absolute otherness, which removes binary distinctions between the 'religious' and the 'secular,' the 'sacred' and the 'profane,' the 'immanent' and the 'transcendent.' In this panentheistic conception of reality, God is immanent to space and time and so to our ordinary human experience. An intentional decision of our human freedom allows for this experience and whom or what we encounter is shaped by this decision and by our worldview.

However, panentheistic humanism does not simply offer a benign conception of reality. That God is present to our human freedom means that we experience God as infinity within us. The Hindu salutation of *Namaste*, variously translated as "I bow to the divine in you." or, "I bow to the infinite in you." expresses this experience. We are inhabited by God and as a consequence, we experience the presence of God within us as infinity. The experience of this unboundedness is something which makes us able to contemplate and indeed to enact both liberation and annihilation. In this sense, Nietzsche was correct. We bear responsibility for our actions and how we respond to this experience of unboundedness is governed by our own free decisions.

In the ancient world this experience of infinity was objectified in the sacred realm. It was the 'beyond' of the realm of the gods. Ordinary life was 'profane,' it mattered little as compared with the hyper-real experience of these ecstatic Dionysian moments of encounter with the 'sacred.' The advent of the 'Axial Traditions' inaugurated an epochal transformation, which still structures our social imaginary today. The shunting off of 'transcendence' to another realm in these axial traditions brought about an historical process of secularization which continues to shape our contemporary world. And this first 'Axial Revolution' has fostered the world civilizations that we currently know. But, the legacy of dualism bequeathed by these 'Axial Civilizations' to modernity is now in a process of radical transformation.

All who accept the conditions of modernity live in a world structured by the so-called 'immanent frame.' This concept, developed by Taylor in his *A Secular Age*, represents the modern scientific world embodied in its extraordinarily powerful technology and governed according to rational laws. It is within this context that ultimate reality is experienced and needs to be conceptualized if our human understanding is to move forwards to a new global era in which globalization is oriented towards the good of all rather than simply the privileged few.

In former times, civilizational development was trans-regional as studies of ancient, medieval, and modern civilizations, and their connections have made clear. However, the contemporary age is unique. Never before in history has humanity possessed the power to completely destroy the planet or to create a global civilization of justice and peace. In these earlier ages, civilizations colonized other peoples and imposed their

worldviews on others. With the advent of global democracy this former model of civilizational expansion has been de-legitimized, despite it still being in evidence through contemporary economic, military, and socio-cultural forms of expansionism. Increasingly global and shared democratic structures of governance are creating pressures within resistant political regimes and conventional religious traditions and between these cultural and social systems. These pressures are corroding formerly held traditional power structures such as those between elites and the masses, men and women, and so-called 'religious' and 'secular' people. The de-legitimizing of these former binary power structures is leaving a vacuum in some areas that is currently being filled by contradictory forces.

On the one hand, there is the rise of religious terrorism. This is a phenomenon of the post-9/11 era and one which is having a dramatic effect on geo-political events. This represents a rejection of Western modernity and an attempt to impose an imagined pre-modern worldview using postmodern technology. It is actually a form of 'religious nihilism' which is far more dangerous than Nietzsche's attribution of this to Christianity. The exertion of human freedom in this perverted worldview understands itself as subjected to the 'freedom-taking god' who is ultimately, in a way highly reminiscent of earlier 'Nominalist-Realist' debates, not bound by rationality. Furthermore, traditional religions have themselves been unable to adapt to the new context of modernity. Often promoting strategies of withdrawal or confrontation with the world, they have failed to modernize and so offer little more than a faint hope of nostalgia and some former securities to their faithful.

On the other hand there is the rise of 'reductionist naturalism' in the West. This vision emerges out of a promethean reading of natural science as replacing God. Tied to a worldview of 'scientism,' often of the atomist variety, this conception struggles to conceive of human beings as anything other than complicated bits of 'stuff' and cannot account for absolute values such as justice other than as epiphenomenal derivatives of reality. However, as physicists such as John Polkinghorne in his *The Trinity and an Entangled World*, argue that nature is fundamentally relational and any attempt to explain everything about it according to 'reductive naturalism' is inadequate to its intrinsic structure. This reductive conception of nature is outdated as post-quantum and post-relativistic theories no longer fit with former models of science. In this context, 'ontological' and 'methodological' scientific naturalism appear as philosophical vestiges of earlier modernist worldviews. The reasons why these conceptions of nature, which lie behind 'reductive naturalism,' dominate in the West is currently of great sociological interest. But, that they dominate is one of the major reasons for the continuation of inadequate thinking about the relationality between God, humanity, and nature in both the academic and the popular imagination in the West.



Several factors are promoting the rise of these global forces. The first derives from the current communicative inadequacy of conventional religious traditions. Dependent upon former metaphysical systems these traditions speak in a language which has not come to terms with the scientific turn of modernity. That is to say, they have not grasped the significance for theology of the multiple revolutions that have been inaugurated by understandings of nature in physics and chemistry, of humans in biology, and of communities and societies in the social sciences. As a consequence, religious traditions are speaking in a language which no longer makes sense and in fact alienates people from understanding and communicating about experiences of God. However, on the positive side it should be stressed that conventional religious traditions have preserved communities of wisdom and of experiences of God which they still mediate to those who are open to these realities.

The second factor is that atheist traditions have taken various accounts of ‘supernaturalism’ as their *bête noir* and used these to ridicule or to underestimate the significance of experiences of ultimate reality for humanity and its search for global peace and justice. As with the early modern origins of the ‘Theism-Atheism’ polemic, atheists have often allowed traditional religious views to set the agenda for their own explanations of the non-existence of God. It should be stressed that in formulating an adequate account of ‘panentheistic humanism’ atheist traditions are well-placed to identify inadequate metaphysical accounts of God that oppose natural and supernatural accounts of reality. Moreover, atheist traditions also play an important role in highlighting ideological and indeed idolatrous conceptions of God which are often represented by traditional religious beliefs, and which have resulted in the de-humanization and oppression of many sections of society.

The third factor is the emergence of radical religious traditions which have rejected modernity wholesale. These traditions have detached faith from reason and pursue a fideist approach to religion. In providing a radical alternative to Western paths of modernity such radical religious traditions cultivate fertile soil for those who wish to vent grievances against the Western world. Moreover, for those looking for absolute certainties and values, Western liberal societies can seem relativistic and lacking in conviction. And, in periods of enormous change holding on to certainties takes on greater significance than in times of stability. In providing apparently clear answers and an *esprit de corps* fostered by a common belief in a supposedly higher ideal, radical religious traditions are dramatically promoting and engaging in religious terrorism on the geopolitical stage. The effect of this global terrorism is to divert both resources and interest from the global community of nations towards securing an equitable and just development in the world. Instead, developed nations are pursuing costly anti-terror campaigns which not only divert resources from other

issues but also dominate the media and so prevent issues of justice and equitable development from getting the attention in the general population that they require to become national and international priorities.

Panentheistic humanism has important things to say to both of the contemporary global forces of religious terrorism and 'reductive naturalism.' It presents an alternative to 'reductive naturalism' by developing a language of ultimate reality consonant with a contemporary scientific mentality. It goes beyond a reductive conception of naturalism by elucidating an 'expansive naturalism,' which integrates God and values within its framework without positing a bi-level nature/supernature metaphysics. Panentheistic humanism thus offers a richer conception of humanism than that available to 'reductive naturalism,' and so speaks to the deep desires of our humanitarian impulses shared by many atheists and agnostics.

Panentheistic humanism also addresses key issues which lie behind the rise of religious terrorism. Such perverted forms of religious traditions draw on a lack of shared international justice and responsibility, and the absence of moral and religious absolutes to promote and engage in violent retribution and absolutist moral codes. By reconnecting the human person with God as ultimate reality, panentheistic humanism situates all life within a common heritage and destiny, and binds humanity together in a cosmic covenant of justice, peace and mutual responsibility. Thus panentheistic humanism draws on the great prophetic traditions to criticize global injustice and to promote responsibility towards the poor and dispossessed. In being nourished by the core values of compassion and wisdom important motivational resources are made available to people that are helpful in the work for justice and peace. This motivational dimension is an important aspect of panentheistic humanism as such work is sometimes unsuccessful and may even seem pointless in the face of much greater forces.

### *Summary of Panentheistic Humanism*

The term 'panentheistic humanism' rejects the dualistic presuppositions of the binary concepts of the 'sacred' and the 'profane,' the 'transcendent' and the 'immanent,' and the 'religious' and the 'secular.' Despite this, however, it is out of traditions of using these terms that we have to begin to construct a new language and concepts adequate for our time. As a consequence, the historical approach that I have adopted in elucidating the concept of 'panentheistic humanism' is essential to articulating the systematic thesis of the emergence of 'panentheistic humanism' as a globally adequate worldview for today. This new vision is neither the preserve of any one religious tradition nor that of scientific naturalism. Rather, it has developed as a response to a desire to make sense of God, of ourselves,

and of the world and as such it emerges out of both religious and scientific explorations.

Somewhat ‘under the radar’ of the general population are attempts of religious believers and atheists to find ways forward beyond the impasse of a lack of a common language to speak about ultimate reality. For some this has meant the experimentation at profound levels with the journey of inter-religious dialogue. For others, it has meant the search for ways to bridge the divide between religious traditions and atheism. Common to both of these explorations is a willingness to move beyond former securities and to search for what is ultimately true and of benefit to humanity. The genealogical elucidation of the concept of ‘panentheistic humanism.’ aims to bring both of these creative attempts together by recognizing the contributions of faith traditions and humanist traditions towards social and cultural advancement.

I outline the emergence of the concept of ‘panentheistic humanism’ through an historical overview of the transformations in the binary categories of the ‘sacred’ and the ‘profane,’ the ‘immanent’ and the ‘transcendent,’ and the ‘religious’ and the ‘secular’ from ancient times to the modern world. I argue that an engagement with the current inadequacy of the categories of the ‘religious’ and the ‘secular’ suggests a way towards the formulation of the concept of ‘panentheistic humanism.’ Through an ‘affirmative genealogy’ of panentheistic humanism, universal themes, regional differences, and common challenges emerge in the context of cross-cultural comparisons between the East and the West.

### **Axel Honneth’s Theory of Justice as a Theory of Society**

#### *Freedom’s Right*

Axel Honneth is one of the leading members of the German tradition of critical theory being the successor of Jürgen Habermas at the University of Frankfurt am Main. His intellectual project has been oriented towards finding a normative basis for social critique in the tradition of the Frankfurt School to which he belongs. Developing a theory of recognition based on Hegel’s philosophy, he has elucidated a social mechanism of claiming rights for those who are excluded and marginalized based on the notion of a *struggle for recognition*.<sup>20</sup> This Hegelian motif is retaken in his later major work, *Freedom’s Right. The Social Foundations of Democratic Life*.<sup>21</sup> However, in this work, Honneth’s focus is more ambitious. He sees

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<sup>20</sup> Axel Honneth, *The Struggle for Recognition. The Moral Grammar of Social Conflicts* (Cambridge: Polity Press, 1996), and *Disrespect. The Normative Foundations of Critical Theory* (Cambridge: Polity Press, 2007), Revised Edition.

<sup>21</sup> Axel Honneth, *Freedom’s Right. The Social Foundations of Democratic Life* (Cambridge, Polity Press, 2014). Hereafter *FR*

*Freedom's Right (FR)* as a contemporary attempt to re-actualize Hegel's original intention of providing an analysis of the possibility of intimately tying together individual and institutional rationality. In such a way society could emerge as truly modern and free of the constraints of irrational forces that have bound both individuals and institutions in a form of captivity.

Honneth is inspired by Hegel's *Philosophy of Right* because he sees it as providing a way to reconnect a theory of justice with an analysis of society.<sup>22</sup> In fact, Honneth sees his own project as an attempt to revive Hegel's intention in the *Philosophy of Right* of showing the rational character of modern institutions and the embedding of moral rationality in their core. In an Hegelian sense these institutions possess both substance and legitimacy and so can be considered 'right' when they enable and realize individual freedom.<sup>23</sup> Honneth draws on this Hegelian approach of developing a theory of justice based on the structural preconditions actually existing in society. He justifies this approach on the basis of four fundamental premises.

Firstly, he assumes that in developing a theory of justice as social analysis that "social reproduction hinges on a certain set of shared fundamental ideals and values."<sup>24</sup> These ethical norms act as both the general purposes of a society (ultimate values, Parsons) and the individual guidelines which orient each person's life in a society. Here, Honneth is drawing on the work of Talcott Parsons, the American sociologist, who developed these ideas for how societies successfully reproduce themselves. Parsons thought that the ethical values structure the various spheres of human action by imposing role expectations, implicit obligations and socially inculcated ideals on individuals, and through these mechanisms bind societies together with fixed general and particular orientations. As empirical research has illustrated, agonistically integrated subjectivities in democratic societies normally act in accordance with norms that have been shaped by the higher values of their society. As Honneth puts it, "The unique characteristic of this model of society – and what makes it especially suitable for updating Hegel's intentions – is its claim that all social orders, without exception, must legitimate themselves in the light of ethical values and ideals that are worth striving for."<sup>25</sup> In other words, if a society is to continue healthily over time (that is to say in sociological terms, to reproduce itself), then it must have overall values that the individuals freely assent to and live their lives according to. Enforcing life-

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<sup>22</sup> Honneth follows the classical tradition of understanding justice as "the binding and permanent intention to render to everyone their due" (Justinian, Cicero, Thomas of Aquinas), *FR*, 4.

<sup>23</sup> *FR*, 2.

<sup>24</sup> *FR*, 3.

<sup>25</sup> *FR*, 4.

styles, dogmatically declaring something to be a value, or whatever other social strategy a government may try to impose on its members will lack both substance and legitimacy in Hegelian terms, and so will not be able to reproduce itself over time without serious social pathological developments. Thus, Honneth's view is that any theory of justice must be able to explain how it corresponds with the fundamental values both shared by the individuals of a society, and already embodied in the normative orientations of its major institutions.

This contrasts with the view of the tradition of thinking about justice in social contract theory, for example, which constructs an ideal situation nowhere actually present and tries to get people to sign up to this vision (e.g., Locke, Hobbes, Rousseau, Kant, Rawls). Honneth holds that despite the fact that modern democracies are pluralistic it is still inescapable that successful normative integration is necessary for the healthy material reproduction and cultural socialization of modern democratic societies. As he puts it, "every society embodies objective Spirit<sup>26</sup> to a certain extent, because its institutions, social practices and routines reflect shared normative beliefs about the aims of cooperative interaction."<sup>27</sup>

The second premise Honneth's approach rests upon is that the normative criterion of a theory of justice should draw on those values or ideals, that, as normative claims, also constitute the conditions of reproduction of a given society. In other words, the idea of justice is not a freestanding and independent concept from the actual reality of a given society. As such each person should be given their due at the level of both their personality and subjectivity in Hegelian terms (see above). This means that, following Hegel, defining what is due to someone is only possible from the internal meaning of previously established practices; from the actual ideals already institutionalized in that society. As Honneth states, "Therefore, that which is 'just' is that which promotes adequate treatment in terms of the role assigned to each different social sphere in the context of the ethical 'division of labor' in a given society."<sup>28</sup> Implicit in this premise of Honneth is the view that modern democratic societies embody a set of values which are normatively superior to historically antecedent social ideals or 'ultimate values.' This is, as Honneth calls it, "an

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<sup>26</sup> The notion of 'objective Spirit,' also referred to as '*Sittlichkeit*' or 'ethical life,' is used by Hegel to talk about the social order, which refers to the institutions that structure society such as the economic system, the State, family structure, and so on. This is contrasted to his notion of 'subjective Spirit,' which refers to the subjective ethical life of an individual that is meant to correspond to 'objective Spirit' in a truly free society. See G.W.F. Hegel, *Elements of a Philosophy of Right*, ed. Allen W. Wood (Cambridge, UK, Cambridge University Press, 1991), § 144-148.

<sup>27</sup> *FR*, 4.

<sup>28</sup> *FR*, 5.

element of historical-teleological thinking” that is inevitable in any theory of justice.<sup>29</sup>

Interestingly, Honneth uses a particular methodological approach to do this. He calls this “normative reconstruction.” This is a means to use immanently justified values as a criterion for making judgments about the empirical material, which such theories work with. Following Hegel, Honneth adopts a concept of freedom as constituting the substance and justification of justice, and he uses this to make judgments about what is healthy and unhealthy in the material reproduction and cultural socialization of individuals in society. According to Honneth, “because the aims of social reproduction are essentially determined by accepted values, ‘normative’ reconstruction means categorizing and ordering these routines and institutions according to the impact of their individual contribution to the stabilization and implementation of these values.”<sup>30</sup>

The third premise used by Honneth is the validity of using this methodological procedure of normative reconstruction as a means of basing a theory of justice on social analysis. Honneth makes the point that this procedure should not simply be understood as a matter of reading off the immanently derived principles of justice from a given social reality. Rather, normative reconstruction provides a yardstick with which to criticize the already existing reality according to which each respective social sphere contributes to securing and realizing the values that have already been realized in society. In some areas, such as the economy, for example, there may be a clash which is due to the fact that the values of society are being systematically contradicted by the operation of this particular social sector. The force of this normative critique is grounded in the fact that the charge of hypocrisy cannot be born over time without the loss of legitimacy and hence the eventual downfall of that institution in a modern democratic society. Again, one can see the influence of Hegel here on Honneth’s account of justice. In emphasizing the structural conditions of contemporary societies, Honneth provides a systematic sketch of what Hegel referred to as ‘ethical life’ (*Sittlichkeit*). And, in this Hegel was following Aristotle for whom it was intersubjectively practiced customs and not simply cognitive beliefs which define morality. But unlike Aristotle, Hegel did not intend his notion of ‘ethical life’ to be merely a description of already existing practices but rather a normative evaluation of the ethical forms of life which could be shown to contribute to the realization of universal values and the ideals of modern societies.

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<sup>29</sup> He draws on this historical-teleological assumption to fend off charges of conservatism, arguing that current democratic societies have indeed progressed in the realization of the modern ideal of freedom and it is this criterion which we are justified to use to differentiate healthy and pathological developments in modern societies.

<sup>30</sup> *FR*, 6.

Honneth's fourth premise is thus that the procedure of normative reconstruction is more than the affirmation of already existing social reality but always allows for the criticism of social reality. This is something Hegel also makes clear in his criticism of corporations to fulfill their social duties of inculcating different social strata with an ethical sense in their market interactions in civil society.<sup>31</sup> Honneth follows Habermas here in his understanding of contemporary democratic societies as post-traditional. This Hegelian idea shared by the three H's (Hegel, Habermas, and Honneth) builds upon Kant's famous definition of the Enlightenment as 'being able to think for oneself' and so to use one's own rationality to critique the situation within which one finds oneself. Hegel socializes this Kantian idea of critique in the direction of the normative critique that Honneth wishes to apply to so-called post-traditional societies. Post traditional here means that in distinction to former traditional societies the individual does not simply receive the wisdom of their age uncritically but rather in an agonistic confrontation appropriates the ideals of their age according to the criterion of freedom. Does this promote human flourishing understood as an increase of human freedom or not? If the values of the age do promote this freedom then they are accepted as fostering the realization of the universal values of modernity. If they do not, then the social sector in question in which the deficient values are embodied is criticized by this criterion as not promoting the overall values of society which we as democratic modern human beings subscribe to.

These four presuppositions are used by Honneth as both the methodological basis and the justificatory argument for his critical analysis of the rationale of three contemporary institutions: personal relationships, the market, and the political sphere, which, following Hegel, structure the possibilities of individual freedom in modern societies. However, in order to carry out this institutional analysis, Honneth first develops his own concept of freedom, social freedom, out of a critical reconstruction of the former concepts of freedom, as it is freedom, or the autonomy of the individual, that Honneth sees as the principle ethical value of modernity. He holds all other values, including that of justice, to be in some significant way rooted in this core value of our times. It is this value that connects the individual subject and the social order in a unique systematic way. As such, the normative legitimacy of the social order is now dependent on whether it is seen to foster individual self-determination or not. The demand for justice in modern societies is now intrinsically connected to individual freedom ever since Hobbes debates about the category of individual freedom have been contested. Three models of freedom have come to dominate the moral discourse of modernity: (1) Negative; (2) Reflexive; and (3) Social. Honneth deals with each of the three in turn.

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<sup>31</sup> *FR*, § 253.

*Negative, Reflexive, and Social Freedom*

The idea of negative freedom took shape in the religious wars of the sixteenth and seventeenth centuries. In a famous passage of the *Leviathan*, Hobbes writes, “By Liberty, is understood, according to the proper signification of the word, the absence of external Impediments.”<sup>32</sup> The primordial level is thus the absence of external controls on our bodies. Internal impediments such as restrictions of will and fear and so on are not restrictive of this form of freedom for Hobbes, because belonging to the individual they are caused by the subject themselves. This idea of negative freedom developed by Hobbes has been improved on by Locke, Mill, and in our own time by Robert Nozick. But the basic idea has remained the same that it is concerned with protecting a free-space of egocentric action without consideration of our responsibilities towards others. Honneth is critical of this understanding of freedom as he sees it as not addressing the issue of self-determination. In other words, freedom for him is not simply the absence of external constraints but rather the formation of the aims of subjects by freedom. The selection of the aims according to free rational criteria thus requires more than a negative understanding of it for Honneth. This leads him to consider two further accounts of freedom: reflexive, and social.

Without doubt, negative freedom is an intrinsic conception of freedom in modernity. But is it sufficient to ground an understanding of freedom linked to a substantive conception of justice? Honneth thinks this is not the case. He considers that a conception of freedom should consider the subject’s relationship – to-self. In this model, individuals are free if their actions are solely guided by their own intentions. Isaiah Berlin’s account of freedom as “positive freedom” raised the question of intentionality, and this led in two general directions: One in the direction of autonomy, and the other in the direction of self-realization. Following Rousseau and later Kant, the idea is that for an action to be free it must issue from the rational will of the agent. In other words, if people are living in a state of conflicting desires and acting out of this then they cannot be said to be acting freely. Realization of what it is that the will imposes on us rather than our desires is thus in this tradition a necessary condition of acting freely. Kant develops Rousseau’s idea of freedom by viewing it as acting according to self-legislation (Autonomy). The Kantian understanding of freedom is very much a rational-legislative form of the golden rule applied universally. The other tradition of reading Rousseau sees him more as an advocate of integrity in which reflexive freedom is rather a consequence of articulating our own authentic will after reflection. This ideal of self-

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<sup>32</sup> Quoted in *FR*, 21.



realization opposes Kant's idea of moral autonomy by placing the individual good before the general good. Johann Gottfried Herder is a representative of this tradition and he sees the journey of self-discovery as something we realize in 'the medium of language.' It is only by learning to articulate the authentic core of my personality to others that I am truly in a state of reflexive freedom for Herder.

These two traditions of autonomy (Kant) and self-realization (Herder) drawing on different readings of Rousseau's conception of the will represent eighteenth century misgivings with the idea of freedom only negatively conceived without an internal component which looks at how the will and intentionality of the subject is formed and shaped to come to a judgment of action. Both Kant and Herder see this as requiring the elimination of traces of compulsion bound up with conflicting desires that lead to an intentionality that is not free. Yet, they part ways on just how this purification is to take place.

Kant believes it should take place in the formulation of autonomous laws and Herder thinks that the purification of our intentionality happens when we discover our authentic desires. As Honneth puts it, "This opposition between self-determination and self-realization, between autonomy and authenticity, laid down the path followed by the idea of reflexive freedom throughout the philosophical discourse of modernity."<sup>33</sup>

Apel and Habermas have developed the Kantian tradition through taking a linguistic intersubjective turn. Following Nietzsche's and Freud's work, those following the Herder tradition have found it more difficult to progress but thinkers such as Harry Frankfurt and Charles Taylor have attempted to do this by using a stage-like developmental process and a reflection on the *sources of the self* in modernity respectively.<sup>34</sup> Both of these conceptions have led to ways of thinking about social justice. The autonomous tradition has seen it as finding principles which are fair and inclusive of all (Rawls, Habermas, Apel) and the self-realization tradition has seen it as creating a society in which individual's aims are realized in common (Mill, Arendt, Sandel). But in the case of the latter, Honneth considers that it is difficult to derive a clear account of social justice from this tradition as he is unclear that in the end the self-realization model actually differs from the negative freedom one.

Honneth's critique of both of these developments of reflexive freedom is that whilst they may add important internal considerations to the elucidation of a successful modern account of freedom they do not inter-

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<sup>33</sup> FR.

<sup>34</sup> See Harry Frankfurt, "Freedom of the Will and the Concept of the Person," in *The Importance of What We Care About* (Cambridge, UK: Cambridge University Press, 1988), 11-25; Charles Taylor, *Sources of the Self* (Cambridge, UK: Cambridge University Press, 1989).

pret the social and institutional conditions which actually enable the exercise of freedom and are in his view indispensable components of freedom itself. It is this critique of reflexive freedom that leads Honneth to articulate his Hegelian-inspired third account of freedom which he calls, “social freedom.” and in which institutional analysis is necessary if reflexive freedom is actually to be put into practice. In fact, he holds these considerations to be necessary conditions of reflexive freedom because it is only in participation in discourse that reflection raises itself to the conditions of real freedom for Honneth.

In his *Jena writings*, Hegel gave shape to this idea by arguing that in the sphere of the market, subjects need to recognize each other to satisfy their ego-centric needs. This shift to ‘intersubjectivity’ begins the process of uniting ‘objective’ and ‘subjective’ freedom that Hegel views as necessary for a truly social account of freedom. Individuals in this understanding can only experience and realize freedom if they participate in social institutions characterized by mutual recognition. This provides a critique of the Kantian proceduralist approach as this presupposes institutions of freedom, which provide a culture of freedom out of which these procedures will naturally grow.

Integrating the objective, institutional aspect into the theory of justice is a central characteristic, which distinguishes Hegel’s social account of freedom from the negative and reflexive traditions already discussed. Hegel provides a theory of the ethical relations, which provide the matrix of a legitimate social order that creates institutions that are socially just by virtue of ensuring freedom. This presents a normative reconstruction of the layered order of institutions in which subjects can realize their freedom in the experience of mutual recognition. As Honneth describes:

For Hegel, reversing the relation between the social orders and legitimating procedures does not at all mean denying that such procedures have a role in developing a theory of justice. Instead, their function lies within the framework of a social order that has already been proven ‘just’; instead of founding that order, their role lies in judging individual questions of legitimacy. Hegel rounds out the methodological structure of his conception of justice by entitling individuals, on the basis of their social freedom, to examine given institutions in terms of whether the latter live up to their own standards.<sup>35</sup>

Clearly, the confidence of Hegel in the realization of ‘state of the art’ social freedom depends on his view that the present moment represents *progress*. Honneth is conscious of this problematic presupposition but still

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<sup>35</sup> *FR*, 58.

holds that even when these metaphysical historical philosophical presuppositions are stripped away, the fact that subjects actively preserve and reproduce free institutions in modern democracies is theoretical evidence of their historical value. This is a central assumption Honneth shares with Hegel and is an area that I will critically engage with in the final section below using the concept of panentheistic humanism.<sup>36</sup>

Honneth defends this approach of normative reconstruction of actual social relations because it connects theory to reality in a way which a merely proceduralist account does not. Dreaming up utopian principles of justice is thus methodologically impoverished from the perspective of social freedom. The need for the integration of empirical analysis with theoretical reflection is a characteristic feature of the methodological approach of critical theory, however, Honneth needs to say more about the understanding of justice at the substantial level in order to explicate the account he is presenting.<sup>37</sup>

His view up to this point is that justice depends on a conception of the shared ‘good’ of modernity which is individual freedom. His particular interpretation of this is that individual freedom needs to be embodied in the different ‘action systems’ of modernity (such as the polity, the economic sphere, the cultural and personal spheres) in such a way that helps individuals to pursue their intersubjectively derived aims in the differentiated spheres of modernity. The degree to which the institutions of society provide experience of normatively regulated mutual recognition is the degree to which, according to its own internal standards, a modern democratic society can be said to be free and just. Social pathologies emerge, for Honneth, as a consequence of the lack of institutionalization of freedom and mutual recognition.

One of the major pathologies of contemporary societies, according to Honneth, is to depend excessively upon law to regulate these interactions rather than to attempt to institutionalize freedom in the realms of practices, customs, and social roles. It is through shaping appropriate attitudes, modes of comportment, and behavioral routines that the social conditions of justice are actually manifested. The juridification of society has unfortunately gone hand in hand with merely formal proceduralist conceptions of justice that remain abstracted from the day to day functioning of society. After having outlined his conception of freedom as social freedom, Honneth progresses to use this concept to criticize the three relational systems of action – personal relationships, the market, and the political public sphere – which embody social freedom.

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<sup>36</sup> See Part 3.

<sup>37</sup> I will argue in Part 3 that Honneth’s account lacks adequate substance to be of practical use in today’s global context.

*The Institutional Embedding of Social Freedom in  
Three Relational Systems of Action*

The 'We' of Personal Relationships: In the first area, namely, that of personal relationships, Honneth investigates three forms in which the new types of intimacy and privacy have arisen: friendship; intimate relationships; families. Whilst clearly friendships have always been in existence it is only with the rise of economic trade and the capitalist market that the need for an alternative sphere of private retreat was generated. In the writings of Ferguson, Hume, Hutcheson and Adam Smith it is possible to see the founding documents of the modern form of friendship. They illustrate a separate personal relationship to family attachments in which subjects are bound to each other solely by mutual affection and attraction. Uniquely, these relationships allowed for talking about feelings and dispositions in a way, which was novel outside of the family. This allowed for role patterns and practices, which represented an increase of individual freedom which permitted subjects to experience the social realization of their feelings in the intimacy of friendly relations. However, this would take over a century and a half for this new social form to move beyond the educated classes to the general population. It would take the removal of barriers to the articulation of life aims to make possible the modern ideal of friendship as an institutionalized practice. That is to say, it was after the Second World War with the breakdown of the stereotypical male dominance in the family that a space of personal self-reflection opened up which allowed for the articulation of personal feelings and life aims. Indeed, since around the 1960s friendship has been cultivated in all levels of society with the role obligations underlying this social relation, spoken of in Scottish moral philosophy earlier, now being commonly learned in puberty. In the analysis of social freedom, what is of most interest is the fact that we can experience our own will as something whose articulation is desired by a concrete other and can thus no longer be closed off internally. Free from instrumental considerations a special form of intersubjective freedom arises. Here, the other does not represent a limitation on my individual freedom, but its condition; the other gives me the chance to abandon the constraints imposed on the articulation of my desires and thus to attain a 'public' space for ethical self-exploration. In friendship, just as in all other relational institutions, we only experience an increase of freedom if we accept complementary role obligations that ensure the durability of practices that guarantee freedom. The moral relation between friends who governs our actions through generally practiced rules is in friendship the indispensable condition of freedom.

The second form of relationship in which social freedom is embodied is that of intimate relationships between partners. The modern institutional form of this relationship based on intimacy and love only took its

current institutional shape at the end of the eighteenth century. The institutionalization of this relationship of sexual exchange in partnership would take a further two hundred years to include homosexual partnership and so become a truly democratized institution. Prior to this period, it was common for the heads of families to organize the heterosexual marriage of their siblings on strictly economic and social bases with little or no attention given to the voluntary life of intimacy between the couple. Shakespeare's sonnets and *Romeo and Juliet* are generally regarded as the first literary testaments to the gradual transformation in cultural attitudes about marriage and love. Starting with the social struggles of the 1960s which provided a larger space for the articulation of one's own needs and identity, women and sexual minorities managed to achieve a series of legal and ethical reforms which changed attitudes to intimate relationships. This 'sexual revolution' was a gradual deinstitutionalization of the nuclear family which promoted the autonomy of relationships of love and intimacy. In these forms of complementary reciprocity each individual is the condition of the freedom of the other in the most intense physical experience of sexual union in which we recover a sense of our own neediness without fear of humiliation or hurt. This form of social freedom liberates us from the fear of rejection in being recognized and accepted by the other in our physical vulnerability. It is a central, if not perhaps the central, form in which the modern process of self-realization occurs in modern societies today, and as such is a major area of the increase of social freedom in modernity. Only when the norms of the intimate encounter between two subjects are respected, such as no-violence, truth telling, and self-manifestation, can it be said that the healthy development of this form of social freedom is being realized. Suspension of any of the norms of this form of personal relationship puts the relationship in jeopardy and when either partner withdraws their consent, and then in effect this relationship ceases to exist. The normative conditions of this consent are distinct in modernity as the rise of intimacy and love as the basis for these personal relationships has come to define them in a way largely uncommon in former times.

The third institutional form of personal relationships embodying social freedom today that Honneth normatively reconstructs is that of the family. The intersubjective structures that constitute the modern family arose around 250 years ago and involve the triadic relationship of parents and offspring rather than the former dyadic relation of the parents to 'inert' children. This triangularity is constitutive of the distinctive form of social freedom of the modern family. Over the last 60 years the form of intersubjective equality has changed enormously. The parental obedience model has been almost completely replaced by the negotiation model between parents and children. Children are now seen as independent personalities with their own wills and interests, and as such transforms their presence in the family from an '*an sich*' to a '*für sich*' relation, in Hegelian

terms, that is to say, children are no longer simply objects but recognized as full self-conscious subjects in the familial relation. The old expression, “children should be seen and not heard,” is a popular representation of the Hegelian *‘an sich’* model which dominated up until the 1960s. Any number of popular television sit-coms today which represent family life reveal this shift to a *‘für sich’* role of the children in the familial bond. A central cause of this change has been the symbolic transformation of the role of the father in the family as the unique authority role. As the breadwinner role changed and women began to take their place in the workforce men and women began to share parental caring roles and the traditional role of the parents began to transform. Mothers began to have the same authority in the family as the father and with the rise of divorce and indeed the possibility of divorce and economic self-sufficiency for women the authority structure and demands of intimacy in the family changed enormously. As both parents began to share the responsibility of the emotional care and the raising of the family, the role obligations within the family began to disappear and the triangulation of intimacy took on radically new structural forms. The result of these transformations has meant that for those families which survive various developmental crises the relations between family members often tend to be the most profound and now over a much extended lifespan. The fact that family bonds last longer than almost any other personal relationship, and that most people give them an almost automatic emotional priority, is the result of this almost paradoxical increase of self-conscious triangulation in modern families. As Honneth says,

A successful family now understands itself more than ever as a community of solidarity, in which each supports the other in different phases of life in order to meet the different existential challenges of a life marked by constant threats. Contrary to widespread complaints about the decline of the family and the dissolution of moral cohesion, most elderly now report that in times of crisis they can rely on their (biological or social) children.<sup>38</sup>

This new space of social freedom represented by the modern family allows for the expression of feelings and life aims in a way almost unheard of in earlier periods of history, and is the reason for the experience of unique intensity in many of our current familial bonds. The significance of this institutional transformation of the modern family for our democratic community is enormous. The decrease of deference to authority, the desire for critical engagement and rational justification of principles and procedures, and the desire for increased shared cooperation are but a few

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<sup>38</sup> *FR*, 165.

of the features of the new family structure which have had great influence on our democratic culture. They represent aspects of social freedom which now inform our understanding of modern democracy and justice.

*The 'We' of the Market Economy:* Perhaps somewhat surprisingly given the current situation in this sphere, Honneth's next area of normative reconstruction of the embodiment of social freedom in day to day reality is that of the market economy. In fact, as he begins this section he notes that it may even seem "absurd to view the system of the market economy as a sphere of social freedom."<sup>39</sup> The capitalist economy has undermined complementary role obligations that would enable subjects to view each other's freedom as a condition of their own freedom which means that the idea of institutionalizing social freedom in this sphere seems increasingly unlikely. In other words, there should be no doubt that Honneth considers the current functioning of this sphere as not a sphere of social freedom. However, Honneth is also clear that in the moral understanding of modernity it has been debatable whether the establishment of the market should expand negative freedom or establish social freedom in the sphere of the economy. The question thus hinges upon whether and in what sense the capitalist market can be considered a 'relational' institution of social freedom at all. This then leads to investigating through normative reconstruction the institutional mechanisms that serve to secure social freedom in the sphere of consumption and in the sphere of production and services. He concludes that the actual development of the capitalist market represents a social mis-development or social pathology that is diminishing social freedom and so undermining the normative potential of the market.

Honneth answers the preliminary question by recalling the fact that prior to the generalization of the market economy in modern capitalism there was an institutionalization of subjective, equal rights ('legal freedom'). As he puts it,

Individual, usually male actors, had to be accorded the status of private, self-responsible 'legal personalities' before they could enter into individual contracts with other economic actors, which would in turn allow them the most profitable sale of their goods, labor power, or land.<sup>40</sup>

As Hegel notes in his discussion of the interests of private persons (PR § 187), it would be the emerging constitutional state that secured the institutional preconditions for the development of legally domesticated

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<sup>39</sup> *FR*, 176.

<sup>40</sup> *FR*, 178.

relations of exchange between strategically acting private economic actors. Consequently, whilst the capitalist economic system may claim to be free from government influence it is actually founded upon the legal prerequisites of the freedom of contract inaugurated by the emerging constitutional state in modern Europe. Modern intellectual reflection on this split developed according to the distinct approaches to these issues taken by Marx on the one hand, and Adam Smith on the other. Marx argued that the freedom of contract represented by the bourgeois depiction of autonomous labor relations was an illusion under the system of wage labor exchange, and actually alienated workers from their own self-realization thus undermined the initial establishment of legal freedom. Smith, on the other hand, raised the issue of the pre-economic conditions of solidarity required for contracts to be respected. Solidarity, trust, and a shared value orientation are required in order for contracts to mean anything in reality. Hegel and Durkheim developed these reflections of Smith and though differing in their descriptions of this share a common theoretical assumption that the new system of market economy cannot be analyzed without taking into account the antecedent moral basis of modern societies. Only upon the basis of these already given moral prerequisites can one believe in the functional harmonization of individual economic interests. In other words, Smith's *Theory of Moral Sentiments* is the basis of his analysis of the 'invisible hand' in *The Wealth of Nations*. Honneth employs his theory of recognition here in a quasi-transcendental argument to answer the fundamental question of whether the capitalist market can be considered to be a relational institution of social freedom. Drawing upon Marx, Smith, Hegel, and Durkheim, he defends the view that the tectonic plates upon which the market sphere rests are those of the moral grammar of recognition institutionalized in the role expectations of consumption and the labor market.

With this affirmative answer to the fundamental question in place, Honneth proceeds to normatively reconstruct the institutionalized principles of social freedom in the currently existing market economic spheres of consumption and the labor market. In doing this, he charts the historical developments that have led to the gradual realization of the underlying principles of social freedom which secure its legitimacy. These have developed through the pressure of social movements, moral protests, and political reforms. Discursive procedures for coordinating interests and mechanisms of ensuring equality of opportunity provide evidence of the central mechanisms which have been successfully established and also chart the fault lines of where normative mis-developments have occurred in such institutionalization.



*The Sphere of Consumption:* Again, Honneth turns to Hegel to highlight the importance of this sphere in the modern realization of social freedom. Hegel understood in his considerations on the ‘system of needs’ that the emerging market economy was accompanied by a new form of individual freedom that would have an enormous impact on the culture of modern society. Through the opportunities offered by the market, subjects would learn to see themselves as consumers who are free to determine their personal desires, and so their identity, in the search for and acquisition of commodities. For Hegel, consumerism is an attitude that conveys a significant advance in the institutional establishment of individual freedom. In this, he recognizes the sphere of consumption as a form of intersubjectivity which embodies the ‘quality of being recognized.’

As the moral debates of the nineteenth century make clear, consumers and producers though lacking the discursive mechanisms of today could still engage in discussion about the public interest. In England, for example, following ideas of the utopian socialist Robert Owen, the cooperative movement was founded in 1844. Here people joined together into cooperatives to purchase basic goods in large quantities in order to distribute them to their members according to criteria of fairness of exchange for money. This is the start of the socialization of the sphere of consumption which sought to make the market serve collective interests. The disappearance to a large extent of cooperatives in recent times represents one of the mis-developments of the capitalist market economy. No less significant is the gradual emergence of the code of legal protections of the consumer which extended in the welfare state legislation to the beginnings of social and welfare policies that were intended to aid the poor in their role as consumers by providing legally guaranteed support for obtaining housing and clothing. In the tradition of moral economism that Smith had invented, the market for consumer goods came to be understood as an institutionalized relation of mutual recognition in which consumers and producers were to see each other as realizing one another’s legitimate interests and needs. Thus consumers realize their freedom to satisfy their individual interests by offering companies an opportunity for profit maximization through consumer demand on the market. Conversely, companies can only maximize profits by actually producing the goods that consumers demand. Through the demands for fair prices by social movements, the restrictions on luxury consumption campaigned for by ethically motivated movements, calls for protection of consumer rights by governments, the normative principles of the social freedom of the market are fought for and defended. All these actors have in common the fact that they see their moral demands as an internal part of the normative claims raised by the moral grammar of the sphere of consumption and hence the conditions of justification of the market economy itself.

Student movement protests of the 1960s have played a major part in the institutionalization of discursive critique of excessive consumption in the face of worldwide poverty and misery that has become common place now in democratic societies. The recent ‘occupy’ movements represent contemporary manifestations of these earlier student protest movements and display, though often rather disparate in aim, a general discomfort with the current unjust distribution of the world’s resources. Whilst one should not be unrealistic in the effects that these movements have had it is without doubt that the ‘ethical consumerism’ attitude has shaped the attitudes of firms and corporations in the production process.

As such the modification of production on the basis of the moralization of consumer behavior represents another aspect in which the social freedom of the market has been embodied in the sphere of consumption. Despite these examples it is regrettably clear that the market mediated sphere of consumption lacks adequate institutional prerequisites to embody social freedom. Instead, it seems to be illegitimately locked into a private consumption pattern that has neither adequate discursive procedures for articulating the satisfaction of interests or needs nor the ability to resist the manipulation of consumer behavior to the advantage of suppliers. It seems as if with the failure of cooperatives there is no current institutional mechanism for consumers to develop an awareness of cooperatively realizing an element of their individual freedom together with producers.

Until the socio-economic gaps between social strata close the ethic embedded in the consumer-producer relation will continue to be detached from a discursive realization of interest and need fulfillment. Rather than seeing this ethical control of the market as a limitation on freedom an awareness of the social freedom foundations of the market reveals this current situation to be a pathological social development, and a distortion of the very notion of modern freedom itself. Until this situation is remedied, the market will lack the institutional prerequisites to deliver on its promise of social freedom.

*The Labor Market:* The evolution of modern labor is one which first needed to detach itself from the legacy of the feudal system in which laborers were not free but rather systematically supported by a social system. The precarious detachment of workers from this system generated the ‘workers question.’ which dominated much social reflection in the nineteenth century especially in the thought of Marx. Hegel too was conscious of the phenomenon of ‘pauperism’ in which the fragile situation of the working classes was not a result of their own fault but connected to the removal of all social restraints on the capitalist labor market. However, over the course of the conflicts that were often viewed through the lens of class struggle, wage laborers gradually adopted the normative ideas that

the proponents of the new system themselves used to justify this new organization of labor. Instead of resorting to traditional principles of moral decency, they increasingly invoked principles that referred to the implicit foundations of the legitimacy of the capitalist economic order.

This transformation is made clear by the fact that the vocabulary of resistance suddenly employed legal categories that seemed to take the normative promises of the market seriously. There were calls for a 'right to work' – a term that from then on would become a permanent fixture of labor protests; there were demands for worker safety and basic protections in the case of illness; and of course, the accusation of exploitation would soon show up. It is not difficult to see that all these demands and accusations only make sense if the whole idea of a 'free' labor contract has been normatively accepted or at least tolerated. If workers call for a 'right' to work, then it must be the case that people are no longer compelled to work; if worker safety and sick pay are demanded, then workers must be convinced that the labor contract obligates employers to provide a series of protective measures; and finally, if 'exploitation' becomes a common accusation, then workers must implicitly be legally entitled to the product of their labor.

As soon as the organized labor movement formed in Europe of the nineteenth century two opposing camps offered competing interpretations of the 'social question.' The private capitalist actors defended a purely individualistic understanding of the freedom of contract in which the owners of the means of production alone decided the conditions of the worker's contract. On the side of the industrial workforce, the view was defended that the system of contractual freedom normatively implied social conditions under which this freedom could in fact be realized. The various wings of this industrial workforce fought for a radical socialization of the freedom of contract presupposed by the capitalist labor market by defining income, social protections, and an adequate recognition of their labor skills as core elements of this freedom. The same spirit of moral economism permeated this sphere and promoted legal guarantees of equal opportunity, the establishment of discursive mechanisms that allow workers to influence the interests of their employers, and through these mechanisms an adequate institutionalization of social freedom in the sphere of the capitalist labor market. By joining together in clubs, cooperatives and self-help organizations workers took first steps to prevent egoistic and strategic behavior.

In many countries in the 1910s discursive mechanisms of co-determination were introduced between workers and employers as the demands of World War I had made the need for increased production a necessity. Unions gave form to the process of wage laborers determining their working conditions. Though post war these arrangements were eroded by the economic crisis which led to the replacement of union negotiation with

corporatist agreements with government administrations, the memory of this era continued to inspire unions to continue to fight for worker's rights.

Again, as in the case of the sphere of consumption, one should not be in any doubt about the deviation of the current empirical reality of the labor market from the normative structure of this sphere of social freedom in modernity. Up until around the 1970s and 1980s there was a recognizable conception of the cooperative embedding of the market in a sphere of social freedom but currently a largely de-socialized conception of the market dominates such that moral discontent with this situation tends to be purely a private matter expressed in non-verbal forms of resistance. The translation of social freedom into the promise of merely individual freedom in the popular imagination is a worrying testimony that the health of this sphere of social freedom is not in good shape today. The only current signs of hope tend to be transnational struggles which impose constraints on the labor market in the face of the increasing impotence of national governments to secure fair profit conditions. It seems that these transnational struggles are the only means currently available to secure the norms of social freedom within the deregulated labor conditions inside global corporations. The degree of social mis-development is today becoming almost invisible in the face of a narrative of the inevitability of the free market imperatives that imperil the very normative fabric of the modern labor movement. This has led to the paradoxical situation, as Žižek puts it, that it seems easier to believe in the apocalypse than in the end of capitalism.<sup>41</sup> Adam Smith's moral sentiments seem to have been eclipsed by the invisible hand of the *free market*.

*The 'We' of Democratic Will Formation:* The final sphere of the realization and mis-development of social freedom that Honneth considers is that of democratic will formation in the forms of the public sphere and the democratic constitutional state. He begins by a normative reconstruction of the democratic public or 'public sphere,' which is a space in which citizens form generally acceptable beliefs through deliberative discussion. It is these beliefs that form the principles to be obeyed by the legislature in accordance with the rule of law. Initially, the 'public sphere' was not understood as a source of democratic legitimacy of state action but solely as a forum for economically independent citizens to form opinions in opposition to the traditional political order. The transformation of this public sphere into the organ of state would take time and initially represent a space only for males who were property owners to discuss matters of common interest. However, by the end of the nineteenth century, the right to vote, to assemble, and to form associations gave citizens, though not yet women, and less wage laborers than for the propertied classes, a series of

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<sup>41</sup> See Slavoj Žižek, *Living in the End Times* (London: Verso Books, 2011).

opportunities for democratic will formation and for political influence. These transformations would fundamentally change the role, composition, and character of these active publics. From now on, their areas of focus and issues they discussed would be far more intertwined; these associations could increasingly grasp themselves as individual organs within one and the same political framework of nation-states striving to establish constitutions.

The advent of these three rights of voting, assembling, and forming associations gave rise to communicative conditions of democratic will formation under which citizens in free association could reach an understanding about which practical and political principles should be enforced by the representative bodies involved in parliamentary legislation. Here, in the heart of the recently born constitutions of democratic nation/ states, just like in the spheres of personal relationships and economic activity, an idea of freedom was institutionalized that no longer permitted a merely individualistic interpretation. Instead, individual citizens were to achieve their new freedom to influence political legislation by forming an inter-subjectively examined opinion, in discursive exchange and dispute with other citizens, about policies to be implemented by elected representatives of the people. The emergence of this sphere of general will-formation went hand in hand with the differentiation of mutually supplementing role patterns that could have been practiced in the 'publics' of the previous century, but for which there were no legal foundations at the time. All participants in the many political associations and clubs now had to be able to put themselves in the role of public speaker and public listener. Depending on the situation they had to either present arguments to the public or consider arguments from the public; in the social practices that began to take institutional shape through the exercise of such roles, a principle of reciprocal recognition emerged, one that must have been completely new to all participants after centuries of political tutelage and corporative hierarchies. All adults (only males!) should now be capable of recognizing each other as equally entitled citizens with the nation-state, because the formation of a democratic will accorded the same weight to one citizen as it did to another. Yet, the reality of this was realized more through social struggles than in the existing social reality.

Since around the middle of the nineteenth century the development of the public sphere would be driven by two dynamic processes: the formation of political spaces of communication and advances in media technology. Large scale political forums were to be found in England and in France which allowed citizens to mix and to influence one another through exchange of opinions and argumentation. This would, of course, first require the French Revolution to enable the concept of the universalization of citizenship to emerge following the old regimes of the European aristocracies. The publication of newspapers, political pamphlets, and

journals also allowed for the communication of ideas beyond localized publics and facilitated the broader democratic exchange of ideas in the political public sphere.

The second sphere of democratic will – formation is that of the constitutional state which, following the French Revolution, has been viewed as the intellectual organ (Durkheim, Dewey) charged with implementing the democratically negotiated will of the people in an intelligent and pragmatic manner. In this understanding of the state, the public sphere provides the points of view which are institutionalized in various organs of the state whether they be executive, legislative, or judicial. The processes of democratic will-formation, which occur in the public sphere, are thus necessary conditions that allow for the legitimate implementation of morally and practically worked solutions to social problems. The apparent failures of modern constitutional states to galvanize these democratic forces of the public sphere have led to the whole host of cries of ‘democratic deficit’ that we currently experience in Western democracies. Whether this be at the national-parliamentary level in terms of the current experience that representatives no longer seem to be very representative of society or at the supranational level of the European Union, where it seems that unelected officials make decisions that bind national elected parliaments. These problems of democratic will-formation in the various forms of the state currently in operation reveal that there is currently a severe crisis of democratic political will formation in our societies. This affects not only the state but also the other areas of social freedom as the political sphere of democratic will-formation can only do justice to its own normative claim of freely involving all participants if the latter learn that the social struggles to realize the demands of freedom institutionalized in the other spheres of action deserve support, because they represent the conditions of one’s own freedom. The social system of democratic ethical life thus represents a complicated web of reciprocal dependencies, where the realization of freedom in one sphere of action depends on the realization of the principles of freedom underlying the other spheres. Free market participants, self-aware democratic citizens, and emancipated family members – all of whom correspond to the ideals institutionalized in our society – mutually influence each other, because the properties of the one cannot be realized without those of the other two. However, for the sake of the other two spheres the sphere of democratic will-formation has a priority in that it has the legitimate power to turn the changes achieved by social struggles in various spheres of action into enforced conditions with legal guarantees. And, the principle of freedom that is the very essence of the sphere of democratic will formation is that of a sphere of reflexive self thematization. In other words, this principle is uniquely part of the very structure of the institution of democratic will-formation.

Only in the political democratic sphere does interaction consist of an exchange of arguments, i.e. a reflexive process, whereas in the other two spheres, cooperative interaction primarily consists in a reciprocal completion of practical actions, which can only be supplemented secondarily with reflexive mechanisms. In the sphere of public will formation reflexive mechanisms represent the very foundation and structure of freedom institutionalized in this sphere, where our only real obligation is that we seek, in the form of discussion, a shared conception of how we view the challenges of social development regarded as problems by the responsible state authorities. For this reason, in public will-formation, everything that has been withdrawn from discussion due to mis-developments or political oppression can and should be made an issue.

*Conclusion:* Honneth's *Freedom's Right* is an ambitious book. It seeks to re-actualize Hegel's *Philosophy of Right* by charting the historical development and failures of development of social freedom in modern democratic societies. Charting these developments in personal relationships, the market, and in the sphere of democratic will formation, he seeks to show that the normative orientation of modernity towards ever greater freedom provides a means of judging the healthy and pathological developments of modern Western societies. This criterion of social freedom provides Honneth with a means of proposing a theory of justice through developing a critical social theory that both identifies the normative progress of modernity in comparison to earlier times and also outlines the ways in which the fundamental value of modernity, freedom has been unevenly embodied in the central institutions of democratic societies.

Providing a richer theory of justice than proceduralist accounts, he digs deeply down into the very institutions of society which actually embody or hinder the realization of social justice. His methodology of normative reconstruction provides an historical sketch in each of the identified social spheres of the partial realization of social freedom through outlining the institutional structures which embody, protect, and reproduce that freedom. In situating his theory of justice in this normative reconstruction of the institutional evolution of social freedom, he provides a very different type of theory of justice to those contract theories which invent an ideal society, and consider the gap between the ideal and reality to provide the normative force for social change. Rather than adopt this idealistic approach his historical reconstruction attempts to show how real steps in the direction of the social ideal of modernity, that is to say social freedom, have actually been taken already. Not content to rest with the status quo, he uses the normative critical power of the ideal of actually embodied social freedom to chart the future direction of travel of modern societies concerned to honor the commitments to justice which structure the self-understanding of Western modernity since the French Revolution.

The richness of the book makes it a very useful account of the systematic successes and failures of modernity to realize its own ideals of freedom, justice, and responsibility in the reality of social life. Philosophically, it continues the aspirations of German Critical Theory begun in the Frankfurt School of Horkheimer and Adorno and continued in the democratic theory of Habermas to develop a normative critical theory with the systematic intent of fostering human emancipation. In philosophically opting primarily for Hegel rather than Kant, Honneth departs from his teacher Habermas who, though also using Hegelian motifs, remains fundamentally tied to a Kantian model in his approach to social and political theory. Abstract Kantian universal principles and procedures ingeniously developed by Rawls and Habermas have been substituted by the social embodiment of the democratic ideal of freedom in the institutional life of a Hegelian inspired philosophy of justice and right.

Despite being written in a narrative style, *Freedom's Right* also contains a strong argumentative basis that carries with it an equally impressive rhetorical force which invites the reader to make their own judgments on the core ingredients of a contemporary theory of justice and responsibility. In selecting social freedom, Honneth has undoubtedly chosen a value which is central to all aspects of our modern way of life and provides an institutional inventory of just what such a value looks like when embodied in our day to day life of personal relationships, market transactions, and democratic will formation.

Honneth undoubtedly provides a richer theory of justice than many of his predecessors and this work will be a source of debate for anyone concerned with defending the ideals of the Enlightenment for a considerable time to come. There are, of course, too many individual questions that one could take issue with to be systematically critical of Honneth's major new work of social theory in this article. However, I would like in the final section to focus on one, which emerges out of my own elucidation of pantheistic humanism as a conceptual basis for social and political theory today, namely, the philosophical anthropology, which grounds Honneth's theory of justice and responsibility.

### **Pantheistic Humanism as a Philosophical Anthropology for Social Theory**

Honneth's impressive new attempt to actualize Hegelian understanding of justice and mutual responsibility overlaps with many of the concerns of a social theoretical application of the concept of pantheistic humanism. The concern to embed a theory of justice in the institutions of society, for example, is one which is also shared by pantheistic humanism, as is the interest to develop a broader conception of freedom than that bequeathed by some earlier conceptions.



However, Honneth's basic anthropological assumptions present a number of problems for a panentheistic humanism account of social theory. Firstly, his philosophical anthropology of intersubjectivity pays no attention to our wider embedding in an expansive conception of nature. Such anthropology leads him to develop a conception of justice as the intersubjective realization of freedom understood as the maximization of individual free choice. From the point of view of panentheistic humanism, this understanding of freedom is impoverished as it results in the equation of freedom with material interests, whether they be for economic progress, greater political autonomy, or increased personal self-expression that do not provide a clear substantive basis to the purpose of this freedom. *Freedom's Right* has no answer to what this progress, autonomy, and self-expression are for. As 'ends in themselves' they lack any substantive meaning because only as means towards a unitary purpose do they acquire any real social significance. Freedom for freedom's sake lacks a real content required for the actualization of this freedom.

Secondly, Honneth's philosophical anthropology inadequately characterizes reflexive freedom because for him the only 'other' of the individual, as well obviously as merely other individuals, is the embodiment of rational principles in institutions. As we have seen for Honneth, these rational institutions provide the social location of the realization of individual freedom. However, he does not take into account that for both Kant and Herder as indeed for the majority of thinkers in the eighteenth century, the primary 'other' of the individual is God. Consequently, without thinking the relation of the individual to God it would have been inconceivable for Kant and Herder to have developed their ideas on reflexive freedom. For both Kant and Herder, one comes to know oneself in relation to God, and in this primary relationship one comes also to know other people. Lacking this internal relation to God in his philosophical anthropology, Honneth can only conceive of Kant and Herder's reflexive freedom as lacking a bridge to sociality.

For Herder, for example, the actual bridge to sociality, which Herder assumes in his political theory is based on his ontological reflections on the nature of the 'soul-body' relationship in the matrix of forces which give life to each soul, and are all based in the primary force of all life, God.<sup>42</sup> Herder's conception of the soul is here more akin to Plato's notion of the soul as an emanation of God than the Aristotelian principle of life. Souls in his thinking are necessarily joined to bodies, which they themselves construct, and through a sensuous interaction with the world and other souls, a spiritualization of the material universe develops as these

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<sup>42</sup> See Nigel DeSouza, "Leibniz in the eighteenth century: Herder's critical reflections on the *Principles of nature and grace*," *British Journal for the History of Philosophy* 20, no. 4 (June 2012): 773-795.

souls collectively evolve a language, knowledge and culture that ultimately lead back to God. This, what we would today in modern scientific language call ‘systems thinking,’ is absent in Honneth’s account and results in him failing to theorize humans and nature as a system in his critique of reflexive freedom. For Kant too, the God-human relation is equally constitutive of both his conception of moral action and of human freedom. As he says,

Thus God and a future life are two postulates, which according to the principles of pure reason, are not to be separated, from the obligation which that same reason enjoins upon us.<sup>43</sup>

Both moral and political action require the presupposition of God, for Kant, as a necessary postulate of how it is in Kant’s practical philosophy that freedom becomes the condition of the moral law. In this Kant follows Aquinas in not making morality dependent upon Revelation but rather grounded in the autonomy of pure practical reason. But in order to succeed to the highest good as commanded by these laws one does need to know that they are God’s commands as only then can one do them from duty, or we might say from a sense of responsibility, alone, and not from the results of any desired consequences. In the end the deontological ethics of Kant leads to God as their natural end. Failure to address this issue in Honneth’s account of reflexive freedom is due to the very screening out of experience of the infinite, which the concept of pantheistic humanism has been developed to address.

However, it is not surprising that Honneth’s philosophical anthropology presupposes ‘exclusive humanism’ as he draws on a fundamentally Marxist conception of nature, which is deeply rooted in the Frankfurt School. As such, like his predecessor Jürgen Habermas, he is unable to consider relations between humans and nature as anything other than instrumental.<sup>44</sup> The complete lack of reflection on environmental issues in *Freedom’s Right* bears testimony to this fact.

Finally, Honneth’s philosophical anthropology is also unable to theorize the ethical interaction of *Sittlichkeit* in any other way than that of mutual beneficence. The notion that one might engage in self-sacrificial action for the good of others is inconceivable in Honneth’s account of

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<sup>43</sup> Immanuel Kant, *Kritik der Reinen Vernunft*, ed. Jens Timmermann, according to the first and second edition of the text, with a bibliography by Heiner Klemme (Hamburg: Felix Meiner Verlag), A811/B839. “Gott also und ein künftiges Leben, sind zwei von der Verbindlichkeit, die uns reine Vernunft auferlegt, nach Prinzipien eben derselben Vernunft nicht zu trennende Voraussetzungen.”

<sup>44</sup> See Fred C. Alford, *Science and the Revenge of Nature. Marcuse and Habermas* (Miami, FL: University of Florida Press, 1985); Joel Whitbrook, “The Problem of Nature in Habermas,” *Telos* 40 (1979): 41-69.

social freedom and so charismatic sources of social change, which embody such a spirit of self-sacrifice, Gandhi and Mother Theresa might well be considered examples in India, are explainable only as means towards self-realization. The ethical basis of such action can only be theorized by Honneth in terms of his intersubjective theory. That all beings are connected in nature, as was the understanding of Kant and Herder, for example, can only be conceived by Honneth in materialist terms, which assume an 'exclusive humanist' philosophical anthropology of *only* subject-subject relations.

Such a lack of a relational and systems view of nature is a major problem in Honneth's conception of justice because it forces him to *have* to theorize 'sociality' as 'intersubjectivity.' The subject becomes the 'ultimate concern' for Honneth and non-human nature only has significance as an instrumental means to the subject's end.

For panentheistic humanism, the dimension of the subject, which I have termed the 'experience of appropriation of infinity,' is the ground of true social freedom and not merely the intersubjective mutual beneficence proposed by Honneth. Reduced to this model of freedom, the subject actually loses its freedom as it is condemned to strive for recognition from other subjects, which always maintains a state of dependency. In this sense, for Honneth all remain slaves in the social struggle for recognition as the institutional basis of his social theory is only realizable in an always deferred future utopia. As such, Honneth's theory of social freedom can be nothing more than a 'regulative idea' for a trajectory to the future that is never realized in history. And, this creates a major methodological problem for Honneth's attempt to elucidate a theory of justice as a social theory rather than simply as Hegelian version of social contract theory. Since the utopian rational society that Honneth depends upon for the elucidation of his principal concept of social freedom is nowhere to be seen on earth, and in all likelihood never will be actual, the use of such a fictive construction of the future resembles an Hegelian-Marxist teleological vision of history, which ends up narrating a deterministic theory of history. Consequently, Honneth's attempt to elucidate the social foundations of democratic life in his theory of justice and responsibility is no less abstract and theoretical than the social contract theorists of whom he is so critical.

The deterministic theory of history developed by Honneth reveals itself in the presuppositions of *progress* that are systematically embedded in his depiction of the modern society as the most advanced society. Such a 'stadial' conception of history tends towards viewing European patterns of modernization as standard, and as setting the agenda for other continents in their own social and cultural evolutionary pathways. In this respect, it is interesting to note that Honneth never mentions other parts of the world other than Europe. Reconstructions of Indian and Chinese social

developments never appear in Honneth's attempt to elucidate the normative foundations of Justice today and it is not difficult to conclude that this is precisely because he is also confined to Hegel's Eurocentrism. Whilst as a theory of European democratic cultures this may be legitimate but in purporting to outline the social foundations of democratic life per se it is overly parochial to neglect the vast majority of the world, and especially the largest existing democracy on the earth, India.

Panentheistic humanism presents a social theory of justice which is rooted in the embeddedness of the human person in an expansive conception of nature and one, which is not confined to any one religious or secular tradition or to any singular part of the world. It is this embedding in the global 'system of life' not in the Rousseau and Hegelian forcefield of intersubjective struggle for recognition that provides a conception of justice that includes our responsibility to the nature of which we are a part, and to other animals. Moreover, panentheistic humanism is also concerned to offer to God, what is due in prayer and praise as itself a constitutive part of justice.

This fundamental relation to God opens us to a connectedness with all other sentient beings that is rooted in an ontological recognition of our common origin and a realization of our common destiny. This 'cosmic covenant' of justice and responsibility is justified as the nature and destiny of 'ultimate reality' and so as the ontological basis of existence. Normative principles remain an important feature of this these arise out a basic knowledge of who we are and why we are here. The inability of an 'exclusive humanist' approach such as Honneth's to even raise these questions indicates that his theory provides little in the way of possible answers to the fundamental question that has to be leveled at his *Freedom's Right*, freedom for what?

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5.  
**Contemporary Principles of Justice,  
Jacques Maritain, and  
Solidarity across Cultures<sup>1</sup>**

WILLIAM SWEET

**Introduction**

When we consider the topic of justice and responsibility within the context of a diverse and socially, ethnically, culturally, and religiously pluralistic world, we are struck by two things. First, that despite the many differences, we see a common regard for the value of justice. Second, that despite this common regard for justice, there is no single way of understanding what justice is. One may well ask, then, whether there is any way in which these differences can be recognised and, yet, allow for a shared understanding of justice that enables cooperation, harmony, and solidarity across cultures and traditions.

In this short paper I seek to do three things. First, in order to highlight the challenges to providing a cross- or intercultural account of justice today, I briefly sketch a few of the different views of justice. Second, in order to begin to address the apparent deadlock among these views, I present two broad approaches to justice – approaches that I describe as individualist and communitarian approaches. Yet these approaches, I argue, are also problematic. While each provides important insights, neither offers a clear and plausible account of justice that would or could be accepted across the globe or, even, translate across cultures. Thus, in a third moment, I draw on the French philosopher, Jacques Maritain, for a view of justice that reflects both the value of the human person – though in a more expansive way than in individualist accounts – and a notion of the embedded self, suggested in classical accounts (such as those of Aristotle and Bernard Bosanquet), and revived recently by those called ‘communitarians’ (such as Alasdair MacIntyre, Charles Taylor, and Michael Sandel). I suggest that Maritain’s writings may allow the generation of a theory of justice which preserves basic beliefs about justice, is respectful of cultural difference, and which therefore may promote understanding and cooperation across cultures.

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<sup>1</sup> Earlier versions of this paper were presented at the University of Delhi, India, and at Nankai University, Tianjin, China. I am grateful to the members of the audience at both universities, and particularly Professor Balaganapathi Devarakonda, for their comments and questions.

## The Problem of Justice

Justice is undoubtedly a broad, vague, and contested notion.

From the most ancient times, in both East and West, justice has been recognized as a feature that concerns relations between individuals (i.e., commutative), relations between individuals and the state or community, and one's relation to oneself.

Aristotle, for example, distinguishes between commutative, distributive, and rectificatory justice – the latter deals with remedies for unjust distributions – though it is the second that receives the most attention, perhaps because it focuses on matters that affect society as a whole. Similarly, in the *Bhagavad Gita* (3:19.20) we read: “Do your work with the welfare of others always in mind.” Indeed, in the modern period, most accounts of justice have focused on distributive justice – specifically, on the distribution of *social* benefits and burdens.

In these and many other cases, however, what is at the core of justice is – as Thomas Aquinas (following Aristotle) puts it – “rendering to others what is due”<sup>2</sup> or – as John Rawls puts it – “fairness.”<sup>3</sup> But these are very vague remarks, for one is immediately drawn to asking, “How do we determine ‘what is due?’” “What is fairness?”<sup>4</sup>

## Two Traditional Approaches

One traditional way that philosophers have approached the understanding of justice is to differentiate between justice as a substantive principle, and justice as a procedural principle. A substantive principle asserts that a person acts justly when – or a state of affairs is just when – it leads to a particular material result. Among these substantive principles are the following:

- a) everyone gets an equal share – e.g., access to basic (elementary) education
- b) each according to his or her *need* – e.g., social welfare
- c) each according to his or her *effort* or *ability* – e.g., promotions for employees; grades for students

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<sup>2</sup> Thomas Aquinas, *Summa theologiae*, II-II, q. 58, a. 1.

<sup>3</sup> See, for example, John Rawls, *A Theory of Justice* (Cambridge, MA: Belknap Press, 1971).

<sup>4</sup> E.g., If one asserts that justice means “like cases should be treated alike,” a) this does not say how specifically “likes” ought to be treated (for if I hate all people equally, it would seem strange to say that I am just); b) it does not say what we should be looking at in determining what “likenesses” should count; and c) it does not say *how* to determine equality and inequality (in what regard(s) the cases are “alike”), for one could, presumably, treat all members of one race or one sex alike, and differently from members of another race or sex.

- d) each according to personal *merit* (virtue) – e.g., civic honours, such as knighthoods
- e) each according to his or her *rights* – e.g., persons receiving their inheritance
- f) each according to whether *society wants it* (market value) – e.g., higher compensation for physicians and lawyers

Each of these substantive principles has been offered as a way of expressing “what is due” or what is “fair.”

But a moment’s reflection will indicate that none of these principles is self-evident, that they are not mutually compatible, that there are good reasons to call into question each one of them, and that each would require an appeal to a higher ethical principle for any kind of justification. In any event, no one of them has acquired a consensus in its favor. (For example, basing justice on need raises the question of what, exactly, is “need.” Is it simply what would be required for survival, or is there a ‘decent minimum’ that goes beyond this, or are we looking at what is required for human flourishing? Not only does need vary, sometimes significantly, among persons – and, so, challenges an ideal of equality – but this understanding of justice would also challenge ideals of merit or desert. And one can easily imagine similar objections to the other substantive principles.)

An alternative, then, has been to opt for a procedural principle; a recent version of such an approach is provided by John Rawls (putatively inspired by Kant) – that justice is the result of a rationally-justified process.<sup>5</sup>

Many have, however, argued that a procedural account does not pay sufficient attention to persons and to the material features of the distribution, such as merit or desert. (These critics presumably prefer a substantive principle.) So there are challenges to a procedural principle as well.

How, then, are we to understand justice? Is it a matter of outcome (and, hence, a material, substantive principle) *or* of process (i.e., a procedural principle)? And which *particular* outcome or process sets the standard for “justice”? By themselves, there is no obvious way to select among them. Today, in a world in which many philosophers do not want to appeal to ethical or political foundations to resolve problems, it is difficult to see any way forward.

It may seem, then, that we are at a bit of an impasse when it comes to saying what justice is.

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<sup>5</sup> See Rawls, *A Theory of Justice*.

### Another Way of Looking at Justice

A different way of looking at the issue of what justice is, is by taking into account some features of the human person – of what it is to be human – and to consider justice as reflecting either a fundamental individualistic principle, or a communitarian principle.

On the first approach, justice is something that must in the first instance respect and seek to preserve the value of the individual human being; this is independent of an overall account of the (social) good. I call this an individualist theory because it focuses on the person as an independent, even isolated, being, whose attributes and abilities, while certainly benefitting from living in society, have value because they are rooted in something about individuals themselves – e.g., their nature, independent of social context. Here, I have in mind the views of philosophers such as, classically, Locke and Kant and, in the contemporary period, Robert Nozick, Tibor Machan, and, arguably, John Rawls.<sup>6</sup> If one is committed to individualism, then only some of the principles noted earlier would be acceptable, because only they best reflect the basic value of the individual.

Thus, an individualist approach to justice would favor patterns of distribution, such as

- i) each according to his or her *need*
- ii) each according to his or her *effort* or *ability*
- iii) each according to personal *merit* (or virtue)
- iv) each according to his or her *rights* or *dignity*

In each model or pattern of distribution, the individual person has a priority over others.

In a way, this approach to justice may seem to be treating different individuals differently (e.g., based on one's particular needs). But this is misleading. If justice must recognise, in proper proportion, what individuals are due, at a basic level, one can say that they all are being treated the same (i.e., being given due respect as persons), even though what they may specifically receive is different.

In short, if a person is committed to individualism, the individual has a basic value. The focus then becomes which of the preceding principles best reflects that basic value.

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<sup>6</sup> One can view Rawls's procedural account (as described in *A Theory of Justice*) as another individualist account, insofar as the basis of Rawls's two principles is that they are what a rational individual would agree to as rationally maximizing his or her interests. (Admittedly, in *The Laws of Peoples* [Cambridge, MA: Harvard University Press, 1999], Rawls attempts to take account of societies operating according to other principles.)



The second option, noted above, is what might be called a communitarian approach to justice. Those associated with this view include – though some might resist such a categorisation – John Stuart Mill,<sup>7</sup> Bernard Bosanquet, Alasdair MacIntyre, Charles Taylor, and Michael Sandel. In each – and this is why they are placed together, here – we find the expression of a view that “grounds rules supporting right action in a complete conception of the good.”<sup>8</sup>

The key issue here is that we human beings are not just isolated individuals – that even our identity *as* individuals is based on society and social influences. Because of these deep relations to – this embeddedness in – the community, one’s values, beliefs, and personality are necessarily linked to one’s social context, and so one’s own good cannot be separated from the community or society. Thus, human beings have basic obligations or duties to others in their community or society – e.g., obligations of solidarity and loyalty.<sup>9</sup>

Justice on this model is a characteristic and a practice – more precisely, a virtue – defined in terms of a general, social good. Thus, taking account of how justice carries through to others, we have substantive distributive principles of justice such as:

- i) everyone gets an equal share (of at least basic goods)
- ii) to each according to whether society wants it (e.g., as determined by a ‘free market’)
- iii) more broadly, to each according to the form of life or traditions of the society in which one lives

If one sees the human person as, basically, embedded in a social context, one may choose one of the preceding three (or more) substantive

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<sup>7</sup> Though it may seem peculiar to think of utilitarianism as communitarian – particularly as Mill does have many apparently individualist features in his account – it does root justice in a social, and not a purely individual, good.

For example, for Mill, justice is based on the existence of a “rule of conduct,” and that rule of conduct is itself justified by a principle of utility – the greatest happiness principle. Mill writes that justice is “a name for certain classes of moral rules, which concern the essentials of human well-being more nearly, and are therefore of more absolute obligation, than any other rules for the guidance of life...” He concludes: “Justice implies something which it is not only right to do, and wrong not to do, but which some individual person can claim from us as his moral right.” (J.S. Mill, *Utilitarianism*, in *Collected Works of John Stuart Mill [Essays on Ethics, Religion, and Society]*, eds. J.M. Robson et al. [Toronto: University of Toronto Press, 1969], vol. 10, 247) – though this latter “moral right” is itself based on the principle of utility.)

<sup>8</sup> James Sterba, “Justice,” in *Encyclopedia of Bioethics*, ed. S.G. Post (New York: Macmillan Reference, 2004), 3<sup>rd</sup> Edition, 1357. See also Alasdair MacIntyre, “The Privatization of the Good,” *The Review of Politics* 52 (1990): 344-61.

<sup>9</sup> See, for example, Michael Sandel, *Justice: What’s the Right Thing to Do?* (New York: Farrar, Straus, and Giroux, 2009), 234.

principles of justice as best reflecting the fact of the rootedness of individuals in the community and the value of the community.

These two ways of looking at justice – the individualist and the communitarian – provide more depth, because they look beyond the pattern or principle of justice to its warrant or justification. They also help us to see better the driving assumptions or presuppositions of the principles offered. In short, if one holds, as a basic value, the importance of the individual as an independent being, then one is likely drawn towards an individualist principle of justice. If one thinks that it is empirically (or philosophically) more appropriate to view the person as a basically social being, then communitarian principles will likely seem more appropriate.

But there have been trenchant critiques of both the individualist and communitarian approaches.

### Some Challenges

The individualist approach is, for many, plausible because it recognises the distinctiveness and the value of each human individual. It tends to affirm that we all, therefore, have a natural liberty that must be respected, and hence asserts a primacy of liberty and individual rights. This fits with the view of individuals as sovereign over, and ultimately accountable only to, themselves.

But this account of the human individual says little about *what* human beings are, *why* they have value (or ought to have value), and *why* their wishes and their consent and their inviolability are so important.

Moreover, the individualist account tends to have a rather thin, and highly subjective conception of the good. Mill, for example, speaks of the basic value of each of us “pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it.” And he adds that “Mankind are greater gainers by suffering each other to live as seems good to themselves, than by compelling each to live as seems good to the rest.”<sup>10</sup> Yet this tells us little or nothing of what, concretely, that good is. It tells us nothing of how one’s good bears on the good or wellbeing of others. Some critics seek, therefore, a fuller, richer, and more intersubjective conception of the good.

Finally, the individualist account also seems to ignore or downplay the social context and lived reality of persons. It is not clear whether, if ever, individualist principles have limits. And it is not surprising that individualist principles do not obviously cross cultures – for they do not obviously reflect an account of the nature and of the human person that one finds in other cultures, and they seem to many to be so formal as to be impracticable.

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<sup>10</sup> J.S. Mill, *On Liberty*, chap. 1, para. 13.

Others, then, are drawn towards a communitarian approach. There is much to be said in favour of this approach, as well.

A communitarian approach seems to have a robust account of human nature, and of how human individuals engage with one another in society. As many communitarian authors have argued, individuals are not atomistic or “unencumbered” selves – i.e., selves “understood as prior to and independent of purposes and ends”<sup>11</sup> and having, as their most important feature, their capacity to choose. This view, Michael Sandel points out, “means there is always a distinction between the values I have and the person I am.”<sup>12</sup> In contrast, for communitarians, individuals are situated within a community; it is the community that provides human beings with goals, purposes, and values that serve as, as Charles Taylor puts it, “authoritative horizons of life,” – and that are essential to one’s sense of identity.<sup>13</sup> With the communitarian understanding of human nature and of the community, justice, then, is something that is defined or determined within the community.

This approach, however, encounters three problems.

First, it risks failing to provide sufficient recognition of the value of the person. For example, in *Spheres of Justice*, Michael Walzer notes that there are some societies “where the social meanings are integrated and hierarchical” – such as the caste system in India.<sup>14</sup> Such societies could regard caste differentiation – and even discrimination – as just, because it fits with those societies’ conception of the good.

Second, this approach is challenged by the fact of contemporary pluralism and cultural and ethnic diversity. Many countries today do not have, or acknowledge, a robust common good or shared goals, purposes, and values. Rather, there are multiple communities within these countries, and each may provide different values or, at least, different rankings of values. If justice is, then, determined ‘within’ each of these smaller communities, this may lead to different and, possibly, conflicting conceptions of justice – or, worse – in the country as a whole, so that there is no coherent conception of justice overall.

Third, because justice is seen as a practice in view of a particular conception of the good of a particular community, communitarians are unable to offer a substantive view of justice that can “cross cultures.”

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<sup>11</sup> Michael J. Sandel, “The Procedural Republic and the Unencumbered Self,” *Political Theory* 12 (1984): 81-96, at 86.

<sup>12</sup> *Ibid.*, 86.

<sup>13</sup> Roger Lundin, *Believing Again: Doubt and Faith in a Secular Age* (Grand Rapids, MI: Eerdmans, 2009), quoting Charles Taylor, *Hegel* (Cambridge, UK: Cambridge University Press, 1975), 159.

<sup>14</sup> Michael Walzer, *Spheres of Justice: A Defence of Pluralism and Equality* (Oxford: Robertson, 1983), 313.

Thus, one is led to ask: given that there are such problems with both individualist and communitarian approaches, is there another approach to justice that acknowledges the importance of a common good, but that also has adequate respect for the individual? I want to offer one such approach, that of Jacques Maritain.

### Jacques Maritain

Jacques Maritain (1882-1973) is best known as a disciple of the philosophy of Thomas Aquinas. In several respects Aquinas follows Aristotle on issues of justice – and one might expect Maritain to do so as well. What is interesting, however, is how Maritain sought to retain Aquinas’s universalism in ethics, political philosophy, and philosophy of law, while, at the same time, being attentive to history and diversity.

Maritain is perhaps best known for his influence on and defence of the 1948 Universal Declaration of Human Rights and for his writings on human rights of the 1940s and 1950s, where many of his views on ethics, society, and justice first appeared. For Maritain, like Aquinas and Aristotle, justice is giving to people what they are due. But Maritain would insist that ‘what is due’ must recognise both the nature and value of the person, and the context and the particular social conditions in which the person lives.

In a little-known series of essays, published in 1940 as *De la justice politique* [On Political Justice], Maritain distinguishes between “true” and “false” justice.<sup>15</sup>

Maritain would clearly consider individualist conceptions of justice – here, including the conception of justice offered by utilitarians<sup>16</sup> – as examples of “false justice.” His argument is brief. Such conceptions of justice are

abstract and geometrical, claiming to impose on all, without any regard for particular cases or the circumstances, the a priori law of a pure and simple equality. As this is practically impossible, [any such conception of justice] is condemned to hypocrisy, to the betrayal [of its words by its acts], and finally often to cover up its selfishness by the use of beautiful formulas.<sup>17</sup>

For example, if we think of justice as simply being given one’s rights, and that these rights are “absolutely unconditioned and exclusive of any

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<sup>15</sup> Jacques Maritain, *De la justice politique*, in *Oeuvres complètes de Jacques et Raïssa Maritain* (Freiburg and Paris, 1988), vol. 7, 283-332. All translations of this text are mine.

<sup>16</sup> Mill’s utilitarianism is, in a way, individualistic, because, for example, the goodness or rightness of any particular action is ultimately based on individual pleasures and pains.

<sup>17</sup> Maritain, *De la justice politique*, 324.

limitation,”<sup>18</sup> then these rights will inevitably conflict with other rights, and will also inevitably conflict with the well-being of others and of the community as a whole. What a ‘liberal individualist’ account of justice lacks, then, is a sense of what it means to be human being as a being fundamentally in relation to others. Specifically, for Maritain, such a view focuses “first and foremost in the power of each person to appropriate individually the goods of nature in order to do freely whatever he wants.”<sup>19</sup> Thus, justice is the mere respect of an abstract formula about one’s rights, without attending to relations to others, basic duties, and social consequences. A utilitarian account, while putatively focused on social well-being, is equally individualistic, “abstract and geometrical”;<sup>20</sup> this is in virtue of what Maritain would call its underlying “rationalism.”<sup>21</sup> To begin with, it has too abstract a notion of the human person and its value. Recall Mill’s remarks (paraphrasing Jeremy Bentham) that “everybody [is] to count for one, nobody for more than one,”<sup>22</sup> and “As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator.”<sup>23</sup> The presumption, here, is that one can determine what is just by starting from an “a priori law of pure and simple equality.”<sup>24</sup> But this is practically impossible and, therefore, one is hypocritical if one wishes to take it as an axiom. Moreover, even if such an equality were possible, utilitarianism also assumes that, in order to set priorities and determine goods, human beings can engage in a kind of mathematical calculation of what people want, and then somehow aggregate these wants. And even if this process, too, were possible, utilitarians assume that such a process is morally legitimate. Liberal individualism (including utilitarianism), then, can offer only a “false justice.”

Yet Maritain would also reject many communitarian views of justice, even though his understanding of the human person has some affinity with theirs. What some communitarian views state or suggest is that the liberty and rights of the individual are to be submitted “to the collective command of the social body” – as part of a social conception of the good. (In a

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<sup>18</sup> Jacques Maritain, in *Modern Political Thought from Hobbes to Maritain*, ed. William Sweet (Washington, DC: The Council for Research in Values and Philosophy, 2012), 498.

<sup>19</sup> *Ibid.*, 498.

<sup>20</sup> Maritain, *De la justice politique*, 324.

<sup>21</sup> *Ibid.*, 324: “en vertu du rationalisme.”

<sup>22</sup> See Mill, *Utilitarianism*, chap. 5, 257. This is a paraphrase of Bentham’s “every individual in the country tells for one; no individual for more than one.” See Jeremy Bentham, *Rationale of Judicial Evidence, Specially Applied to English Practice*, in *The Works of Jeremy Bentham*, ed. J. Bowring (Edinburgh, 1838-43), vol. VII, 334.

<sup>23</sup> Mill, *Utilitarianism*, chap. 2, para. 18.

<sup>24</sup> Maritain, *De la justice politique*, 324.

Marxist view, for example, this is “to ‘free’ human labor (by subordinating it to the economic community) and to gain the control of history.”<sup>25</sup> Maritain points out, however, that this subordination of liberties and rights threatens the recognition of the inherent dignity and basic freedom of human beings.

What, then, for Maritain is “true justice”? Maritain writes:

True justice, which is like the sap of creation, is concrete and alive, taking account of cases and circumstances, treating human beings as persons, all endowed with the same essential dignity amidst different qualities, not as interchangeable entities. This true justice establishes among persons (be they individual persons or collective “persons”) an equality of proportion. It admits and sanctions varieties of customs, it recognises the diversity of historical conditions; it does not give the same rights to children as to adults, nor the same freedom and power to the mad as to the sane.<sup>26</sup>

Thus, we see that, for Maritain, justice has, as its foundational feature, a recognition of human dignity and the value of human persons as beings of intrinsic value. It also brings with it an explanation of what human beings are, and what ends or purposes they naturally seek – i.e., what contributes to (their) flourishing as human beings. There are, then, basic human (e.g., moral, physical, and spiritual) goods appropriate to and required by human beings as social, free, and rational. Justice must reflect this.

Yet Maritain acknowledges that this “true justice” may, rightly, look different in different places: justice must also take into consideration the historical, social, and economic context and the capacities of the persons involved. In other words, what is due to a person – and what a person is obliged to do, in acting justly – can vary in its details. Maritain also sees “true justice” as “concrete and *alive*”; that, as contexts allow new opportunities for human flourishing, then human beings can rightly acquire – or, better, can exercise – new rights. Similarly, in appropriate contexts, persons may be called to carry out new, different, or additional duties to the community. If one does not acknowledge this variability and contextuality, then one is guilty of an “abstractiveness” and an “a priorism.”

Nevertheless, despite this appreciation of context, in its broad lines, justice requires a basic minimum – a universal element – without which, any claim that justice exists is inconsistent with what human beings are –

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<sup>25</sup> Jacques Maritain, *Man and the State* (Chicago, IL: University of Chicago Press, 1951), 107.

<sup>26</sup> Maritain, *De la justice politique*, 324.

namely, “persons.” True justice must reflect and respect persons. It is this underlying “personalism” that Maritain would regard as an alternative to individualism and communitarianism, though it broadly has affinities with aspects of both.

Thus, Maritain offers a “personalistic” view of justice that sees “the mark of human dignity first and foremost in the power to make [the] goods of nature serve the common conquest of intrinsically human, moral, and spiritual goods and of man’s freedom of autonomy.”<sup>27</sup>

### Conclusion

Like individualists and communitarians, Maritain recognises that a conception of justice depends on basic underlying principles – e.g., an understanding of what it is to be a human being, and a concept – be it ‘thick’ or ‘thin’ – of the good. Maritain’s alternative to individualistic and communitarian principles of justice offers a robust understanding of the human person and affirms both the basic dignity of the person as well as the basic value of the common good or good of society – a society in which persons have their origins and in which they come to have their identity as developed human beings.

Given its attentiveness to context and conditions, then, Maritain’s view of “true justice” can resonate (or root itself) in different cultures and traditions while, at the same time, bridge different cultures – because of its affirmation of the dignity of the person, taking account of what the ends and purposes of human beings are, as well as what is necessary to human flourishing. Maritain’s writings, then, offer the basis for a theory of justice that is consistent with views about justice that are common to many traditions and cultures and that also recognizes and respects cultural difference. Such a theory may, I suggest, also provide a way of enabling and promoting cooperation and solidarity across cultures.

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<sup>27</sup> Maritain, *Man and the State*, 107.





## Reconsidering Hierarchy: Responsibility and Justice in the Eastern Christian Societies

DAN CHIȚOIU

### Introduction

I propose in this article the discussion of a more radical paradigm of justice, supported by what can be called *universal responsibility*, one that should be connected with the original understanding of person (as *hypostasis* having a *prosopon* – I will analyze that later), as the fundamental aspect of what we name as world, or reality. I will try to explain how this paradigm forms the mind of a society. As Paul Ricoeur says in *The Just*, justice does not spring primarily from a deontological sense of duty, but is an integral part of the ethical intention to live a good life with and for others in just institutions. And Ricoeur insists that the just is first an object of desire, of a lack, of a wish.<sup>1</sup> It begins as a wish before it is an imperative, and what we have lost is the sight of the primary goal of justice, which is peace, not vengeance or compensation.

It became clear that in the modern thinking *fairness* could be considered the best descriptive paradigm in this perspective. But such understanding implies more or less a weak sense of responsibility, and I consider it an anthropological model, because a rational description of the meaning and role of justice is not sufficient. Ricoeur, in a very pertinent manner, points out that a wish, an emotion, is at the origin of the need of justice. This is the dimension of justice we need to retrieve, starting from an integral understanding of human beings, not centered only on one's capability of being rational. Today we have a certain understanding about the good organization of a society, equality of all people and the human rights, but have difficulties to understand justice other than a form of restoring the proper functioning of a social contract. I think we can find an interesting solution in the way that the Byzantines developed the social idea of hierarchy, that is, to put the accent on the analogous participation in the Good, so as to give a symbolic and inward reason for acting responsible in doing justice.

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<sup>1</sup> Paul Ricoeur, *The Just*, trans. David Pellauer (Chicago, IL: University of Chicago Press, 2000), xv.

## A Cultural Paradigm

One of the most valuable understandings of the connection between justice and responsibility is what was described by Dionysius the Areopagite in the Fifth Century AD. But this understanding of responsibility in terms of justice is important not just as a theoretical approach, but rather constituted the source of inspiration for articulating justice in the Byzantine and even in some Post-Byzantine societies, like those in the actual Romanian areas, Moldavia and Wallachia. Before discussing the Dionysian paradigm of hierarchy as the source of the Byzantine understanding of justice, it is necessary to make some remarks about the intellectual history in this area.

As the Empire (Roman, but in fact the universal Empire of Late Antiquity) became Christian, there were difficult decisions in changing a world, those decisions were made by people. They decided not to make a forced social, cultural and religious change, but a subtle and delicate one. However, this was not the case in the complex Fourth Century AD in the Late Roman Empire. Norman Baynes warns about the false perception according to which the bareness of the intellectual life in the Eastern Roman Empire is illustrated by the lack of debates on political life (as well as in discussing justice and responsibility). By contrary, he finds out that everywhere the Byzantine political literature is impregnated with political theories and especially with the discussion about the State's and the Emperor's roles.<sup>2</sup> A.A. Vasiliev illustrates this by describing the case of Theodorus Metochites, who lived in the Fourteenth Century, and says:

Well-educated, an authority on the classical authors, an admirer of Plutarch and Aristotle and especially of Plato, whom he called 'Olympus of wisdom,' 'a living library,' and 'Helicon of the Muses.' A talented statesman, and first minister under Andronicus II, Theodorus Metochites is an exceedingly interesting type of Byzantine humanist of the first half of the fourteenth century. This man of learning had exceptional influence in state affairs, and he enjoyed the complete confidence of the Emperor. (...) On the basis of his political opinions, which he sometimes expressed in his works, Sathas drew an interesting conclusion: inclined neither to democracy nor aristocracy, he had a political ideal of his own, a sort of constitutional monarchy. (...) Of course, the history of Byzantine political theory has not yet been told. But this example plainly shows that 'the history of political

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<sup>2</sup> Michael McCormick, "Emperors," in *The Byzantines* (Chicago, IL: University of Chicago Press, 1997), 239.

ideas in Byzantium is not a tedious repetition of the same things. It had life and it had development.’<sup>3</sup>

At its origins, the Byzantine cultural and social paradigm registers the encounter of some decisive elements in the delineation of a distinct theory of justice: the inheritance of the Greek classicism, the Roman law and the Christian spiritual horizon. The claim of the Byzantine culture from the Greek classicism was present everywhere. Yet philosophy, as an essential aspect of the Greek cultural inheritance, had as a characteristic note the conceptual usage of words. This manner of using the language implies the trust in reason’s capacity to find out the truth with its intrinsic instruments. The ideal of justice finds its reason in making changes in society through the normative process. Without the Greek speculative thinking the presence of such ideal in the social arrangement would not be possible. But this thinking according to the *logos*, although constructive and essential, is not sufficient, it takes a social and institutional frame for the making of justice. The Roman law offered the ground of such an organization of the social corpus; the famous Justinian’s code was actually an adaptation of the Roman law. The interlacing of these first two aspects was visible and consciously assumed in the Byzantine society, a fact emphasized by the usage of the Latin language in the administration. Philosophy was made in Greek and the administration and the jurisprudence in Latin, a situation valid for a long time in the history of Byzantium. And because the Byzantine elite was involved in both the philosophical discourse and in the administration act, it was possible for the appearance of a speculation regarding the way in which the ideas could have an impact on the shaping of social justice (Plato’s *Republic* has always been a meditation subject on this matter). A third factor, bringing a radical novelty, was Christianity. Christianity brings the affirmation and the justification of human’s liberty based on a new anthropological outline that for the first time describes human as a *person*.<sup>4</sup> In this new descrip-

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<sup>3</sup> A.A. Vasilev, *History of the Byzantine Empire* (Madison, WI: University of Wisconsin Press, 1952), vol. I, 621.

<sup>4</sup> The original patristic notion of “person” was based on two terms that played different parts in the vocabulary of the classic period, *hypostasis* and *prosopon*. The notion of *hypostasis* was used during the Greek Classical philosophy as the equivalent of *ousia*, but in time it received different shades that consolidated a certain understanding of the essence of reality. In the first centuries after Christ the term had the meaning of a real and concrete being as opposed to the seeming and evanescent being, and this evolution was probably due to the Stoics. The Cappadocian Fathers, Gregory of Nyssa and Basil the Great, also made a real and significant change in the usage of the term. Beginning with the Fourth

tion, the personal existence implies the assumption of liberty. The significance of human's free act does not resume just to the ability of choice, but goes further to aim at the existential dimension of existence. It is obvious that exercising liberty in this way involves decision and therefore the need to justify the deeds, thus the meaning of *just* has also the dimension of proper guiding for someone's self-experience.

Beginning with Constantine the Great, in the Fourth Century AD, and continuing with Justinian and after, there was a progress in textual formulation of the reports between the secular and the acronychal power. The new Empire declared itself Christian, and the legislators' main task

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Century AD, in the Byzantine mentality reality could only have a hypostatic dimension, no pure essence. The major difference is the identification of *hypostasis* with *prosopon*.

The term *prosopon* was found in the vocabulary of the ancient Greek language and meant that the part beneath the forehead, which we today call face. But its major usage bore the meaning of *mask*, as an accessory used by actors of the ancient Greek theatre. The theatre and especially the tragedy is the place where the human liberty meets the necessity of the world, as seen by the ancient Greeks. From the Greek philosophical perspective no reason could be found for the argumentation of a real existence of a human free act because for the mentality of the antic Greek world the dominant was the order, and the harmony of a world was by excellence *cosmos*. The order of the world is necessary under the power of a determinist perspective, an order that does not allow any deviation from the laws of the harmony of the whole. The Greek tragedy explored the conflict between humans' efforts to act according to one's will, for the destiny and to disregard the will of gods, although this attitude is necessarily destined to failure, for the end of the antic tragedy always recorded the fulfilling of the necessity. This is what we call a *limited liberty*, an expression which actually represents a logic contradiction. But the important thing is that the actor of the tragedy feels the significance of this state of liberty, he makes his way, though limited and unsuccessfully, towards the assuming of the state of *person* with the characteristics of liberty, uniqueness and non-repeatability. According to the antic tragedy the mask proves to be an overadded element which does not belong to its true being. Nevertheless, this dimension of *prosopon* has been explored by the Cappadocian Fathers in order to give the wanted dimension of understanding the personal way of existence of God as Trinity and of the human being. The term appears as *I have my eye, my face looking at something or someone, I am face to face with something or someone* (Christos Yannaras, *Person and Eros*, trans. Norman Russell [Brookline MA: Holy Cross Orthodox Press, 2007], 20). We find here the dimension of direct, immediate reference, the relation. From this point of view, as it is reinterpreted, *prosopon* excludes the possibility of understanding the person as individuality beyond and outside the relations. The depth of the personal existence is indicated precisely by the *relation* as a specific difference, excluding any effort to the static understanding of the human individuality. In its most characteristic definition, the sense of *hypostasis* is *ekstasis*, meaning leaving oneself. We can understand the hypostatic dimension of the human individual or God only as a permanent leaving and reference to another. It is characteristic to a person to always be outside him/herself, to constantly make his/her way towards something.

The ontological patristic content of the person is represented by the absolute alterity as an existential difference regarding the essence. The person is characterized by the absolute alterity, by uniqueness and non-repeatability, but this alterity cannot be expressed and interpreted as a concept, for the only way for alterity is the living of alterity as a concrete fact, as a non-recurring relation. The *other's* experience in the face to face relation is the only and exclusive way to knowing her/himself for what is most specific to her/him.

was to bring this new spirit in all the articulations of the new State's organization. It is interesting to notice the way in which the ones who created the profile of the new organization referred to their own Roman inheritance. The Christian emperors of the new Eastern Roman Empire expressly wanted this empire to be a faithful representation of the new religious spirit, but that did not mean a sudden formal rupture from the traditions and standards of the past. The key was a modification in *spirit* and not in shape, and a change of the orientation which the social organization was to achieve.

There were two symbols, as documents indicate, presented in the common Byzantine's consciousness: the imperial Palace and the Great Church, Hagia Sophia. These were the central symbols of the sacred and of the secular dimensions of the Byzantine way of life. As for the imperial palace, there are two matters I would like to emphasize: the place *par excellence* where the Emperor was *present*, and the place from which the Emperor *exercised* his power. These two sets of symbols marked Byzantine's consciousness. A symbolic code of the imperial institution was firstly expressed in the ceremonial of audiences, and then in the ritual that always accompanied the emperor in each official trip. The other symbolic code was related to Emperor's administration, which, beyond its strictly practical function, always had the role of the Emperor's icon, that is, the way in which a Christian Emperor had to appear. David Koyzis presents a theory about the culture, society and the political order in Byzantium to be understood in terms of what we could call an "iconic" ethics.<sup>5</sup>

### A Hierarchy-based Society

The Emperor was thought to be the image of God and should be alike God. There was a clear distinction between the emperor and an ordinary man; a man could have weaknesses and falls, but when he became the Emperor he would be above those shortcomings because he was considered a *hypostasis of God*. In *Epanagoge*, Basil describes in detail the theoretical background that justifies the imperial institution: "The Emperor embodies the Good and the Beautiful." The court ceremonial must be regarded from the angle of symbols, because the search for all the elements that could refer to the transcendental presence within the Emperor's concrete symbol was very important. This ceremonial was meant to offer to the unfaithful a vague image of the idea of God, and to the faithful a mediation between heavens and earth.<sup>6</sup>

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<sup>5</sup> David T. Koyzis, "Imaging God and His Kingdom: Eastern Orthodoxy's Iconic Political Ethic," *The Review of Politics* 55, no. 2 (1993): 270.

<sup>6</sup> Alain Ducelier, *Les Byzantins. Histoire et Culture* (Paris: Seuil, 1988), 72.

An important dimension of the Emperor's part was his quality of *interpreter*, because he was the only one who could judge a matter as the assignations of the Byzantine law corpus were clear enough. Although he had this exclusive right, exercising it depended on a fundamental condition, namely it would have to be used in the spirit of protecting and consolidating the Gospel commandments. We observe here a feature that generally marks the Byzantine spirituality, but regarding the imperial institution it becomes contradictory. On the one hand, there was a supreme liberty for decision making, though severely limited by the *spirit* according to which a certain decision must be taken. If the Emperor, impersonation of the law, took a decision which was not in the spirit of the Gospel, the Byzantine man, although he considered himself a servant of the emperor, was not obliged to obey. Since legislation played an important part in keeping the unity of a centralized state, the emperors were mainly interested in the existence of a well-defined and efficient legislative background. As George Ostrogorsky affirms, with the law corpus of Roman inspiration, but with Christianity in form and spirit beginning in Justinian's time, all the aspects of public and private life, state, person and family were adjusted, *Corpus Juris Civilis* was neither a mechanical repetition nor a faithful reproduction of the ancient Roman laws. Justinian's jurists were the ones to adapt the Roman law to the Christian spirit, thus bringing it closer to a moral based on the importance of the individual and of the family.<sup>7</sup> In this sense, Byzantine had a high sense of responsibility for the just political act at all levels of society.

On the other hand, the administration, on any level, reflected its only source of authority – the Emperor, who had to be seen as a sun visible by its rays (the ancient solar myth represented an important source of inspiration for outlining the imperial ideology). In time, although the territory of the empire dramatically decreased, the role of the administration increased, however its importance obviously became symbolic. The ranks and the ceremonials of different members of the administration were continuously redefined and gradated; such situation raised the concern about the symbol represented by an official, especially when he represented the Emperor's power in one of the themes of the empire. The most significant element in this depiction of the administration is the fact that, like the imperial institution, it was based upon a precise ideological justification, which we could essentially include in the concept of *hierarchy*. But for the Byzantine hierarchy had another meaning differing from the modern one, and we can understand this definition by identifying the related texts.

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<sup>7</sup> George Ostrogorsky, *History of the Byzantine State* (Rutgers, NJ: Rutgers University Press, 1969), 76.

## Hierarchy as a Way of Human Betterment and Justice

Dionysius the Aeropagite, who first mentioned the Hierarchy within the Christian background, understood it as a way to *perfect oneself through participation*.<sup>8</sup> The superior – inferior diagram is not appropriated to this description: no matter on what level you are, adopting and participating in a hierarchy could lead you to perfection. The ones who find themselves on superior levels of the hierarchy have to properly *mediate* the transmission of the good. No matter on which level a person is, if the hierarchy he adopts is the one that transmits the *good*, he will maximally fulfil his potentiality, and reach *perfection*. This display of the sense of a hierarchy is based on a fundamental supposition of the Byzantine spirituality: the existence of man as a person, which means absolute identity, uniqueness, and non-repeatability. The hierarchy is understood as an existential dynamic which includes in a chain the movement of persons towards their perfection as good people. At least this was the ideal that animated the organization of the Byzantine social structures, and of course the historic reality reflected more or less its completion.

A series of Dionysian terms offer the direction through which we should understand the social level of the hierarchy, like *imitation, impartation, participation, measure, unification*. The central idea is that no one could directly unite with God, mediation is required. Secularly speaking, mediation is equally necessary, because for the Byzantine the social good means nothing but the possibility to participate in transcendence through the best way possible. The Emperor is not the ultimate term of the State because he is only a *mediator*, although at the highest level within the immanence area. The levels of the administrative hierarchy are the degrees of participation in the Good, as well as its manifestations upon which one find themselves on an inferior level. Here we have to mention that the difference between levels is not about something better or worse, but rather related to different capacities of participation.

This way, the hierarchy is not voluntarily established, instead is dictated by the possibility and the measure in which a person could receive the *Truth* and at the same time could communicate it to others. The organization of the administration always respects this ideal and makes the distinction between human weaknesses of the imperial official and the symbol his function represents, thus any type of excesses is never questioned about the viability of the organization of the Byzantine state's structure.

Such perspective indicates a particular way of understanding the relationship between Hierarchy and Justice: an equal status of people in the social corpus, or an equal distribution of goods for all, it's not the way to

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<sup>8</sup> Pseudo-Dionysius, *The Complete Works*, trans. C. Luibheid and P. Rorem (London: Society for the Promotion of Christian Knowledge, 1987), 67.

attain justice. And this was not seen as a kind of natural inequality that is impossible to be addressed by hypothetical future social intervention. We can see here how the Platonic and the Neoplatonic paradigms worked in this model of justice: each individual can attain his/her betterment (or, in modern terms, his/her happiness) by participation in a *chain* (at the same time *ontological, existential* and *social*), a *hierarchical* one. But the ancient paradigms received a corrective, made from the Christian perspective: everybody is equal in Christ. That's why the Byzantine way to correlate justice with hierarchy is not easy to be understood, since to be equal and unequal at the same time is the privileged way to attain a just and happy life.

### Conclusion

The type of justice developed in the Byzantine society can be described as *iconic justice*, and has the *hierarchical responsibility* as its central element. In this model of justice, the presupposition is that the earthly level should reflect the celestial world, mirroring it. Here is an interesting closeness to the Chinese Confucianism, that is, *Tien* (Sky) is the model that should be reflected in the earthly order. It is a different way of understanding and doing justice, a rather existential and dynamic one. It is connected with the Byzantine acceptance of tradition. Apart from the systematic inventory of the affirmations made regarding different social or religious practices, this way of preserving tradition is based on the practical experience of following a prescription (social or religious), a concrete experience, through which the tradition is crystallized. As for our cultural exigencies, the accumulation of tradition does not mean the filing of a subjective and random casuistry which could offer a systematic picture of this tradition. This is precisely the thing we must resist in order to reach the true spirit of the inheritance. It is necessary to accept the fact that our cultural model is not the supreme and ideal form of rationality, the existence of other major cultural paradigms manifests different types of human capacities of experience and understanding. (Privileging a certain description of reason and affirming reason as human capacity by excellence have decided the cultural evolutions of the modernity, but this radical emphasis on reason has generated a crisis in today's cultural model.)

Based on this use of tradition, responsibility has different meanings. You are responsible not only for those who are below you, but also above you on the hierarchical scale (some emperors lost their throne because they did not accomplish their responsibility on the top of earthly hierarchy). You have a responsibility for whole Cosmos as well. In this understanding, the proper description of reality is that of a Chain of Beings, not of a Chain of Being (a very widespread philosophical interpretation about the order of reality), or more precisely, of a *Chain of Persons*. This later



formulation is the most proper one. For the Ultimate Reality (God) was described in the Byzantine tradition as being Personal. The ideal of the Byzantine Society, was the betterment of every man and woman, a continuous process of self-perfection through hierarchical responsibility. Justice is, in this case, a result of the collective assumption of hierarchical responsibility. This understanding of doing justice worked as a presupposition also in the Post-Byzantine societies in the Eastern Christianity, although sometimes it was unapparent.

The hierarchical vision on beings, on human relations and on society, having as basic assumptions *scales, levels, inequalities*, was complemented by the understanding of people as *persons (hypostasis)*, as *equals* before God. Thus, there were asserted two kinds of justice, Earthly and Heavenly. The Heavenly justice is the perfect justice, but even this one can be subject of intercessions (prayers). In the Heavenly justice nobody is on a higher position in front of God, He is the righteous Judge. But, in the Byzantine perspective, the Earthly justice should not search to do the same thing. Rather, because of multiple differences and capabilities among people, justice means to offer, as much as possible, the *best scenario for betterment* in each particular case. Idea of *equal rights* does not make much sense in this approach, rather we can speak on the ideal of *best hierarchical setting*, able to give highest opportunity for everyone in the quest for personal betterment. If we are taking in account that the two justices were seen as interrelated and more or less co-present, a demand for absolute Earthly justice was seen rather as an unjust understanding of what is the ultimate Truth and the meaning of life.

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**Part III**  
**Justice vs Injustice**



## Realm between Perfect Justice and Minimizing Injustice

R.P. SINGH

As a matter of fact, the notion of justice has been a developing concept, and it is in that process that we come across various discrepancies and contending claims arising out of theological, moral, legal, secular, human rights, political and economic aspects, etc. throughout the history. It is generally believed that justice is concerned with the proper ordering of things and relationships among persons, distribution of resources and products, deterrence of crime and punishment within a society at a particular stage of its development.

Justice concerns with the proper ordering of things and relationships among persons within a society. As a concept it has been subject to philosophical, legal, and theological reflection and debate throughout history. A number of important questions surrounding justice have been fiercely debated over the course of Western history. What is justice? What does it demand of individuals and societies? What is the proper distribution of wealth and resources in society: equal, meritocratic, according to status, or some other arrangement? There are myriad possible answers to these questions from divergent perspectives on the political and philosophical spectrum. According to most theories of justice which are overwhelmingly important, John Rawls, for instance, claims that “Justice is the first virtue of social institutions, as truth is of systems of thought.”<sup>1</sup> Justice can be thought of as distinct from and more fundamental than benevolence, charity, mercy, generosity or compassion.

The present paper is an attempt to examine the realm between perfect justice and minimizing injustice. The realm emerged from two streams of thinkers of the Enlightenment rationality during 18<sup>th</sup> and early 19<sup>th</sup> centuries in Europe. First, there are philosophers as Hobbes, Locke, Rousseau and Kant who have developed justice on the basis of hypothetical social contract theory. They have advocated an insight into the perfect, ideal or absolute justice which is required to understand the particular example of justice. In this context, I will be taking into account, on the one hand, Kant’s formulation of justice on the basis of human autonomy and dignity and, on the other, John Rawls who revitalizes the ideal justice. The second

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<sup>1</sup> John Rawls, *A Theory of Justice* (Oxford, UK: Oxford University Press, 1999), Revised Edition, 3.

stream of philosophers includes Adam Smith, Condorcet, Mary Wollstonecraft, Bentham, Mill and Marx, who have argued towards minimizing injustices in one way or another. MacIntyre, Amartya Sen and Martha Nussbaum have attempted to revitalize the school of thought. The ambition and challenge of the present paper is to fill the gap between ‘perfect justice and minimizing injustice.’ The purpose is first of all to show the deep and subtle differences which lead them to obviously divergent views on justice and secondly to show how we should think about the inclusive notion of justice. It may pave the way for a constructive integration by clarifying those issues which remain in need of resolution. This could be regarded as the ethos for global humanity in the 21<sup>st</sup> century – a century which is different from all earlier occasions of human history and requires re-learning to be human in the global context particularly with reference to justice.

There are discrepancies in the notion of justice itself when we discuss the theories like distributive, rectificatory/reformative, retributive, restorative, etc., or concepts like goodness, *eudaemonia*, dignity, fairness, harmony, etc., or minimizing injustices in terms of capability, welfare, gender equality, etc. These theories and concepts have evolved to address particular aspects of justice concerning institutions, distribution of resources, deterrence of crime and theories of punishment, and so on.

In an imperfect world, institutions are required to instantiate ideals of justice, however imperfectly. These institutions may be justified by their approximate instantiation of justice, or they may be deeply unjust when compared with ideal standards, for instance, the institution of slavery. Justice is an ideal which the world fails to live up to, sometimes despite good intentions, sometimes disastrously. The question of institutive justice raises issues of legitimacy, procedure, codification and interpretation, which are considered by legal theorists and by philosophers of law. Descartes in the *Sixth Meditation* says that “we all know that we are imperfect beings, finite and limited in many ways. But we have an idea of perfection. This idea will have value only if an absolutely perfect being exists.” Descartes used perfection as an idea to prove the existence of God. However, the idea of perfection could be used to analyze the imperfect world in which we are living. An effort in that direction comes from the social contract theory developed in liberalism. Liberalism is generally considered to be the group of political philosophers who emphasize individualism, freedom, liberty, equality, justice, etc. Philosophers like Locke, Hobbes, Kant and Mill have given immense importance to individuals. The core of Locke’s individualism is the assertion that every person is naturally the sole proprietor of his/her own person and capacities. The most important point made by Mill is that over oneself, over one’s body and mind, the individual is sovereign.

Hobbes in *Leviathan* (1651) had introduced and developed a theory of human motivation known as Psychological Egoism, and his theory of the social contract was founded on the hypothetical State of Nature. Locke in *Two Treatises on Government* (1689) proposed a critique of *Patriarcha* (1680), and in the first *Treatise* and in the second *Treatise*, he developed the theory of social contract. Rousseau advocated that the individual enters into social and political life through the medium of social contract. The will of the society becomes supreme. He calls it “General Will,” i.e., a will in the formation of which everyone participates. The contract results in the protection of property, life and the establishment of laws.<sup>2</sup>

The social contract theory propounded by Hobbes, Locke and Rousseau introduces justice by way of a hypothetical contract for mutual advantage to have a just society. Whereas in Hobbes justice lies in the hands of the Monarch, in Locke justice is in the form of individual rights related to life, freedom and property. For Rousseau, it is the general will or moral collective will of the individuals in society that will shape the laws of institutions which will deliver justice. The social contract theory was repudiated by Hume on the ground that there is no historical evidence to any contract, original or otherwise. His account of justice is based on convention and customs.<sup>3</sup> Kant attempted to re-visit social contract theory not as a historical phenomenon but as a regulative mechanism to be used as the device to explain the origins of the state, the nature of autonomy and dignity of the individuals. Kant argued that even if there is no historical evidence to social contract, it will help as the regulative, not constitutive principle.

Kant emphatically rejected the assumption that the promotion of human enjoyment or happiness can ever serve as a foundation for sound ideas about justice. For Kant, the essential truth about human beings – the truth that is relevant to considerations of justice – is that they are free, rational, and responsible agents. Once humanity reaches at the stage of enlightenment and develops reason to the extent that it becomes autonomous and dignified, it can perform juridical and ethical duties. The enlightened being acts in the conformity of categorical imperative, realizes an ideal such as universality, end-in-itself and kingdom of ends. This ideal reaches at the notion of a just society wherein every enlightened being makes a general consent in formulating the principles of justice. At this stage the human being can realize his/ her own betterment and for the sake of entire society. Thus, the principle of perfect justice transforms an individual behavior in such a way that everyone can act rationally to transform

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<sup>2</sup> J. Rousseau, *The Social Contract* (London: J.M. Dent and Sons, Limited, 1920), 54-55.

<sup>3</sup> David Hume, *Political Essays* (Cambridge, UK: Cambridge University Press, 1994), 21.

oneself and society as well. Emancipatory self-reflection is dependent on giving a rational reconstruction of the universal principles for human action. In other words, the Enlightenment develops reason to the extent that it becomes autonomous and gets rid of restraints from tradition and authority. This is the philosophical vision for perfect justice.

It is in this context that I wish to present a brief account of human rights which could be regarded as illustration of perfect justice. Without going into the details of the emergence and development of human rights, let me ask the basic question: what is a right? The answer to this question is given by Kant in the treatise *Rechtslehre*, "The only original right, belonging to each man in virtue of his humanity is Freedom..."<sup>4</sup> "Every action is in accordance with right which enables the freedom of each man's will to assist side by side with the freedom of every other man, according to an universal law."<sup>5</sup> We can then suppose that when Kant develops freedom as the only original right of people and proposes to limit that freedom in the case of each individual solely by the demand for an equal freedom on the part of all other individuals, it is evidently clear that for Kant an action would be contrary to right if it interferes with the formal freedom of one's neighbor.

It may however be pointed out that Kant, in *Rechtslehre*, has ruled out any distinction between laws imperative, i.e., moral laws and laws permissive, i.e., political rights. In that treatise, the doctrine of the permissive nature of right is silently dropped, the law of right is definitely stated to be a special branch of moral law: its maxims, like the maxims of the moral law, are nothing if not imperative and universal, and it is of their essence to be enforced, when necessary by compulsion.<sup>6</sup>

Behind this notion of right, there is a deeper philosophy that is the philosophy of European Enlightenment. There is, however, a lack of sufficiently broad, accurate, comprehensible and useable definition of the early Enlightenment. Part of the reason of this lack is that during the Enlightenment there were complex and quite often contradictory views on such issues as democracy, modernity, secularism, religion and scientific knowledge, etc. It is very difficult to provide one definition, as the definition of the Enlightenment that fits all people. Generally among the Enlightenment thinkers we have Voltaire, Rousseau, Hume, Condorcet and others. This is, however, not the occasion to go into the details of their specific philosophical systems, their mutual agreements and disagreements. I am basically concerned with the concept of freedom as the key concept of the Enlightenment and as the ultimate source of human rights.

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<sup>4</sup> Immanuel Kant, *Rechtsleher Einleitung*, quotation from C.E. Vaughan, *Studies in the History of Political Philosophy before and after Rousseau* (Manchester, UK: Manchester University Press, 1939), 77.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*, 78.



Notwithstanding the mutual difference between one philosopher and another in the Enlightenment, has a fundamental preoccupation, i.e., freedom. It is in this rather general framework of the Enlightenment rationality that the concept of humanity has evolved and gets its elaborations in the categorical imperatives.

Kant is the first philosopher who has tried to give a definition of *how* a moral action *ought* to be in terms of individual's rights in conformity with the Enlightenment rationality. These are the *Principles* of human actions such as "universality," "end in itself" and "kingdom of ends." These principles could be prescribed to any study of human rights anywhere. There have been certain attempts to define human rights in terms of the constitution of a Nation/State, ethnic, cultural and religious identities, etc. But if we wish to define human rights in the most general sense of the term inclusive of all specificities, Kant's categorical imperative is the only principle that could be taken into account. The Maxims, of course, go as follows:

The first maxim: "Act only on that maxim through which you can at the same time will that it should become a Universal Law."<sup>7</sup>

The second Maxim: "Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end."<sup>8</sup>

The third Maxim: "So act as if you were through your maxim a law making member of a kingdom of ends."<sup>9</sup>

These maxims cannot be strange to any culture though they could be naïve to every culture, they are universal. One can easily imagine that the absence of any of these maxims could be tantamount to the denial of human dignity. Therefore, these maxims could be regarded as the necessary principles for any study of human right.<sup>10</sup>

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<sup>7</sup> H.J. Paton, *The Moral Law: Kant's Groundwork of Metaphysic of Morals* (London: Hutchinson University Library, 1969), 67.

<sup>8</sup> *Ibid.*, 91.

<sup>9</sup> *Ibid.*, 34.

<sup>10</sup> These maxims have created the broad vision of human rights that the UN seeks to attain in its global mission of peaceful co-existence and mutual development. Even the very title of the draft has been greatly under Kantian influence, i.e., "Universal Declaration of Human Rights." It is a far-reaching document trying to protect human rights and to integrate the fabric of national and international life both ethically and juristically.

Kant in “Theory and Practice” (1793) has cited an example which goes like this: Imagine that a person has been made the trustee of a large estate, the owner of which is deceased and the heirs are both ignorant of its existence and independently wealthy in their own right, while also being immensely wasteful and uncharitable. Suppose the trustee and his family of a wife and children are in dire financial straits and that the wealth contained in the estate would be sufficient to relieve them of their distress. Kant argues that the trustee’s duty to distribute those resources in the manner their owner intended should trump the temptation to divert them for the promotion of his/her own happiness. This view has been summarized pithily in the observation that, for Kant, the right is (ethically or morally) prior to the good.

It is Kant’s philosophical insight into perfect justice that has been carried forward by John Rawls by modifying the social contract theory and by reformulating the principles of justice to be applied to the institutions. Sterba writes, “...unlike the social contract theory that uses the device to explain the origins of the state and the nature of sovereignty, Rawls revived it to explain principle of justice.”<sup>11</sup> According to Rawls,

the principles for determining the basic institutions of a society as to what is just are: First: each person is to have an equal right to the most extensive basic liberty compatible with similar liberty for others. Second: Social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone’s advantage, and (b) attached to positions and offices open to all.<sup>12</sup>

Rawls calls principle one the principle of equal liberty, principle two (a) the difference principle, and principle two (b) the principle of fair equality of opportunity. He proposes a principle of veil of ignorance in which “no one knows his place in society, his class position or social status, nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind a veil of ignorance.”<sup>13</sup> These are the principles that rational and free persons concerned

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<sup>11</sup> James P. Sterba, *Justice: Alternative Political Perspectives* (Belmont, CA: Wadsworth Publishing Company, 1980), 94. The only anthology of its kind, this comprehensive work presents defenses and critiques – both classical and contemporary – of seven seminal conceptions of justice: the Libertarian, the Socialist, the Liberal-Democratic, the Communitarian, the Feminist, the Postmodern, and the Environmental.

<sup>12</sup> Rawls, *A Theory of Justice*, 60.

<sup>13</sup> *Ibid.*, 10.

to further their own interests would accept in an initial position of equality as defining the fundamentals of the terms of their association.

Rawls' notion of 'justice as fairness' focuses on 'just institutions' rather than on 'just individuals and societies' as it is in Kant. For just individuals and societies can help to create effective institutions and reduce injustices and inequality as well. This position has been criticized by Rawls in his later work *Political Liberalism* in terms of justice as fairness, it "...is a political conception and it is justified by reference to political values and should not be presented as part of a more comprehensive moral, religious, or philosophical doctrine."<sup>14</sup> However, Rawls' own criticism of his earlier position still amounts to the fairness of the institutions with liberal values. There is still a lack of the realization of the sense of justice not as a matter of judging institutions and principles for distributing primary goods but minimizing injustices at the individual and social level.

It may be emphasized that the institutional choice and arrangement focused on approaches to justice are not sufficient conditions because society consists of human beings who are outside of the institutions, and the latter gets affected by the former. The notion of minimizing injustice is very necessary wherein few people are capable to use their freedom, rights and toleration. More importantly, the search for perfect justice could distract us from tackling real-life, immediate injustices such as discrimination relating to education, skill, health, environment, etc. for women, tribal people and marginalized community who are deprived of all these.

Rawls has revived the social contract theory not to explain the origin of the state and its sovereignty or autonomy of the individuals, but as the transcendental mechanism to explain the principle of distributive justice with reference to institutions. Individuals and their actions are just insofar as they conform to the demands of just institutions. In Rawls' justice as fairness, the direct attention is on 'just institutions' rather than focusing on 'just individuals and societies.' How these institutions are specified and integrated into a social system which deeply affects people's characters, desires, and plans and their future prospects as well as the kind of persons they aspire to be. The question arises: is justice the realization of institutions and rules or principles or is it concerned with society as well? I will try to attempt to vindicate Rawls' position on justice and bring out its shortcomings in two-fold manner. First is the way Rawls has criticized his own earlier position in his later work, and second is the way his successors like Amartya Sen, Martha Nussbaum and others have criticized both the positions of Rawls.

In recent times, Sen and Nussbaum have developed justice as welfare through capability approach. There is an attempt to tackle the issues of

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<sup>14</sup> John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 20.

minimizing injustices by highlighting that the human being has dignity with their ability to pursue their own ends. Sen's notion of minimizing injustice is a dynamic departure in the debate on justice which concentrates on the wellbeing of each and every individual. It does not concentrate on the means of primary goods and just institutions but minimizing injustices by removing obstacles in actual opportunities in day to day life. Sen has brought a new conception of justice as welfare through freedom, capability and public enlightenment. Instead of institutional mechanism which governs collective choices, Sen's minimizing injustices make each and every individual to act on his/her own preferences. It could further be substantiated in this way:

We should start from a conception of what makes a good life for a human being, and build up from this to a theory of the social good. That it is the opportunity to live a good life rather than the accumulation of resources that matters most for well-being, and that opportunities result from the capabilities that people have. This so-called 'capability' approach thus focuses more on people and less on goods. In it resources do not have an intrinsic value; instead their value derives from the opportunity that they give to people.<sup>15</sup>

Carrying out further the notion of minimizing injustice, Nussbaum considers the quest for justice and equality of opportunities between genders. She tries to establish an inclusive society and the possibility of feminist perspective on justice. In order to minimize social injustice, we must incorporate the historical and cultural circumstances of different peoples. For Nussbaum, "the need to recognize that the lives of women are highly varied, that women live within a variety of traditions, and that the best account of human justice is not one that merely projects Western values onto groups with different concerns."<sup>16</sup> Her main concern is to pay attention to the actual experiences and circumstances of individual women. The majority of women across the world fail to enjoy the legal, political, social and economic status enjoyed by men. This discrimination and their deprived situation are due to their cultural traditions and practices that mold their lives. The conflict between cultural practices and women's rights has been prevalent as a social phenomenon, and it has to be interrogated. The question arises: are we going to minimize women's injustice

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<sup>15</sup> Paul Anand, Graham Hunter and Ron Smith, "Capabilities and Well-Being: Evidence Based on the Sen-Nussbaum Approach to Welfare," in *Amartya Sen's Capability Approach Theoretical Insights and Empirical Applications* (New York: Springer, 2005), 9-55.

<sup>16</sup> Martha C. Nussbaum, *Sex and Social Justice* (Oxford/New York: Oxford University Press, 1999), 6-8.

and bring gender equality under the purview of human rights or let the culture or tradition decide their lives?

Just as on the idea of perfect justice, similarly on minimizing injustice, there are contending claims between Sen and Nussbaum. Both have vindicated capability theory to improve people's well-being, development and freedom. Justice as welfare through capability approach tackles these issues by highlighting human beings having dignity and with their ability to pursue their own ends. But they have divergent views on the concept of capability to promote human welfare. For Sen, capability is a comprehensive moral doctrine, whereas for Nussbaum, it is the basic entitlements, since it simply specifies some necessary conditions for a decently just society, say, gender discrimination, in the form of a set of fundamental entitlements of all citizens.

In *The Idea of Justice*, Sen criticizes the original position, i.e. 'veil of ignorance' of Rawls' theory of justice which amounts to the lack of genuine information concerning injustice. Sen has also criticized the utilitarianism of Bentham and Mill on the ground that act utilitarianism and rule utilitarianism along with hedonistic calculus cannot help us much either in minimizing injustices or enhancing happiness. Instead of transcendental institutionalism in Rawls, Sen proposes realization of focused comparison which is primarily interested in removing the manifest injustice from the world, and hence he goes to 'retreat of justice.' Sen argues that Kant and Rawls have developed perfect justice to concentrate on getting the institutions right with transcendental institutionalism, their theory is not directly focused on the actual societies that would ultimately emerge. He has distinguished between *niti* and *nyāya*.<sup>17</sup> Although both concepts give the vision of justice, the notion of *nyāya* underlies comprehensive idea of realized justice in terms of individual's suffering. In the debate on the nature of justice, Sen provides a practical illustration, which he calls Three Children and a Flute. Imagine which of the three children Anne, Bob and Carla should get a flute about which they are quarreling. Anne says that the flute should be given to her because she is the only one who knows how to play it. Bob, on the other hand, claims that the flute should be handed to him as he is so poor that he has no toys to play with. Carla then intervenes and says that it is she who made the flute. How do we decide between these three legitimate claims? Who gets the flute depends on the various notion of *niti*, for instance, the utilitarian will argue for Anne because she can actually play and thus will get maximum pleasure. Bob, the poorest, will have the support of the egalitarian. The libertarian would opt for Carla. For Sen, there is no institutional arrangements that can help to resolve this dispute in a universally accepted just manner.

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<sup>17</sup> Amartya Sen, *The Idea of Justice* (New York: Penguin Books, 2009), 14-20.

However, if there is no reasoned agreement on the nature of a “just society,” how would we actually recognize a just society if we depended on only institutional arrangement (*niti*)? Without some framework of comparison it is not possible to identify the ideal we need to pursue. I believe that we need a more ‘*nyāya*’-based perspective while dealing with *Niti* and other institutional arrangement issues which could be affecting present situation. There are discrepancies and implications between well-being (collective) and happiness (individualistic) to substantiate minimizing injustice in Sen.

Nussbaum further develops the capability approach, not as a procedural justice but as an outcome-oriented approach that gives impartial account of justice as welfare. There is close relationship between the institutional and the constitutional design in Nussbaum with the quest for justice and equality of opportunities between genders. There is minimizing injustice in terms of discrimination, particularly gender discrimination in the cultural practices of different peoples on the one hand, and legal, political, social and economic status of women on the other. The discrimination and the deprived situation of women are due to the cultural traditions and practices that mold their lives. With a feminist perspective, Nussbaum attempts to establish an inclusive society which not only incorporates the basic philosophic visions of Kant, Rawls and Sen but also transcends it.

To bring the paper to close, there is a need to show the interface between perfect justice and minimizing injustice. While acknowledging the antithetical nature of these two realms and the distinct nature of the philosophical visions of Kant, Rawls, Amartya Sen and Martha Nussbaum, I have argued that justice in the perfect sense of the term is required as an ideal to be attained, while minimizing injustice would be the process to achieve the same in terms of capability building, well-being and gender equality. The philosophical concepts like dignity, autonomy, perfection and fairness, etc. in Kant and Rawls are the visions and welfare in Sen, and women’s equality and entitlement in Nussbaum are the exemplifications of the vision of justice. The former is holistic, foundational, unified with principles and even deontological; whereas the latter emerges out of the struggle against deprivation, ill health, illiteracy in general and women in particular. While dignity could be regarded as good and postulated, welfare schemes could be recognized as derived and derivatives.

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## **Re-learning to Be Human for Global Times: Dialogue in the Context of Perceived Injustice**

THOMAS MENAMPARAMPIL

### **From Contestations to Dialogue**

Never in this world will hatred cease by hatred...hatred is ceased by love. (The Buddha)

Conflicts take place due not only to actual injustice but also to a perception of injustice. Similarly, there are cases of injuries that have been received a long time ago, but whose memories persist in the collective psyche of communities even on this day. The injustice exists no more, but it is perceived as still existing, and the grievance remains and tensions continue. In the context of increasing violence in the world, it would be good to study how we may handle such situations.

We have to understand, appreciate and value each other and each other's cultural heritages. We have to learn to forget past injuries. Unfortunately, collective anger remains in diverse places in diverse forms. Aggressiveness has grown. Mutual understanding has diminished, despite the expansion of communications. This challenge has assumed greater significance in our times.

Soon after the terrorist attack on New York's World Trade Centre (11/9/01), many cried that the much-debated 'Wars of Civilizations' had just begun. The Gulf War, they said, was only an early warning. Human experience has shown down the centuries to what inhumanities human groups can descend when they look at each other as threats and not as friends and fellow-travelers towards a common destiny. Driven by hatred, people can find hidden resources and unlimited energies in themselves to be able to inflict mortal injuries on the supposed 'enemy.' Today we need people who can create a mood for dialogue, who can contribute to "public reasoning" as Amartya Sen says adopting a persuasive style.

### **Inter-civilizational Distances Seem to Grow**

There is a way to get the people: get their hearts and the people are won over. (Mencius 4:9)

History tells us that differences are bound to arise between communities, cultures, countries, and civilizations. It is not that we dislike other

cultures or civilizations, but we misread meanings. In a given context, little issues can assume mighty proportions. We may not go the whole way with Samuel Huntington's fully developed thesis on the inevitability of the "Clash of Civilizations." But we do agree with his central argument that there is a renewed awakening of cultures, civilizations, and historical heritages in modern times, and that the boundary lines between communities and political alliances are sharpening. There are possibilities of increased assertiveness and tensions, and it is good to search for paths that lead to easing of anxieties, and initiation of a process of dialogue, reconciliation and collaboration.

"In the post-Cold War world...culture counts, and cultural identity is what is most meaningful to people," says Huntington.<sup>1</sup> Civilizational and religious heritages have assumed great importance. Huntington adds, "People define themselves in terms of ancestry, religion, language, history, values, customs and institutions. They identify with cultural groups: tribes, ethnic groups, religious communities, nations, and at the broadest level, civilizations."<sup>2</sup> They remember with pride their glorious past, and with anger their historic humiliations. Inter-cultural and inter-ethnic conflicts have multiplied. Trying to prove his thesis, Huntington refers to ethnic tensions in Uganda, Burundi, Zaire, Nigeria, the Caucus, Bosnia, Sudan, Sri Lanka and other places. "As of early 1993, for instance, an estimated 48 ethnic wars were occurring throughout the world, and 164 'territorial-ethnic claims and conflicts concerning borders'...."<sup>3</sup> Religion-related conflicts are on the increase.

### Why Societies Collapse?

People in their conduct of affairs are constantly ruining them when they are on the eve of success. (Tao Te Ching 64)

For all the sturdiness that civilizations build up, they too are fragile entities. The mightiest political powers and the most glorious civilizations have disappeared. Oswald Spengler insists that civilizations are organic entities, following an inevitable birth-growth-death pattern. In Toynbee's view, societies and civilizations move on to a path of decline and death, when the creative minority that brought them into existence and gave them inspiration and leadership during the process of their growth, gradually degenerates into a 'dominant and oppressive minority.' Such societies finally break down when the same minority entrenches itself in an

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<sup>1</sup> Samuel Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon and Schuster, 1996), 72.

<sup>2</sup> *Ibid.*, 75.

<sup>3</sup> *Ibid.*, 81.

unassailable position of exploitative advantage over the rest of their society.

The same thing happens when a religious heritage falls into the hands of an obscurantist oppressive minority. The danger is that during the period of a society's decline close-minded elites take over and begin to idolize their past in compensation for the values that they have already given up, while idealizing the achievements of their ancestors, institutions, techniques, in short their 'dead selves'...all this, in view of holding on to power. They continue to worship the 'ghost' of their ancient glory and propagate that devotion in the wider society. Many religious fundamentalists and 'cultural nationalists' in different parts of the world today make this mistake.

### **Positive and Negative Encounters of Civilizations**

You shall speak to men good words. (Quran 2,83)

It is because he (the sage) is free from striving that no one in the world is able to strive with him. (Tao Te Ching 22)

Civilizations have interacted with each other down the centuries. But in our times, encounters between civilizations have increased a thousand-fold. It is becoming abundantly clear that no one can hope to thrive in isolation. Closing in upon oneself, one becomes incapable of facing the social realities that are rapidly changing. New realities push the unprepared to the margins or inferior positions, and there they remain in a helpless condition.

During interactions between civilizations, troubles start when one vision seeks to impose itself on another, or when the perceived interests of a nation or a civilizational group clash with those of another, or when messages are misread. In these difficult situations, those would prove most helpful to point the way to dialogue. Many problems can be solved with respectful mutual attention, sympathetic understanding, and attending to each other's Collective Ego.

Demonizing communities or countries, or isolating them and branding them with negative titles are not helpful. In times of tension we need persons who seek to understand across cultures and build bridges to facilitate mutual relationships. We need persons who can initiate dialogue, even with people whose cultures differ greatly from their own.

If the heritage and the indigenous leadership of a nation or a cultural group are threatened, there is powerful resistance to anything that is alien. Resistance grows all the stronger if the intruding nation or civilization seems to challenge native economic interests, institutions, concepts, and value system. Resistance can go to the point of violence. Violence often

is the response of the weak. While studying the problem of West Asian terrorism, it would be more intelligent to approach it with sympathetic understanding than in a spirit of retaliation.

When any nation or civilizational group becomes too powerful, resistance arises spontaneously: tensions within the group, resistance from neighbors, or from other threatened societies. Many inter-civilizational and inter-country tensions of our days can be explained from the above perspective. An intelligent and sympathetic approach can reduce tensions and strengthen relationships.

### **Shedding of Negative Memories**

To be one with the world is wisdom. (Tirukkural)

There are many countries in modern times that are still trying to get over the memories of injuries they have received during their colonial past or the years of their humiliation. The reverses of history humbled nations and civilizations that had once occupied leading positions in an earlier period; or they felt taken advantage of, for political power, natural resources, or economic advantages. For this reason, many Third World countries find it hard to forget the past, deal effectively with the present and look confidently to the future. Injuries inflicted on each other by the neighboring countries can haunt their memories for decades, even for centuries.

Unfortunately those for whom the humiliating memories of the past are still fresh are likely to have a distorted vision of history and a lopsided view of the nation or alliance that seems to confront them as a single, monolithic bloc, as though always aggressive, arrogant, and dominant. It is good to correct exaggerations and distortions and pay attention to saving features. An understanding of peoples in the context of their overall history will make us condone their mistakes and appreciate their greatness.

But objectively speaking, in human history, injuries have been in all directions. If we go by historic grievances, we shall never be done with it. From whom will we seek compensation? Can the East seek from the West or vice versa? One religious group against the other, or in the opposite direction? One cultural family aligned against another or the other way around? One day East and West must embrace. North and South will have to learn to work together. And peace shall reign on earth.

He who rules by means of virtue may be compared to the pole-star, which keeps its place while all the other stars pay homage to it. (*Analects* 2.1)

Unfortunately, when two civilizations meet, what are exchanged faster are the less valuable elements, such as skills of war and expertise in exploitative trade. Lethal weapons reach faster and further from one to another. Thus, most countries of the developing world have acquired weapons from the Western nations, partly in self-defense and rarely with aggressive designs against neighbors. Meanwhile disoriented Western youth fall for fake Asian godmen, soothsayers and drug peddlers. This is a case of the worst meeting the worst, instead of the best meeting the best, as when committed intellectuals meet.

Fortunately, as interactions grow between civilizations, many good things are also exchanged, even if not intended. And in all cultural encounters, one thing leads to another. While the West took advantage of many nations in their weaknesses, it also passed on to them an interest in science and technology. This helped to strengthen the weaker nations. Some were very quick in profiting from such exchanges. Similarly, while the East felt humiliated and disregarded, its heritage of wisdom and spiritual search drew the attention of many in the West. This encounter reminds the thinking element in the West that there are vast areas of human interest beyond material achievements. Similar sharing took place between neighboring countries.

As Peter the Great in Russia and Mustafa Kemal Ataturk in Turkey thought that the West had something to offer so did Lee Kwan Yew in our own days. In fact, both the ideologies of the right and the left came from different Western schools to explain diverse social realities. Each society in Asia accepted one or the other line of thought according to the need of their own situation and the relevance of an ideology. Many Asian religious traditions have won adherents in other parts of the world.

But not all the West-admiring persons in the non-Western world have shown the ability to distinguish between the core values of the Western civilization and the transitory, superficial, and degrading dimensions of it. It is a folly of the highest kind to absolutize a mere 'secular extract' of the old integral Western civilization and propose it as the new faith for modern world. Likewise, there are Asians who do not succeed to identify the core values and central orientations of their own civilization. Here lies the difficulty for a useful encounter of civilizations at this stage. We need perceptive persons to show the path. As the East and the West must learn to interact to the benefit of both, the Hindu and Islamic heritages can deepen their conversation. Soon enough their interests at other levels also can be made to converge.

### **Mutual Enrichment of Civilizations**

First establish yourself in the good; thereafter you should counsel others. The wise man who acts thus will be above reproach.  
(Dammapada 12,2)

Any future synthesis that will be worked out with a materialistic emphasis will remain imperfect. It would not be true to the genius of either civilization. Fragility of the Frankenstein that the consumeristic, production-consumption-oriented civilization has produced is becoming more evident. It is laden with problems: over-consumption of natural resources, environmental pollution, and social disruption, to mention only a few. Further, the potentialities of the deeper dimensions of civilizations are underestimated, when all gazes are only on technology and the market. While we do admit that economy is very important, there are other dimensions of depth to human society.

All traditions have something unbelievably great to offer to the universal human heritage. It is equally certain that the final result of these interactions will not be just one homogeneous universal civilization. Civilizations will continue to give and take, integrate and differentiate, revive and re-incarnate, work out new syntheses and take on new identities. They will live on with new forms and faces and release incredible energies in periods of transformation.

We only need briefly to look at what Western thinkers and writers like Hegel, Schelling, Schopenhauer, Romain Rolland, Ruskin, Yeats, Emerson or Carl Jung borrowed from Indian thought and tradition; what Indians like Ram Mohan Roy, Rabindranath Tagore, and Radhakrishnan took from the West; how modern art and popular music in the West borrow from Africa; and the welcome of Buddhist or Hindu spirituality find in Western society, to understand the extent of mutual borrowing that is going on. An interesting case is the one of Thoreau in America being influenced by the Bhagavad-Gita and Upanishads, Gandhi in India being influenced by Thoreau, and Martin Luther King instead of seeking direct tuition from Thoreau coming all the way to India to study Gandhi, and finally many Indians going to America to examine King's experiences, the original Indian thought on non-violence crossing the ocean about four times.

Civilizations that are totally different and even hostile to each other can, step by step, mutually penetrate and amalgamate, harmonizing their tissues into a new fabric. However, no synthesis becomes definitive and final. Once the era of glory has passed for a civilization, tensions arise due to component parts challenging each other in the form of ideological, religious or political differences, or due to external threats from a more youthful and dynamic civilization.

## We Need to Initiate a Dialogue of Civilizations

You shall speak to men good words. (Quran 2,83)

The intelligent contribution in contexts of conflict is not one of withdrawal from the scene out of ‘respect for the other’ but extending one’s hand in friendship. Together with it comes an offer to share the best of one’s treasured beliefs and convictions for mutual enrichment. It would be a crime to trivialize one’s own or others’ civilizations, or to stereotype each other for their weaknesses, as is often done.

When the best is brought to the common encounter, the central and significant values of different civilizations meet each other, and the fertilization offers to humanity something new. It is true, every civilization today is at a stage of crisis and transformation. It is for the committed intellectual to change every perceived threat into a ‘stimulating challenge’ and every transformation into an ‘ennobling transfiguration.’

In the face of these challenges, we must not act as though we have no resources to count on. Our civilizational heritages provide enormously valuable assets we can build on, making use also of the dynamic new ideas of our times. We are not helpless. We make ourselves helpless only by isolating ourselves from each other or wasting energies in constant rivalry. As Thomas Berry said, “We live immersed in a sea of energy.”<sup>4</sup> This energy primarily belongs to the community, and a big portion destined for each person is to be found in the other. It has to be discovered and tapped, not by violent snatching, but by drawing it forth gently from each other: sharing thoughts, evoking emotional support, eliciting collaboration.

### Intellectuals Must Play a Bridge-Building Role to Bring about a Communion of Civilizations

One ignorant of the land asks of one who knows it; he travels forward instructed by the knowing guide. This, indeed, is the blessing of instruction; one finds the path that leads straight onward. (Rig Veda 10.32.7)

We are legitimately proud of our rootedness in our own culture and civilization (each one of his/her own). But we are also happy to reach out to other heritages which too have a proud history deserving our respect. We know that we are mutually dependent. Our destinies are interlinked. Historians tell us that civilizations that grew side by side were always locked in relationships that were mutually acknowledging and mutually

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<sup>4</sup> Thomas Berry, *The Great Work: Our Way into the Future* (New York: Harmony/Bell Tower, 1999), 175.

sustaining, even amidst tensions. It is hard for any civilization to maintain high standards in isolation.

Nor can we limit ourselves to the wisdom of the past; we must remain open to the new insights of our own times. It was Confucius who said, "If by keeping the old warm one can provide understanding of the new, one is fit to be a teacher."<sup>5</sup> May be the uncertainties of the present era are inviting us to play a bridge-building role between the old and the new.

Time has come for the West to meet the East, the North the South. The old and the new must dialogue. Neighboring nations must put aside their quarrels and join hands together. Commerce must be attentive to ethical values, and scientific and technological research must draw inspiration from spiritual search. The painful memories of the past need to be healed and restored, and a future of harmony constructed together. Such 'impossible' dreams can be realized, not through a 'clash of civilizations,' nor 'war to end all wars,' nor 'battle against all terrorism,' in which the strongest will emerge on top to solve problems, but through a dialogue that will lead to a communion of civilizations. That is the only way all cultures and civilizations will be able to make a rightful contribution to human destiny. This great undertaking has to be initiated by genuine intellectuals and persons of faith.

### **Life is not a Desperate Struggle but a Cooperative Venture**

All people are a single nation. (Koran II)

Nature gives us models of several patterns of inter-relationships and integrated systems: atoms, molecules, organs, body; individuals, families, tribes, societies, and nations. As the material world is made up of an inseparable network of linkages, and as the human body and nature itself are self-regulating systems, in the same way we belong to each other in an intimate fashion within the human family. Therefore, what we need to make of life is not a competitive struggle, but a cooperative venture, each person and community playing a complementary role with the other, like musicians in a concert.

And when things do turn out that way, something new emerges because we are acting according to the norms of the natural order. We notice the creative forces in nature continuously causing the emergence of something new in the universe: a scientific discovery, a unique poetic intuition, a new vision of social processes, a new understanding of the cosmic reality. We see that whatever happens in society speaks of connectedness, relationship, interdependence...giving expression to a common, shared spiritual experience.

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<sup>5</sup> *Analects* 2.11.



When we develop a holistic outlook, we see clearly how one reality completes another, and how one vision of life enhances another: economy with ecology, physics with psychology, scientific research with spiritual search, technology with mysticism, social struggle with self-realization. Thus, we see that one gleam of truth is not complete without the other.

### **Self-cultivation with Absolute Determination**

O Lord, grant me such qualities of head and heart as would endear me to the enlightened and learned among us, to the ruling class and to all that have eyes to see. (Atharva Veda 19,62)

Confucius insisted on self-cultivation to respond to the challenges of his times. The gentleman practices moral cultivation, develops a moral personality, acquires tranquility. Self-cultivation makes one strong, generous, humble, caring, conciliatory, gracious...and therefore successful. People's differences among themselves are often due to disparities in education. "The Master said, without goodness a man cannot for long endure adversity, cannot for long enjoy prosperity."<sup>6</sup> A prepared mind meets with opportunity, which some describe as mere 'good luck.' What is considered mere chance, good luck, a happy coincidence, an unexpected turn of events is part of the cosmic plan, universal mind and mandate of Heaven. What is true of individuals is also true of communities, nations, and other groupings.

In times of persistent troubles, there emerge spontaneously persons with a strong sense of purpose in their lives. The first thing, then, one needs to do is to equip oneself adequately for the work, and to gather knowledge. Confucius said, "At fifteen I set my heart on learning." He continued, "I silently accumulate knowledge; I study and do not get bored; I teach others and do not grow weary – for these things come naturally to me."<sup>7</sup> Intellectual efforts are of utmost importance.

Next, they commit themselves to the cause they have chosen with unflagging zeal and absolute fearlessness. The Buddha said, "I neither stood still, nor sat nor lay down until, pacing to and fro, I had mastered that fear and terror." Commitment is born. Committed people do not give up because of difficulties, even repeated failures. Bhagavad-Gita insists on perseverance in duty, work, action...detachment from fruits, from results, from remunerations and rewards. A lack of appreciation from others does not disconcert persons who are mentally set. For them, their commit-

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<sup>6</sup> *Analects* 4.2.

<sup>7</sup> *Analects* 7.2.

ment is everything. The pleading of Archimedes while he was being attacked by invading soldiers was not to spare his life, but not ruin his diagrams!

### **Placing the Cultural Heritages of the World in Relationship**

For this purpose I was born...to go and spread righteousness everywhere. (Guru Govind Singh)

The most important thing for a scholar with a sense of purpose today is to be acquainted with the foundational literature of various civilizational traditions. The concepts, images, and symbols contained in them remain deeply imbedded in the collective unconscious of respective communities. They refer to the origins of the human race, its purpose and destiny.

With the passage of time, even the most cherished words of wisdom can grow stale, boring and uninspiring, and irrelevant to the current situation. History can associate them with un-genuineness and superficiality. Therefore, their inner potentiality need be re-awakened. Old teachings need to be re-interpreted and made relevant and capable of addressing the problems of our times: violence, corruption, nuclear arms, abortion, euthanasia, and genetic engineering: exploitation of minorities, economic imbalances, and destruction of nature. "He who by reanimating the Old can gain knowledge of the New is fit to be a teacher...",<sup>8</sup> said Confucius.

Intellectuals with a sense of direction help humanity to regain its balance by relating the present to the past, looking to the future, and by putting diverse cultural heritages of the world in relationship. "The Master said....But if even a simple peasant comes in all sincerity and asks me a question, I am ready to thrash the matter out, with all its pros and cons, to the very end."<sup>9</sup>

### **We Need Persons of Deeper Insights and Communities of Vision**

Oh men, direct your energies to promote the good of all mankind. Let your relations with all be characterized by love, peace and harmony. Let your hearts beat in unison with human hearts. (Rig Veda 8,49,4)

When we are satisfied with quick-fix solutions as a regular habit, permanent solutions keep evading us. A dosage of drugs will not serve as a permanent solution to psychological problems. A few personality-development tips will not take away guilt feelings for wrong doing from

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<sup>8</sup> *Analects* 2.11.

<sup>9</sup> *Analects* 9.7.

human hearts. A double share of consumer goods will not satisfy the spiritual hunger of a society. Financial compensations will not make up for the injury inflicted on the culture and identity of a dying community (tribe, ethnic group). In the same way, a list of punishments will not be an adequate response to the needs of a society that is agonizing with pain for the absence of ethical and spiritual guidance.

We need today persons of deeper insight and ‘communities of vision,’ who are able to anticipate the future, and make it come about through committed action. Asians should not forget that for nearly all of world history the richest and most developed societies have been in Asia. Asia has shown the way on many occasions, it can still do in the future if it will remain true to its identity and to its vocation.

If at some period of history Asia has lost its initiative, we can seek to find out why. It can generally be said that the decline of a culture (civilization) takes place when its ideas, customs, and social organizations become lifeless, and its internal harmony is lost. Things stagnate, society is lost in superficial issues, in conflict with itself and with neighbors, and uncertainty and confusion prevail. It is at this juncture that creative minorities appear proposing new solutions to the new problems. Silabhadra, the 7th century professor in Nalanda University, told Hiuen Tsang, a disciple from China, “You have become a disciple in order to benefit the world.”

It is good to remind ourselves that the inspiring ideas that have roots in our ancient civilizations will prove ultimately more precious than the volume of accumulated capital or an abundance of natural resources that we boast of. Communities whose innovative ideas turn out to be relevant and inspiring gradually begin to make an impact on others. They transform the world. Arms assail and crush, economies entice and enslave, ideas enlighten, unite, and motivate. We do not deny the fact that every civilization holds some negative elements within them as well. However, given the needed good will, the worst can be averted, and the best ensured.

### **Gathering Great Values and High Ideals**

Let my life be a life of dedication, let my vital breath, eyes, intellect and spirit be dedicated to service; let my love and my understanding, my prosperity and my knowledge be dedicated to service. Let the service be made in a spirit of utter sacrifice.  
(Upanishads)

The unity based on the spiritual bonds provided by a ‘communion of civilizations’ will have the strength to bring together our diverse cultural and religious groups, economic and political interests, ideological and

philosophical visions. When we begin to re-capture the spirit of our ancient civilizations, express it in today's vocabulary, and live them out in dynamic ways and relevant styles, we shall begin to regain our lost energies. When they are brought to actual life situations, they will manifest their strength and validity once again.

With growing instances of violence, corruption, erosion of culture, damage to environment, and poor governance, there is no denying the fact that our inherited ideas and values are in danger. And the threat comes from those trends in our society that weaken our moral fiber, social bonds, sense of common belonging, commitment to shared values and ideals, and those that promote sectarian thinking. Many of communities that are rural, agricultural, living generally in isolated villages, eking out an existence from seasonal labor, have moved into investment and global economy in a matter of a few decades. Along with these changes, new political forces (even radical ones) have arisen at national levels in a manner that could not easily have been foreseen before.

The new economy is pulling people from their homes, families, religious beliefs, cultural roots, community identities, familiar terrain, and throwing them into the high seas of uncertainties. They have little sense of security or belonging, and experience the weakening of family and community support, no sure concept of the future and no consistent vision or convictions. They miss the cultural continuity that the presence of parents and grandparents, uncles and cousins used to give, the sanctions that the elders of the community used to impose, the certainties that a common heritage used to hand down, and the solidarity that the village community used to offer in moments of crisis. The entire value-system itself is under threat.

We need to stand aside and develop a detached view of things, withdraw for a while and reflect, move apart and meditate. We know that another world is possible. Victor Hugo once said, "There is one thing stronger than all the armies of the world, and that is an idea whose time has come." May be such a time has come for bringing human civilizations into a communion. However, this possibility can be made a reality only if we build up our inner sturdiness. Mahatma Gandhi said, "Such power as I possess for working in the political field has derived from my experiments in the spiritual field."<sup>10</sup> No wonder he conveyed his message as much through religious silence, as by political interventions. Ninian Smart in his "Atlas of the World's religions" says, "Paradoxically, their (religious believers') other-worldly gaze brought this-worldly success."

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<sup>10</sup> Mahatma Gandhi, "Introduction," in *The Story of My Experiments with Truth* (New Delhi: Fingerprint Publishing, 2009), 4.

## The Skill of 'Public Reasoning' (Amartya Sen) and the 'Art of Persuasion'

The journey of thousand miles begins with a single step. (Tao Te Ching 64)

Wanting to master the 'Art of Persuasion' what we would suggest is, "Be gentle as doves" (Matthew 10:16); that is the 'Asian way' of communicating a message. For we know and appreciate the wisdom contained in such teachings as this by Lao Tzu: "Those who lead others in harmony with the Tao (Way) do not use force to subdue others or attempt to dominate the world through force of arms. For every force there is a counterforce. Violence, even when well intentioned, always rebounds upon oneself."<sup>11</sup> A non-adversarial approach to each other, listening to other voices than our own..., readiness to accept the wisdom of the wider community...that is closer to the Asian way. Dhammapada (133) says, "Do not speak harshly to anybody; those who are spoken to will answer thee in the same way. Angry speech is painful, blows for blows will touch thee."<sup>12</sup>

The Physicist David Peat speaks of 'gentle action' in this manner,

Gentle action is global...It addresses itself not just to practical issues, as the price of oil or the efficiency of a given factory, but also to values, ethics, and the quality of life.... Like the ripples around the point, it moves inward to converge on a particular issue. Gentle action works not through force and raw energy but by modifying the very processes that generate and sustain an undesired or harmful effect...Gentle action...gives a new dimension to the whole idea of social action.<sup>13</sup>

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<sup>11</sup> Lao Tzu, *Tao Te Chung*, trans. Gia-Fu Feng and Jane English (New York: Vintage, 1989), ver. 30.

<sup>12</sup> Max Muller and Max Fausboll, *Sacred Books of the East 10, The Dhammapada and Sutta Nipata* (1881), 36.

<sup>13</sup> David Peat, *Gentle Action: Bringing Creative Change to a Turbulent World* (New York: Pari Publishing, 2008).

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## Epistemic Injustice: Combating Inequality

AYESHA GAUTAM

### Introduction

In this essay, I want to explore the predicament of epistemic injustice. I use the term “epistemic injustice” in the sense in which Miranda Fricker employs the term in her works. Epistemic injustice in its broad sense refers to an injustice meted down to an agent in his/her capacity as a knower. At the core of epistemic injustice lies the practice of denigrating the testimonies and exegesis of certain people based on certain biases like person’s race, caste, color and so on and so forth. Epistemic injustice gets manifested in various domains in different forms, thereby embroiling different forms of inequality which in turn leads to other grave forms of injustice. When an individual gets accepted as a knower or informant of matters in everyday life, then that serves as a condition for that individual’s recognition and acceptance as a person, as one among the community of rationals. By ensuring epistemic justice, nations can pave the way for realization of freedom (or capabilities) of individuals thereby indirectly ensuring socio, political as well as economic justice.

### The Predicament

In his path-breaking work, *The Idea of Justice*, Amartya Sen drew our attention to what he referred to as the arrangement and realization focused view of justice. The Sanskrit terms *niti* and *nyāya* both stand for justice. The term *niti* however is used to refer to organizational propriety and behavioral correctness. The term *nyāya*, on the other hand, refers to the concept of realized justice. Here it can be opined that while *niti* as a theoretical framework can prepare the groundwork for attaining justice, its *nyāya* or realization focused view of justice can be considered justice in a true sense as it is linked with the lived practicalities of life. According to Sen, it is in the context of realization focused perspective of justice that one can understand the relevance of eradicating different forms of injustice.<sup>1</sup> For realization of justice in true sense, it becomes incumbent that people have freedom to realize their potential and capability. Social epistemic contribution of an individual can in fact be understood as a basic human capability whose realization is one of the conditions for attaining

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<sup>1</sup> Amartya Sen, *The Idea of Justice* (London: Penguin Book Ltd., 2010), 20-21.

justice in true sense. Epistemic injustice can thus be said to indirectly act as an impediment in the realization of capabilities of the individual, thereby perpetuating inequality at different levels.

In what follows, I will try to elucidate the concept of epistemic injustice. The endeavor would also be to see how this form of injustice has perpetuated inequalities at different levels. In her phenomenal book *Epistemic Injustice: Power and Ethics of Knowing*, Miranda Fricker drew our attention to the phenomena of epistemic injustice or wrongs done against people specifically in their capacity as knowers. Fricker identified two kinds of epistemic injustice: the distributive form of epistemic injustice and the discriminatory form of epistemic injustice.

### **Distributive Form of Epistemic Injustice**

The distributive form of epistemic injustice refers to the unfair distribution of the epistemic good. It deals with the question of having a fair access to epistemic goods. It is pertinent to note however that the very question of what constitutes the epistemic good has been debatable. Fricker considers education, information and so on as epistemic goods. David Coady, on the other hand, believes that instead of considering education and information as the basic epistemic good, knowledge should be considered as a basic epistemic good. In my opinion, Coady's view seems more reasonable because, be it an access to education or be it an access to information, they both are ultimately a means of knowledge production and knowledge acquisition. According to Coady, someone suffers from distributive epistemic injustice if he/she is unjustly deprived of knowledge.

Lack of relevant knowledge about oneself, one's community, and how one is positioned in a social set up undoubtedly can cause significant disadvantages. But the pertinent question to raise is that can we understand such disadvantages as injustices? It would be a misnomer to assert that all cases of knowledge deprivation are cases of epistemic injustice. Distributive epistemic injustice according to Coady can emerge in following scenarios: "(1) the information I am entitled to know is not available, (2) someone is preventing me from knowing that information and (3) they are doing so on unjust grounds."<sup>2</sup> Distributive epistemic injustice inadvertently creates a divide between have and have nots; those with an access to knowledge and information and those without. This clearly is a starting point for all other forms of inequality. In this context, Fani Ntavelou-Baum has opined that the distributive component of epistemic justice

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<sup>2</sup> Fani Ntavelou-Baum, "Theorizing Epistemic Injustice: Three Essays," in *Honors Thesis Collection* 471 (Wellesley, MA: Wellesley College, 2017), 16, <http://repository.wellesley.edu/thesiscollection/471>.



is a matter of securing people's rights to certain kinds of knowledge. What appears to be at stake according to Ntavelou-Baum is the personal autonomy and political freedom of an agent as an informed participant.<sup>3</sup>

While at the outset, it might seem that most of the frameworks of justice take care of distributive injustice thereby ensuring personal autonomy, political freedom and so on, one's confrontation with the stark reality presents an entirely different picture altogether. In the era of globalization in which we have ventured, it might sound silly if someone were to say that a person 'X' or a community 'Y' can prevent a person 'Q', or some marginalized community 'R' from knowing the requisite information that the person or community is entitled to know that too on the unjust ground. Ground realities in many of the developing nations however present an entirely different picture. Even though the governments have been trying their best to come up with the appropriate *niti* or the structural changes in the frameworks especially with regards to education, their theoretical paradigm has however not got translated in the form of realized justice. For instance, as per a recent report of one of the leading newspapers of India, though the country outnumbers some other countries in terms of number of schools, it falls behind in terms of the dispersal of education. One of the reasons cited for this lacuna as per the report is the shortage of teachers especially in remote rural areas.<sup>4</sup> This is clearly an indication of the gap between *niti* and *nyāya*. When the society is acutely divided on the lines of religion, caste, creed and color, the clash of interests among the divergent groups become obvious. In such a scenario, social engineering is what is needed before *niti* can take the shape of *nyāya*. Further the lack of foresight among the policy makers about the ground realities may prevent the translation of *niti* to *nyāya* thereby leading to epistemic injustice. This can be understood via an example. In the global era, information technology has influenced almost all the spheres of our life. One of the changes witnessed is that the mode of conducting competitive exams is gradually becoming online. One of the repercussion of this shift especially in developing nations where the majority of population lives in rural areas where there is lack of access to certain technical education and information is that the youths in rural areas have not been able to access many of the opportunities available to those in urban settings. This has thereby inhibited their capabilities. Thus, it would not be a misnomer to say that any framework of development which ignores the blatant ground realities in its framework ends up committing distributive injustice and grave inequality.

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<sup>3</sup> Ibid., 18.

<sup>4</sup> Chakraborty Debjani and Singha Minati, "India beats China in Schools but lags in Education," *The Times of India*, March 30, 2019, <https://timesofindia.indiatimes.com/india/india-has-3-times-more-schools-than-china-but-they-area-mess/articleshow/68616961.cms> (accessed May 21, 2019).

## **Discriminatory Form of Epistemic Injustice**

As opposed to the distributive form of epistemic injustice, the discriminatory form of epistemic injustice is a more specific, discriminatory and grave form of epistemic wrong or injustice. Though this form of injustice might appear subtle, it hampers the overall capability of an individual, and its adverse impacts are also long lasting. The discriminatory form of epistemic injustice is of two kinds: Testimonial injustice and Hermeneutic injustice.

### *Testimonial Injustice*

Testimonial injustice refers to prejudicial dysfunction in our testimonial practice. It is of two kinds. Prejudice in the hearer might either lead to reduction or upsurge in the credibility of speaker's words (spoken as well as written). In Fricker's terminology either there can be credibility excess or credibility deficit depending on prejudice on the part of the hearer. Ideally as per Fricker, if the informant is competent, trustworthy and has indicator properties (recognized as someone who is right about an issue), then he/she should be treated as a good informant and his/her testimony should be accorded with credibility. Various other factors however prevent the inquirer from according an apt credibility to the informant. For instance, very often the language spoken, accent, physical appearance of the speaker, the various stereotypes and many other contingent factors carry a great deal of baggage in deciding how a speaker is perceived socially.<sup>5</sup> The testimonial form of epistemic injustice can be understood and exemplified via various examples.

In academia, for instance, a teacher can be said to commit testimonial injustice when he/she gets influenced and subjected by various prejudices. If teachers consider one student's question as more relevant than others not on the basis of the merit of the question but solely on the basis of the prejudice, then that teacher can be considered to commit an epistemic injustice. Further, if a person gets influenced by gender stereotypes and gives less credibility to the words of a particular gender, then it can be considered an instance of epistemic injustice. Testimonial injustice can very well prevent innovative research through which we have progressed as civilization by inhibiting the potential researcher from giving their best efforts. Imagine if Marie Curie's testimony were not given the credibility which it deserved by the scientific community because of her being a female, we would surely have missed out on the phenomenal research on

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<sup>5</sup> Fricker Miranda, "Epistemic Injustice and a Role for Virtue in the Politics of Knowing," in *Virtue Epistemology Contemporary Readings*, eds. John Greco and John Turri (Cambridge, MA: MIT Press, 2012), 340.

radioactivity. Testimonial injustice not only hampers the overall growth of an individual who becomes the victim but is also an injustice done to the very domain of knowledge acquisition and proliferation.

History has been the witness to the fact that it is only via acquiring more knowledge in different fields that we have progressed as civilization. Testimonial injustice is thereby an impediment in the progress of human civilization. It is fascinating to note that testimonial injustice is not only being witnessed in the actual real world but has also got proliferated in the virtual online world. In the age of e-commerce, Electronic Word of Mouth (EWOM) has taken place of verbal testimony. In some of the recent studies conducted by professionals in the domain of marketing and e-commerce, there is a claim that as opposed to males, females take EWOM (in the form of online reviews) seriously and make use of these testimonies while doing online shopping. Males according to these studies do not rely much on EWOM for taking decisions pertaining to shopping.<sup>6</sup> In my opinion, this sort of inference regarding EWOM is also based on some prejudices about the behavioral pattern of different genders. The existing practices for filtering testifiers and deducing certain inferences in the world of e-commerce appear to be quite defective. Not all females accord credibility excess to EWOM while undertaking online shopping. Similarly, one cannot generalize that all males accord less credibility to EWOM in context of e-commerce. Testimonial injustice thus perpetuates as well as is indicative of the inequality existent in our social fabric. It is only by its eradication that we can make a considerable progress as civilization in the true sense.

### *Hermeneutic Injustice*

Yet another kind of discriminatory form of epistemic injustice is hermeneutical injustice. The hermeneutical form of epistemic injustice refers to the reduction in the intelligibility of the wisdom and experience of a person who belongs to a marginalized group. Hermeneutical injustice is most often attributed to the lack of hermeneutic resources to understand and interpret the experiences of a specific group or community. One of the questions which can be raised in terms of hermeneutical injustice is with regards to the reason for the lack of hermeneutic resources in certain groups and communities. It is pertinent to note that hermeneutic injustice is suffered mostly by those people, group and communities who are marginalized and less powerful. Very often people from marginalized groups are in a position where either they are not able to understand their own

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<sup>6</sup> H.S. Bansal and P.A. Voyer, "Word-of-Mouth Processes within a Services Purchase Decision Context," *Journal of Service Research* 3, no. 2 (2000): 166-177, <https://doi.org/10.1177/109467050032005>.

experiences because of the difference from the majority or even though they are able to understand their experiences, they are not in a position to articulate it to others because their experiences are not shared uniformly. One can, for instance, take the example of LGBTQ community. It has been noted that for many years members belonging to this community never used to come out in open either because it was difficult for them to understand their experiences or there was a fear in them to be socially outcasted because their experiences were not shared by the majority. Even in the present context, despite of legislation of some very strong laws in favor of LGBTQ community in most of the countries, people belonging to these communities have not been able to align themselves with the mainstream and therefore we have not been able to fully harness the talents of people in these communities. One of the reasons mostly cited for this is the hesitation in these communities to move ahead (as a result of incessant marginalization) and intolerance and reluctance among people in the majoritarian regime to accept anything which is different from what they value. Hermeneutical injustice can be considered not only to be specifically epistemic but also governed by social, political and ethical considerations. Certain institutional arrangements along with inculcation of individual virtues are thus required to limit the occurrence of such injustice.

### **Epistemic Injustice and the Inequalities Perpetuated**

According to Miranda Fricker, epistemic injustice tends to “imitate the broader structure of power in society, and where it is systematic we should recognize it as a face of oppression.”<sup>7</sup> It can inadvertently be said that epistemic injustice derives its strength from the non-epistemic power inequalities prevalent in most of the societies, and in turn it perpetuates further inequalities. In one of her writings Franziska Dübgen says:

Epistemic injustice is entangled in a complex web of power and domination (Bohman, 2012), intertwined with other forms of subjection, such as global geopolitical power asymmetries, economic exploitation, military interventions, and biopolitical means of control.<sup>8</sup>

Epistemic injustice perpetuates inequality in almost all walks of life. Depending on their social identity and status, different classes and groups of people are made either the subject of knowledge formation or the object

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<sup>7</sup> Ibid., 348.

<sup>8</sup> Franziska Dübgen, “Epistemic Injustice in Practice,” *Wagadu: A Journal of Transnational Women’s and Gender Studies* 15 (Special Issue) (Summer 2016): 4.

of knowledge. Knowledge claims of people who are oppressed, marginalized and occupy lower rung in a given society are mostly rejected, and people who occupy such identity positions are very often made the objects of knowledge formation rather than as the subjects of knowledge or as knower.<sup>9</sup> Historically, this is what leads to the divide between what Michael Foucault calls as authoritative knowledge and subjugated knowledge. Difference between authoritative knowledge and what is referred to as subjugated knowledge is not that one is correct and the other is incorrect. The division is rather based on the fact of according credibility excess to knowledge claims made by people who have power and authority. Authoritative knowledge is generally held to be objective, universal, legitimate, and valuable. Subjugated knowledges, on the other hand, are those wisdom and experiences that are pushed to the margins. They are rendered untrained, unqualified, and undeserving of epistemic approbation by the prevailing authoritative discourses. One can in fact recount how the wisdom of indigenous belief system remained untapped for long time because of the historical subjugation meted down to it.

Foucault in his works has rightly pointed out that power and knowledge are not only intimately related but also inseparable. José Medina in one of her articles has opined that the oppressed group in any set up is understood as the group whose knowledge and power has been obstructed, discredited and demeaned by the dominant ideology which tries to portray its account of knowledge as legitimate.<sup>10</sup>

### **Epistemic Responsibility and the Concurrent Challenges**

Having outlined the different forms of epistemic injustice and their roles in perpetuating inequality of different forms at different levels, one pertinent question which can be raised is about the corrective measures to combat epistemic injustice. Can we talk about epistemic responsibility or some sort of doxastic responsibility (responsibility for one's belief) to combat epistemic injustice in the same way in which we talk about moral responsibility as a means to combat injustice in other spheres? There are many thinkers who are of the opinion that since we do not have control over our beliefs, it is not appropriate to talk about epistemic responsibility. Corey Cusimano in his paper "Defending Epistemic Responsibility" has outlined one of the main criticisms levied against the concept of epistemic responsibility by its critics. He says:

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<sup>9</sup> *Ibid.*, 2.

<sup>10</sup> José Medina, "Toward a Foucaultian Epistemology of Resistance: Counter-Memory, Epistemic Friction, and Guerrilla Pluralism," *Foucault Studies* 12 (October 2011): 5.

Generic responsibility, that is as it may apply morally, prudentially, or epistemically, seems to require that the agent in question have some control over the outcome or their actions in any scenario before they can be held responsible or blameworthy for what happens.<sup>11</sup>

Cusimano has responded to the critics of epistemic responsibility by claiming that though we do not have control over our beliefs, as an epistemic agent we have the epistemic obligation to pursue those activities which enhance the possibility of attaining true beliefs. We can voluntarily control some of our behaviors which can in turn put a control over some of imprudent beliefs. If our epistemically irresponsible behavior leads to false beliefs, then we can be blamed for that belief of ours in the same way in which we can be held morally responsible for some of our actions. According to Cusimano, in the context of beliefs we can be held responsible for only those beliefs which are derived from that part of our epistemic life over which we have control. As a responsible epistemic agent, our responsibility is to deliberate upon our beliefs and make sure that any biases or prejudices do not influence our beliefs and judgments.<sup>12</sup> In this context, Fricker has identified two virtues which can prevent us from practicing epistemic injustice: testimonial justice and hermeneutical justice. Via testimonial justice the hearer can endeavor to correct any influence of prejudice by adjusting credibility to non-prejudiced levels, and by hermeneutical justice the hearer can correct any influence of structural prejudice (which is the product of impoverished social-interpretive resources). According to Fricker, analogous to moral sensibility, one should endorse testimonial sensibility in order to combat epistemic injustice. Further it may be said that it is only by ensuring epistemic justice that one can pave the way for ensuring equality at socio-political as well as economic level.

One of the foremost requirements for the realization of justice in the true sense is to ensure that epistemic justice is meted to one and all. Epistemic justice further paves the way for development. The relevance of ensuring epistemic justice for fostering development and reducing inequality can also be brought to the fore if one takes into consideration the annual report of the World Bank which came out almost two decades back. In its annual development report (1998), the World Bank suggested that in order to ensure development, governments should not merely focus on the open trade regime but should try to narrow down the 'knowledge gap' between rich and poor countries by facilitating the flow of knowledge and information. Facilitation of requisite flow of knowledge

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<sup>11</sup> Corey Cusimano, "Defending Epistemic Responsibility," *Brown University: Arché Undergraduate Journal of Philosophy* 1 (Winter 2012): 34.

<sup>12</sup> *Ibid.*, 53-56.

and information among individuals and nations is quite significant as it improves the literacy and research capacity of the requisite individuals, groups, and nations.<sup>13</sup>

To conclude, the narrowing down of the knowledge gap between nations, groups and individuals is the only way in which governments can combat inequality thereby ensuring epistemic justice. The free flow of knowledge and information is quite pertinent from the development perspective as it can foster capabilities and opportunities available to nations and individuals. A basic income is needed to combat inequality but prior to that the focus of each and every nation should be on basic education because that alone can ensure epistemic justice and pave the way for bridging the gap between have and have nots.

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<sup>13</sup> Johnson Craig, *Arresting Development The Power of Knowledge for Social Change* (London: Routledge Taylor and Francis Group, 2009), 1-2.





**Part IV**  
**Ethics and Justice and Responsibility**



# **Concept of Justice and Obligation of Moral Agent**

SARAL JHINGRAN

## **Introduction**

A Philosophical understanding of the concept of justice and obligation of moral agent suggests two issues. First, that we have to “re-learn” to be more human implies that human beings were more human (humane) in earlier times and have at some stage lost their humanity. Second, that the moral requirements of global times are somehow different and perhaps more difficult than those in earlier times is a contestable issue. Human beings are almost always the same; a combination of what Hume says serpent and dove. They fight wars, persecute those they perceive as an “other”; and at the same time offer the message of non-violence, peace and love. As to the “global times” being radically different from earlier times, it is also not true. Human Beings have always been in contact with each other, mostly for trade and also for cultural exchange. Modern times have only made that mutual contact easier; but this fact need not change our moral responsibilities.

The real issue before us is how to realize justice both in the socio-political order including international one and also in our personal lives. I feel that the first, that is, justice in polity and international relations is a subject of politics, while justice in personal lives and our obligations to realize justice in our lives is an issue best dealt with from a moral point of view. It is our endeavor to present a conception of justice which is independent of legalists’ and political analysts’ views and is concerned with individuals’ values and conduct.

## **Justice in Ancient and Medieval Times**

The value/virtue of justice finds a prominent place in ancient Greek thought. Justice is one of the four cardinal virtues and is discussed both in the personal context as a virtue of balance between different aspects of the person, and also between different sections of the society in polity. However, both Plato and Aristotle understood it mostly in terms of the state; how the state should regulate mutual relations between its inhabitants; the latter being strictly divided between the citizens and slaves, whose rights and duties were totally different.

In ancient India it was the same. Though there were no slaves, society was still firmly divided into various hierarchically arranged *varnas*, which were not only hereditarily determined but also never to be crossed. And the king was expected to apportion punishments not according to the crime but according to the Varna of the accused. The rationale behind the discourse on justice in both ancient Greece and India was the desire to ensure the stability and the common good of the society. The individual was not considered independently of the community, and his/ her rights as individual person were rarely discussed.

In the Christian world, St. Augustine's doctrine of preordination of everyone's life and future, and a radical distinction between the city of the God (the chosen ones) and the city of Man (the condemned) was very influential. St. Thomas Aquinas did talk of Christ's redemption and mercy, but he did not question the practice of slavery. All the discourse of justice and punishment took place in the context of the Divine law and the Day of Judgment which is irrelevant for modern times.

All through these years, justice has been understood in terms of Ulpian's definition as 'giving every man his due.' In a way, this is a right definition of justice; but as understood in the medieval times, it left enough scope for any amount of social disparities and inequalities, as the due of any person was decided on his/her status in the society based on race, class, gender, religion, and many other institutional factors.

### *Justice Presupposes Equality of All Persons*

Significantly, it is argued by Chain Perelman, Hans Kelsen and other legalists that complete equality of all human beings qua humans is both irrational and impossible in view of the innumerable differences among them, and therefore equality required in law is simply equality between members of a given class. Kelsen adds that how the class is defined depends upon the institutional structure of that society. I cannot appreciate this view of justice, which legitimizes all kinds of inequalities. If we were to accept their view of justice, then all the atrocities committed by Brahmins in India against the *shudras* and by ancient Greeks and medieval Europeans and Americans against slaves would be right.

However, the above conception of justice would not do for us if we really want to be just and more humane in our lives. In order to be able to be so we would have to follow the conception of justice advocated by ethical philosophers, for in the end being just and being moral are one and the same. Therefore, if we want to understand justice in the context of our efforts of becoming more human, we would have to turn to moral philosophers for understanding what it means to be just.

### **Justice Based on Human Equality: The Enlightenment Period and Kant**

It was only during the Enlightenment that the various issues relating to the individual's rights and the institutional order were taken up seriously. Hobbes' conceptualization of initial social contract aimed at striking a balance between individual liberty and social order had a lasting influence on socio-political thought. Various philosophers as John Locke, Rousseau and Thomas Pain emphatically recognized the equality of all human beings and individual's dignity per se. They also interpreted the medieval conception of natural law as endowing human individuals with innate and inalienable rights to life, liberty and equality. (According to Locke and Hume, the basic rights included right to property also). Gradually, the idea of human rights got integrated with the conception of justice. 'Giving everyone his/her due' came to mean giving everyone his/her right qua his/her humanity.

Kant, indeed, is the paradigmatic philosopher who has given a new meaning to morality and justice as *sine qua non* for our being truly rational human persons. Kant offered a philosophical foundation to the idea of dignity of each human being as a rational person by arguing in detail how the universal pure reason alone can be a source of moral law as well as the ground of the immense worth of rational human beings. This reason upholds the dignity and inviolability of every person, qua a rational human being, regardless of his/her empirical status. This means both the unconditional equality of all human beings and their inviolability. The categorical imperative follows: "Act so as to treat humanity, whether in thine own person or in that of any other, in every case, as an end withal, never as means only."<sup>1</sup>

All human beings must be unconditionally equal before the law, as well as in our personal dealings. Having argued for the inviolable dignity of individual persons by virtue of their rational nature, Kant declares that 'Humanity is an end in itself,' thus equating rational nature and humanity as equivalent.<sup>2</sup> As a rational being, or by virtue of her/his humanity, every person is an end-in-itself; he/she is entitled to get to be incorporated from her/his fellow men and women, and can never be made a means of any other person's interests. At the same time, he/she is reciprocally obligated to respect them as such.<sup>3</sup> Added to this, one should consider his assertion of the autonomy of will, as we have the categorical assertion of equality, dignity, autonomy and inviolability of all persons qua their humanity.

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<sup>1</sup> Immanuel Kant, *Fundamental Principles of the Metaphysics of Morals*, trans. Thomas K. Abbott (New York: The Library of Liberal Arts, reprint 1984), 46.

<sup>2</sup> *Ibid.*, 46, 68-69.

<sup>3</sup> Immanuel Kant, *The Doctrine of Virtue, Part II of The Metaphysics of Morals*, trans. Mary J Gregor (London: Hutchison Library, rep. 1964), 132, also 116, 125-127, 129, etc.

This can be understood either on the basis of the essential nature of the human being, or as a normative principle. It rejects in one sweep all attempts at inequality, coercion and exploitation.

Such an understanding of autonomy also provides not only the foundational principle of morality but also that of justice. According to Kant, justice categorically requires respect for the rights of all individuals as autonomous rational agents, regardless of any contingent differences of gender, racial identity, respective socio-economic positions of the individuals concerned, or even the possible consequences of the action required by justice. He goes so far as to assert that in as much as each person has an inviolable dignity even one who is a criminal or lowly cannot be deprived of her/his dignity as a human being.<sup>4</sup>

Kant's categorical imperative is further understood as the foundation of fundamental human rights. It asserts two things: First, as mentioned above, all human beings qua their rational human nature have an inviolable dignity which is the basis of their right to be counted as ends-in-themselves. Second, all rational persons together form a kingdom of ends.<sup>5</sup> This implies that justice not only consists in acknowledging all human persons as ends-in-themselves, but also in appreciating the fact that we live and share the same nature or earth. This recognition provides the basis for the duties of justice; and the latter includes the duty of helping others, or beneficence:

[The duty of] beneficence is a universal duty of men, and indeed for this reason that men are to be considered fellow-men – that is rational beings with needs, united by nature in one dwelling place for the purpose of helping one another.<sup>6</sup>

Why should we be just in our dealings with others? Kant answers that we should be just because it is the right thing to do, and because it is our duty as rational moral agents to try to do what is right. Contemporary consequentialists, such as Nancy Ann Davis, Phillip Pettit et al., have criticized Kant by arguing that he limits our duties to respecting others and any positive duty of helping others is not considered by him.<sup>7</sup> It is a gross misinterpretation of Kant. For Kant duty of helping the disadvantaged is an important part of our duties or obligations to others, or the duty of justice. It is so because while nature has given its resources for all to use, our socio-political system is such that it results in some of us getting and using up most of these resources. Therefore, it is the demand of justice that we

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<sup>4</sup> Ibid., 133.

<sup>5</sup> Kant, *Metaphysics of Morals*, 50.

<sup>6</sup> Kant, *The Doctrine of Virtue*, 120, also 127ff.

<sup>7</sup> See Nancy (Ann) Davis, "Contemporary Deontology," in *A Companion to Ethics*, ed. Peter Singer (Massachusetts: Basil Blackwell, 1993), 205ff.

share those resources with others, helping the deprived people as far as possible. In fact, Kant sermonizes in detail how we must help the disadvantaged without hurting their self-respect; instead we should think that whatever we give or do for others is what we owe to them.<sup>8</sup>

### *Justice in Post-Kantian Ethical Philosophy*

Among post-Kantian philosophers, Henry Sidgwick's commitment to moral duty and justice is a worthwhile one. His principle of universalizability that we cannot furnish two different judgments in essentially similar cases expresses the fundamental principle of justice:

It cannot be right for A to treat B in a manner in which it would be wrong for B to treat A, merely on the ground that they are two different individuals, without there being any difference between the natures and circumstances of the two which can be stated as a reasonable ground for difference of treatment.<sup>9</sup>

Human beings may be different in that some have immense merit, others are criminals; but as far as their rights as human persons are concerned there must be no difference based on their economic or social status. This was beautifully expressed in the utilitarian dictum: "Each person is to count as one, and no one is to count as more than one."<sup>10</sup> In sociopolitical life it means that a man must not get more opportunity to get justice, mostly in his favor, simply because he is rich and powerful, and can get best lawyers. At least in principle all human beings are equal before the law.

But before I discuss various ethicists who have emphasized the ideas of universalizability, and its correlate-mutual reciprocity, I would like to consider John Rawls' famous theory of "Justice as Fairness" first. He declares in the very beginning of his work of the same name: "Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override."<sup>11</sup> He repeats the same idea later: Each member of society is thought to have inviolability based on justice, or as some say natural right, which even the welfare of everyone else cannot override.<sup>12</sup>

From this Rawls derives his two famous principles:

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<sup>8</sup> Kant, *The Doctrine of Virtue*, 16-122.

<sup>9</sup> Henry Sidgwick, "Methods of Ethics," in *Approaches to Ethics*, eds. W.T. Jones, Fredrick Sontag et al. (New York: McGraw Hill Book Co, 1962), 392-393.

<sup>10</sup> John Stuart Mill, *Utilitarianism*, in *Collected Works of John Stuart Mill*, eds. J.M. Robson et al. (Toronto/London, 1963-91), chap. 5, 257.

<sup>11</sup> John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1999), 3.

<sup>12</sup> *Ibid.*, 28.

1. Each person is to have equal right to the most extensive basic liberty compatible with a similar liberty of others.

2. Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged..., and (b) attached to offices and positions open to all under conditions of fair equality of opportunity...<sup>13</sup>

Rawls' first idea that each member of the society has an inviolability which no one can override strengthens our own understanding of justice as presupposing equal dignity of all persons irrespective of all contingent differences as the foundational principle of justice. His suggestion for laws caring for the disadvantaged sections of society is equally valuable. However, even though this conception of justice is worthwhile for social policy and is valuable as providing guidelines for the state, and a criterion for evaluation of the same, we do not find the whole conceptualization of justice in Rawls is exceptionally satisfactory as a constituent principle of individual's practice and responsibility for justice in one's personal dealings. First, Rawls' idea of justice is concerned with an ideal political system and not with personal morality or responsibility; but we are here concerned only with the latter. Second, Rawls as a typical Western liberal, there is great emphasis on "most extensive basic liberty of all," which in real life means the liberty of the rich and the powerful. And that, in turn, necessarily results in inequality in every field of life, mainly economic, but also others. Offices and positions cannot be actually open to all in actual conditions of extreme inequality.

Third, as far as Rawls is concerned, there is no actual motivation for being just in one's personal life. His law makers do not make laws which can take care of the needs of the least advantaged out of any moral motive of care and empathy, but being ignorant of their actual position in society they are afraid lest they be in that position. Rawls' veil of ignorance can never lead to moral or real just action, because had the law makers known their actual position in society, they would not have bothered to make just laws. And we are interested here only in what beliefs, actions, and attitudes or dispositions would make us more just and human in our individual lives.

If we want to be really human, or rather humane, we would have to adopt a moral conception of justice. Justice in morality means: (1) Realization of equality of all human beings, so that we cannot either make different judgments on people in similar circumstances; and/or use another person as a means of our self-interest. (2) "Giving everyone her due," – the oldest definition of justice, is modified in morality as understanding the due of another disinterestedly, independently of his/her social status,

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<sup>13</sup> *Ibid.*, 302, also 60, 83, etc.



etc. For example, a just person would never underpay or overwork his/her employees; rather he/she would take correct amount of money for the thing he/she sells to others, give correct taxes to the State, and do his/her allotted duty in any field of life conscientiously.

R.M. Hare has emphasized universalizability as the most basic principle of rational thought and action. This means that we cannot make different judgments in similar cases which, in turn, means or implies the absolute notional equality of all human beings which remains the essence or core of both morality and justice.<sup>14</sup> Here he famously gives the example of someone who intends to act in a way that would make the other suffer (by putting him in jail). If that person is asked, 'how would you feel when the same thing is done to you?' he may in all likelihood realize that what he was doing (harming some other person) was wrong.<sup>15</sup>

It is important to note here that reciprocity is an integral part of universalizability and its concomitant assertion of total equality of all human beings. Reciprocity was first recognized by Kant when he asserted that everyone must respect each other as ends-in-themselves. The conception of reciprocity as an integral principle of universalizability has been further emphasized by other post-Kantian ethicists like Kurt Baier, W.T. Stace and Kai Nielsen. The two together give a valuable criterion for understanding justice, that a rule of morality or justice implies that whatever a person or institution does to another, that second person has the right to give back to the first person in the same coin. That person alone is just who follows a maxim of action that he/she would accept if he/she were at the receiving end of it. Take a simple case of keeping one's promise to someone. If a person decides to break his/her promise to another for the sake of his/her interest, he/she must accept that the other person (or any others) would be justly entitled to break their promise to him/her. Justice is simply being honest to other persons and whenever required doing our duties towards them.

Kurt Baier has given two fundamental (formal) principles of morality: (1) moral rules must be meant for, that is applicable to, all human beings; and (2) moral rules must be rules which are for the good of everyone.<sup>16</sup> Kai Nielsen agrees and states the following: "The principle of impartiality or justice is involved here, since the interests of all must be furthered, or at least given equal consideration. It excludes any rule that is not reversible."<sup>17</sup>

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<sup>14</sup> R.M. Hare, *Freedom and Reason* (Oxford, UK: Oxford University Press, 1963), 5, 32-33, etc.

<sup>15</sup> *Ibid.*, 90-91.

<sup>16</sup> Kurt Baier, *The Moral Point of View: A Rational Basis for Ethics* (New York: Random House, 1967), 101-102, 109.

<sup>17</sup> Kai Nielsen, *Why be Moral?* (New York: Prometheus Books, 1989), 87.

Thus, both Baier and Nielsen regard the principle of justice as integrally related to the principle of universalizability-cum-reversibility. That is, any behavior or its rule “must be acceptable to a person whether he is at the ‘giving’ or ‘receiving’ end.”<sup>18</sup> That person alone is just who acts on a maxim according to which he/she is willing that the same maxim or law would be applicable to him/her if he/she is at the receiving end of the contemplated action. This simply means that we must look at and treat all human beings as equally entitled to the goods of life without making any preferential allocation for ourselves.

In view of the above reflection, we may state that objectivity and impartiality are an essential condition for justice. In order to be just, we must not only be impartial between others with whom we are dealing but also between others and ourselves. The idea of absolute notional equality of all human beings means the following. (1) We must not give exaggerated importance to our own interests, nor appropriate a disproportionate share of goods for ourselves. (2) We must not use others as a means of our interests so that their interests or welfare are sacrificed by our conduct; and this is what justice means in essence.

W.K. Frankena has suggested that the utilitarian principle of utility or maximum happiness must include distributive justice, which should guide our allocation of happiness/good among people. If a maximum good or happiness is available, but is concentrated in a few people, that would not be maximizing happiness. He interprets the utilitarian thesis as including both utility and justice and contends that justice may take precedence at least on certain occasions.<sup>19</sup>

W.T. Stace contends that justice generally means ‘fairness,’ ‘equitability,’ and just distribution of any commodity or means to all concerned. He defines justice in the following way: the recognition (in practice) of the intrinsic equality of all persons as persons; the recognition of the truth  $I=I$ , that is, every I is intrinsically equal to every other.<sup>20</sup>

Justice is an expression of the realization of the unconditional notional equality of all human beings, their right for our respecting them as of equal worth with ourselves, their right that we would not use them as a means to our interests and finally their right to pay us back in our own coin.

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<sup>18</sup> Baier, *op. cit.*, 108.

<sup>19</sup> William K. Frankena, *Ethics* (New Delhi: Prentice-Hall of India, 1993), 41ff.

<sup>20</sup> W.T. Stace, *The Concept of Morals* (New York: The Macmillan Co., 1962), 176.

## **Justice and the Rights of Others**

The concept of justice is integrally related to the rights of others. Human rights are mostly understood in the context of law, and their enforceability before a court of law, whether national or international. From our point of view, human rights are “inalienable fundamental rights,” to which a person is inherently entitled by virtue of him/her being a human being. Kant has long back declared, as we have seen above, that all human beings share the universal (in some sense transcendental) reason which is both identical with their “humanity” and also gives them an inviolable dignity as ends-in-themselves. This, in turn, makes them the locus of certain fundamental or innate rights.

Rights of others imply our duties to them and vice versa. The most basic duty of all is that of respecting the dignity and inviolability of all human beings, so that no person can ever be made a means of the interests of others. This can be called the duty of justice. To say that we have duties or obligations of justice to other persons is to imply that they have rights against us so that duties of justice and rights (of others) are correlative. Justice entails that we cannot trample upon others’ rights.

Human rights are wide ranging, starting from the right to life, freedom and living a life of minimum comfort and dignity. They further include rights to health care, education, opportunity for earning one’s livelihood in a dignified way, equal opportunities for self-development, as well as right to freedom of religion and speech. Each and every person has these rights irrespective of all other differences of race, religion and so on. More important from our point of view, human rights impose an obligation on all persons to respect the human rights of others.

Some Western thinkers, as Bernard Gert, describe the rights of others in a very superficial manner, such as the right not to be killed, or maimed, or tortured and so on. Most of us would not indulge in such acts willfully. Nevertheless, criminal law of the state can take care of such offenders. But, the purported intention of this article is to develop a conception of justice in the context of the responsibility of the moral agent to respect and respond to the human rights of others so that by respecting and responding to them we shall be more humane, and our society and the world at large would be more peaceful.

The discourse on justice-cum-rights has been further limited by Western thinkers’ tendency of understanding these concepts in the context of the state and citizens. It is argued in detail how the rights of citizens, such as for health facilities implies the duty of the state or some institution to provide the same to them. The responsibility to respond to most of the human rights, as the right to care in the old age, have been relegated by Western thinkers to the state. But the state (as in the U.S.) does not always fulfill its obligations towards its citizens/residents. Then it must fall upon

the employer to do as much as possible to provide these facilities (house, education and health care) to his/her employees. However, too much emphasis on rights (as in the case of labor unions) undermines the reciprocal duty of the employees/citizens to do their allotted work faithfully.

Here, we are not dealing with the state and its duties, and by justice we mean our acting in a way so as to fulfill our obligations that arise because of the rights of others, when the rights of others are conceived in a moral or humane way. Maybe our understanding of justice is not the only view possible. Legalists have always criticized any such conflating of law with moral ideals. In the beginning we have referred to Kelsen and others who summarily reject the idea of equality of all human beings. Similarly, H.L.A. Hart compares law and morality in a thought provoking discussion and argues for a clear distinction between the two. According to him, justice consists in treating “like cases alike”; but the criteria of likeness may differ in different systems of morality. Also, while laws can be enforced, and their transgression is punishable, moral rules cannot claim this and so on.<sup>21</sup>

In as much as our focus is on our efforts to become more human (humane), we would have to stick to our original preference for the moral point of view. P.F. Strawson has clarified the issue by making duties primary in a more comprehensive sense. According to him, every society puts on its members certain demands what he calls “socially sanctioned demands,” which are required for the very existence of the society. But at the same time, [A] demand made on an individual is to be regarded as a moral demand only if it belongs to a system of demands which include demands made on others in his interest.<sup>22</sup>

This, according to Strawson, is the essence of justice – the reciprocity of claim. If the society or some individual puts certain demands (duties) on an individual or a certain section of the society, the latter can claim rights which the former must fulfill towards them. Or, it can be the other way around. An individual or a group (as labor) may have demands for certain rights on the society or their employer; but then they must have reciprocal duty to do whatever is required by the former. It is true that many of our duties are in response to the rights of others. Rights of others imply our duties or responsibility to them and vice versa. To say that we have duties of justice to other persons is to imply that they have rights against us; it implies that duties of justice and rights (of others) are correlative. For example, while the citizens/residents of a state have certain rights towards the state, the state also has a right to demand due taxes from

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<sup>21</sup> H.L.A. Hart, *The Concept of Law* (Oxford, UK: Oxford University Press, 1961), 151ff.

<sup>22</sup> P.F. Strawson, “Social Morality and Individual Ideal,” in *Readings in Contemporary Ethical Theory*, eds. Kenneth Pabel and Marvin Schiller (Englewood Cliffs, NJ: Prentice Hall, Inc., 1970), 353-355.

its citizens and also to do their duties towards the state and the society. And a person to whom we have made some promise has a right to expect that we fulfill our promise to him, and so on. Justice requires that we cannot trample upon the right of others to freedom and autonomy, as well as their rights to earn decent livelihood, rights to health, better living conditions, education and even help and succor in times of their need.

However, our duty to conduct ourselves in a just way does not always presuppose the demands or the rights of others. This duty of justice is comprised of all our universal duties, such as duty not to hurt others, duty to speak truth or be honest in our dealings with others, duty not to appropriate others' property or use them as a means of our interests, and the duty to keep one's promise. These duties, called *Sadharanadharma* in Indian thought, are essential for the existence of the society as well as for the moral integrity of the individual. These *Sadharanadharmas*, such as *ahimsa* (non-violence), *satya* (truth), non-stealing (*asteya*), or non-appropriation of others' possessions, are expected of every individual regardless of caste, social status, gender or even circumstances.<sup>23</sup> These are also duties of justice in the sense that when we practice these duties we behave justly towards others, and do not trample upon their rights. Justice is here being understood as doing and behaving in such a manner to preserve social harmony.

## Responsibility for Behaving Justly and Creating a Just Society

### *Interdependence of Persons and Duties*

The idea of total equality of all people is further strengthened by the recognition of mutual affinity between humans and humans, and interconnectedness and even interdependence of all of us in day-to-day life. That requires our honest recognition that we owe so much to others in the society. Those who cheat others or underpay their employees should realize how their life would be impossible without the help of others, and theirs without our help. In day-to-day life, we often fail to realize how much we are dependent on others, from the farmer who grows our food, the workmen who build our houses, roads, and other equipment that we use in our daily life, to doctors and nurses who take care of our health, and foster us when we need. We are indebted to all of them as well as hundreds of others. And justice demands that not only we pay well for their services to us, but also see that we appreciate their role in our lives. More than this,

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<sup>23</sup> These virtues and other moral duties are found in almost all Hindu religious texts, but in an unsystematic manner. For a detailed discussion of *sadharanadharmas* and other related issues see Saral Jhingran, *Aspects of Hindu Morality* (Delhi: Motilal Banarsidass, 1989, 1999), 37ff., 169ff., 183ff.

justice demands that we do something more for the people whose services we have been enjoying, most of whom belong to the underprivileged sections of the society. Justice here would mean being honest in all respects concerning the state and persons we deal with and doing our allotted duties so that the state and society run smoothly.

However, from the point of view of our desire to be more humane, real duty of justice requires something more. The most important step that we can take in this context is not only to respect the rights of others, but also to help those who, due to various socio-political and economic circumstances, are deprived of their fundamental rights; and one should try, as much as possible, to take care of the welfare of those who due to various reasons cannot very well take care of themselves.

Inequality in every aspect of society – resulting from economic and educational deprivation, or from “lower” social status, class or caste, or power – is a fact of life. Modern Western emphasis on the right to liberty increases this inequality as those who are already in a privileged position use it to strengthen their privileges and power over others. Therefore, in fulfilling our duty of helping the lowly and the sick, we may not be responding to their right to live their own lives, but we would be behaving justly and humanely in a profoundest sense.

In parenthesis, I may point out here that in present day Indian society the sense of civic duty is quite absent. Fulfilling our civic duties includes not only the duty of not spoiling the neighborhood, but also paying our taxes to the state correctly without indulging in what are known as black market practices, as well as doing the duty assigned to us properly and conscientiously. Perhaps, we, as a society, fail in these parameters.

Our (Indians’) present way of life is in contrast to the traditional Indian conception of human responsibility to others. Let us remember here that morality, understood as righteousness and mostly expressed by the nebulous term “dharma,” is given supreme importance in Indian thought. Dharma is declared to be the first of the four human goals (*purusharthas*) and is expected to govern the pursuit of all other goals by human beings. That is, whatever a person does, or whatever goal she/he chooses to pursue, all her/his pursuits must be directed and governed by dharma. There is a passage in the *Brihadaranyaka Upanishad* which declares that if a weak man follows the path of dharma, he can defeat the strongest. Significantly, Swami Nikhilananda uses the term justice in translating the word dharma.<sup>24</sup> The idea is that if you follow the path of justice or dharma you cannot be victimized by others. In the famous passage of the Mahabharata, it is asserted that dharma is the foundation or stabilizing force of the social

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<sup>24</sup> *Brihadaranyake*, in *The Upanishads*, trans. Swami Nikhilananda (London: George Allen and Unwin Ltd., 1963), 1.iv.14.

order.<sup>25</sup> Dharma does not mean religion but justice or righteous behavior; if all or most members of a society conduct themselves in a just manner towards others there would be peace, harmony and stability in the society. Indian socio-moral thought with all its lacuna of discrimination among people on the basis of hereditary *varnas* is morally significant in that it lays much bigger stress on duties than on rights.<sup>26</sup>

Ancient Indians affirmed the idea of each person being born with certain *Rnas* (debts) which can be understood as that what one “owes” to others, one has the duty to pay all those debts to one’s parents, teachers, humanity as well as nature. We owe duties of indebtedness to our parents and many others, and justice demands that we pay them back, not in money but mostly in the form of service or expression of gratitude to them. This idea, along with those of the law of karma and transmigration, is taken for granted but not clearly elaborated in Hindu texts. We can unhesitatingly affirm that the idea of *Rnas* or debts can provide a superior understanding of justice ‘as giving everyone his/her due’ in an insightful sense.

Indeed, the idea of indebtedness to our parents, teachers and others who helped us grow and become mature and independent has not occurred to Western thinkers, excepting W.D. Ross. Ross has rightly asserted the personal character of duty. He includes in his short list of *prima facie* duties the duty of compensating others when they suffer some harm due to our fault; as also doing one’s positive duty towards those who have helped and benefited us, that is, duty of gratitude.<sup>27</sup> In a way, it would include paying all one’s debts and doing everything required of us towards others to whom we owe some debt due to various circumstances or our previous acts such as giving a promise. When we call justice as “giving every one his/her due,” we mean the due as determined by the circumstances as well as our relations with others; but it also means the “due” of any person by virtue of his/her humanity and that puts the onus of every other person, especially if he/she is in a privileged position.

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<sup>25</sup> Shanti Parva in *Mahabharata*, 110:11, also 91:5-14. Hindi translation 18 vols., ed. Damodar Satvalekar (Pardi: Swadhyaya Mandal, 1982).

<sup>26</sup> See the account of the duties of the king, and those of the householder towards all his dependents as well as other needy persons. Manu Smriti, *The Laws of Manu*, trans. G. Buhler (Delhi: Motilal Banarsidass, 1982), chaps. III and VIII. Also see Jhingran, *op. cit.*, chap. III.

<sup>27</sup> W.D. Ross, “Prima Facie Duties,” from his “The Right and the Good” (1930), in *Problems of Moral Philosophy: An Introduction to Ethics*, ed. Paul W. Taylor (Englewood Cliffs, NJ: Prentice Hall, 1967), 266ff., 272-273.

*Sympathetic Imagination and the Golden Rule*

Hare has emphasized the need of considering the interests of all in our conduct. He does not explain why we should do so but suggests that sympathetic imagination is an essential ingredient of a moral or just way of life by the help of which we can understand and appreciate others' needs.<sup>28</sup> In my personal life, I have often used this argument with those who are insensitive to the plight of others in need. I ask them, 'What if any dear one of yours was in this position?' If we treat others in a way in which we would not like to be treated ourselves or expect others to act in a moral way, such as keeping their promise to us, but do not follow those moral rules ourselves, then we are definitely morally deplorable, or, as Hare says, are contradicting ourselves.<sup>29</sup>

Almost all philosophers, excepting a few contemporary ones, conclude their discussion of moral issues by acknowledging that the Golden rule, almost universally recognized as the essence of morality in all religions and cultures, is actually so.<sup>30</sup> It is also the essence of justice in personal life. Let me quote here a passage from Hindu Epic, the Mahabharata:

Don't treat others in a way in which you would not like to be treated by others...How can a man who wants to live himself kill anyone? Therefore, you should wish for others whatever you want for yourself. We should treat others in a way which is desirable for ourselves...<sup>31</sup>

If we were to follow the Golden rule, that is, treat others as we would like to be treated ourselves, we would spontaneously become more human, or humane and just. All unjust and immoral behavior results when we regard ourselves as more important or of higher worth than others; or when we see others as "other," someone very different from and totally unrelated to us. In turn, justice or our being truly humane would spontaneously happen if we could see the "other" not as an "other" but as someone just like us and feel the affinity between ourselves and others. If we could introspect, we would realize that even when the others seem to be so different from us, they have the same needs, desires and interests, and respond to different life situations just as we do. We would be naturally more just and more humane once we could realize our mutual affinity and interdependence.

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<sup>28</sup> Hare, *op. cit.*, 94-95.

<sup>29</sup> *Ibid.*, 91.

<sup>30</sup> Baier, *op. cit.*, 108; Stace, *op. cit.*, 178ff., 181ff.

<sup>31</sup> Shanti Parva in *The Mahabharata*, 251:19-25.



Some contemporary writers have tried to deprecate the Golden rule, which, according to them, seems to suggest a rather self-centered point of view which need not be so. It does not give importance to one's self, but only bases its ideal of justice on a psychological fact about our instinctive care of his/herself. Both morality and justice demand total objectivity and impartiality, not only between other persons but also between others and our own self. This may seem an impossible demand, yet it is required by our aim of being more humane and just. Bernard Williams has expressed this idea beautifully:

Each person's basic needs and wants to commit him to stepping into morality, a morality of rights and duties and someone who rejects that step would be in a kind of pragmatic conflict with himself.<sup>32</sup>

### **Concluding Remarks**

"Justice" is understood above as "giving everyone her/his due," when the due is considered in a moral context, mostly arising from our mutual relations with other persons in society, but also as a result of our conviction of the inherent equality and inviolability of all persons. While the former results in our obligation to pay all our debts to others, again understood in a moral sense, the latter implies certain universal duties of non-violence (in a comprehensive sense), truthfulness or honesty and moral integrity in our dealings with others as well as our moral responsibility to help others in need as a part of our conception of justice as giving everyone his/her due. The due towards the other is conceived, following Kant, as their due or right by virtue of their "humanity"; no other qualification is needed to demand justice (based on equality, human dignity and inviolability) from every other person in society except one's being a rational human being. We must respect the dignity of other persons and help them if they need such help. As Kant recommended, "it is a duty to participate actively in the fate of others." Above all, we should realize, "I am a man; whatever befalls a man concerns me too."<sup>33</sup> This realization leaves no scope for one's injustice to others (using others as a means of one's interests).

Of course, it is an idealistic view of both the rights of human beings and of justice. But a purely legal conception of either the rights, or justice would not help us in becoming more human. That is why

W.T. Stace equates justice to unselfishness and contends that though these two concepts are more or less the same, unselfishness or altruism is

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<sup>32</sup> Bernard Williams, *Ethics and the Limits of Philosophy* (London: Collins, 1985), 60.

<sup>33</sup> Kant, *The Doctrine of Virtue*, 126, 129, also 116ff., 119ff.

even more basic for our being moral or humane.<sup>34</sup> And that is what justice means. That is reason Thomas Nagel asserts that impartiality and objectivity or interpersonal-neutrality is the essence of morality and justice. He asks us to remember that, “no one is more important than anyone else” and calls for an approach of objectivity and self-transcendence. By self-transcendence he means going beyond the narrow and restricting perspective of one’s selfish interests.<sup>35</sup> It is a very difficult ideal but not an impossible one. We must be unselfish and generous in order to be both just and more human.

*Nehru Memorial Museum and Library, India*

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<sup>34</sup> Stace, *op. cit.*, 189.

<sup>35</sup> Thomas Nagel, *The View from Nowhere* (Oxford/New York: Oxford University Press, 1986), 171ff., 190ff., especially 201.

## **Journalistic Responsibility in the Age of Commercialism**

REETU JAISWAL

### **Introduction**

An adherence to ethical practices of journalists and the status and contribution of citizen journalism in this respect is one of the significant issues in media ethics. This paper is an attempt to discuss what are the challenges journalists face due to commercialization, and the clash of interests between journalism as a profession and journalism as a business. It also explores as to whether these changes could be sorted out by relying on citizen journalism. This paper is divided into three sections: the first section presents how media plays the role of the fourth estate in a democratic nation and how important media is to maintain the democratic order in society as the watchdog of government and non-government organizations. The second section deals with the three controls working on media which obstruct the ethical practices of journalists and analyses how due to these controls people from media face challenges to keep up the moral standards of their profession in the age of commercialism. There are some thinkers who adhere to the 'compensatory theory,' i.e., they believe that the lacuna on the part of mainstream journalists to be ethically responsible and accountable to their profession could be compensated by the increasing involvement of citizen journalism. This will be discussed in the third section.

### **Media as the Fourth Estate in Democracy**

In a democracy, the participation of people is indispensable. However, that participation is generally limited to choosing a leader by voting. One's fondness towards a particular party is based on faith in the performance of the party (who forms the government) in previous years or the frailty of the present government to fulfil the demands of the citizens. Whatever may be the reasons for choosing a political party over the others, the source of dissemination of information about the activities of any party is the media. Media in general, or journalism in particular, has the responsibility to inform citizens about whatever is happening around them. Due to this responsibility, the media (electronic media is a case in point), has been considered to be the watchdog of activities of the government, other organizations and people, and, hence, has emerged as the

‘fourth estate.’ In a democratic country, freedom of the press/ journalism is indispensable for the indirect participation of people in policymaking and the execution of those policies. After the advent of web 2.0<sup>1</sup> and the emergence of social media, this participation has become more active and direct.

Article 19 (1) of the Indian Constitution does not mention the freedom of the press, specifically, but talks about the freedom of speech and expression in general. The significance of journalism/media can be understood by the following words of Justice Markandey Katju:

The importance of the freedom of the press lies in the fact that for most citizens the prospect of personal familiarity with newsworthy events is unrealistic. In seeking out news, the media therefore act for the public at large. It is the means by which people receive free flow of information and ideas, which is essential to intelligent self-governance, that is, democracy...

...For a proper functioning of democracy, it is essential that citizens are kept informed about news from various parts of the country and even abroad, because only then can they form rational opinions. A citizen surely cannot be expected personally to gather news to enable him or her to form such opinions. Hence, the media play an important role in a democracy and serve as an agency of the people to gather news for them. It is for this reason that the freedom of the press has been emphasized in all democratic countries, while it was not permitted in feudal or totalitarian regimes.<sup>2</sup>

Journalism plays a vital role in democracy, and because of its significant role, it carries an important responsibility and accountability towards citizens and the government. Hence, the question of ethics in the media becomes very important. Much work<sup>3</sup> has been done on identifying what

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<sup>1</sup> It is used to show the advanced form of world-wide web which is not limited to static webpages but includes more dynamic, interactive, creative, and user-generated websites. Social media and blogging are two examples of how it has reached to the levels of users.

<sup>2</sup> Justice Markandey Katju, “Freedom of the Press and Journalistic Ethics,” *The Hindu*, June 2, 2011, <http://www.thehindu.com/opinion/lead/freedom-of-the-press-and-journalistic-ethics/article2071551.ece> (accessed July 24, 2017).

<sup>3</sup> Stephen Ward has worked extensively on the issue of ethics of media in his work *Ethics and the Media* (2011). David Gordon edited a volume *Controversies in Media Ethics* (1999) which raises significant issues related to media; Mathew Kieran’s *Media Ethics* (1998), Richard J. Severson’s *The Principles of Information Ethics* (1997), and R.F. Smith’s *Ethics in Journalism* (2008) are some of the seminal works that discuss the foundation of media ethics and how it has been challenging for journalists to follow these ethical principles. Philip Patterson et al. in *Media Ethics: Issues and Cases* (2019), and B.

constitutes the ethical ground for media and journalism and what should be their responsibility towards society. Considering the responsibility media has, David Berry states:

(M)uch of what is discussed within media ethics is a debate on the function of the press and how best it can achieve this... Even though media ethics is concerned with the lowering of standards and the negative role and influence an unfettered commercial market has on the press, it is, nevertheless, a discipline driven by the belief, ideal perhaps, that the press can act for the good of society.<sup>4</sup>

However, the question remains, whether media has been successful in achieving such an ideal aim, and how we can determine and assure its responsibilities and accountability towards society and people. The primary aim of the media is to disseminate information and to make people aware of what is happening around them so that people can develop objective opinions over any course of an incident. However, we are well aware that this fundamental function of media gets negatively influenced by many factors, and that is why the question of responsibility and accountability of media towards society becomes important.

This paper is an attempt to analyze the standards which media ethics imposes on media and whether media has been successful in fulfilling those standards and, more importantly, whether media would and should be able to fulfil them. With the changing dynamics of the world and the international and intranational relations, media has also been transformed from simply being a source of information-broadcasting to a source of entertainment and engagement with various issues. Citizens are no longer passive receivers of the information but have become active agents who not only perceive facts and figures given to them, but also analyze and ponder over those pieces of information. Another major transformation that took place in almost every field in a capitalist society is to work for

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Petković in the edited volume *Media Ownership and its Impact on Media Independence and Pluralism* (2004) have also contributed in this respect. Andrew Belsey and Ruth Chadwick examine the conduct of journalists with reference to various ethical concepts like freedom, objectivity, democracy, and privacy in their work *Ethical Issues in Journalism* (2006). David Berry in *Journalism, Ethics and Society* presents a comprehensive analysis of debates in media ethics and how liberalism has been very significant in doing this. L.A. Day in *Ethics in Media Communications: Cases and Controversies* has discussed various cases through which he tried to develop the understanding of media ethics. Likewise, Karen Sanders in *Ethics and Journalism*, and Lee Wilkins and Renita Coleman in *The Moral Media: How Journalists Reason about Ethics* have touched many important issues of media ethics.

<sup>4</sup> David Berry, *Journalism, Ethics and Society* (Surrey: Ashgate Publishing Company, 2008), 77.

profit. Hence, media has also been impacted by these changes in the market economy and has become a profit-seeking business. This paper will analyze the impact of Capitalism and Globalization on media, and how these have contributed in changing our perceptions of media.

### Three Controls of Journalism

When we think about media, we idealize its work in the form of safeguarding the welfare of society. However, one of the main concerns of media ethics is that media has mostly not been able to adhere to its norm of protecting the interests of the common people. We find a gap between the media's role as a profession and as a business.<sup>5</sup> As a profession, it has specific roles and responsibilities which clash with its interests as a business. In this section of this paper, I will deal with the three controls of journalism, which have been largely responsible for this conflict of interest. Although these three controls are working at three different levels, all of them are linked with each other in such a way that it becomes difficult to look at them separately.

#### *Capitalism and Commercialization*

Media, as a profession, aims to disseminate information about the society and the world and to give voice to people's problems at large; but selling information has been one of the fundamental aims of media as a business. Since organizations associated with news channels and newspapers are private organizations, in order to survive in a competitive market, they need to take care of the marketing strategies and business ideas.

The responsibility and accountability of media towards society is very significant in a democratic society because it is supposed to present a true and objective picture of what is happening in such a society and to help form the public opinion. It should make people aware of deeds, procedures and policies of various governmental and non-governmental organizations. It keeps tabs on people's activities if that is affecting the welfare of society in any way. However, the question of morality for journalism as a profession could similarly be asked as for other professions. For example, ideally the responsibility of a doctor is to save someone's life; that of a policeman is to secure society from crime; that of a lawyer is to protect an innocent from getting punished and to fight to get the guilty punished; that of a judge is to punish the guilty; that of a teacher

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<sup>5</sup> E. Barnouw, *Conglomerates and the Media* (New York: New Press, 1997); J McManus J, *Market-driven Journalism: Let the Citizen Beware?* (Thousand Oaks, CA: Sage Publications, 1994).

is to disseminate knowledge and work for the growth of students. Similarly, we think that the responsibility of a journalist in particular and the media in general is to seek the truth, be objective and impartial when they deliver any information to society to make people aware of any course of action related to any individual or society. However, in order to survive in this competitive market, they deviate from the path of working as a 'fourth estate.' Due to funding issues, the constant competition to get high TRP's (Television Rating Point)<sup>6</sup> and the requirement to fulfil the interests of the funding agencies have created hurdles in the path of journalists in following the principles of this profession. Hence, journalism's responsibilities as a profession are contradicted by the interests it has as a business. Every profession suffers from the conflict of interests which arises from being both a profession and a business.

However, most of the other professions are not directly affected to this degree by capitalism and commercialization as journalism is, because it is directly dependent on various advertisement agencies and other organizations for its revenue. This dependency creates the biggest hurdle in the work of journalists, holding them back to the demands of the market rather than the expectation of democracy. This is pointed out explicitly by David Berry when he argued,

Essentially, the problem that ethics is faced with is the harsh realities of the commercial world in which the press operates and that the practice of journalism is confronted or exists between two extreme poles of a dialectical continuum: on the one hand, ethics and on the other, commercial journalism.<sup>7</sup>

Louis A. Day<sup>8</sup> has referred to this issue as 'conflict of interests' which exists between one's moral conscience as a journalist and duties of following the terms and conditions of one's working environment. This conflict is not limited to the field of media but exists in almost every profession owing to the demands of the capitalistic society. People are no longer serving the purpose of their respective professions, but are more caught up by the demands of a capitalistic society. For instance, doctors mainly focus on getting as many patients as possible to hike up the numbers of people being treated; education in schools has taken the form of a business. It does not matter whether they are performing responsibilities of their profession, what matters is whether they are able to contribute to the profits and the growth of their respective organizations. To prioritize

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<sup>6</sup> TRP is a tool to find out which programs are being viewed the most. It helps in getting hold of the interests of viewers and is generally used by advertisers.

<sup>7</sup> Berry, *Journalism, Ethics and Society*, 93.

<sup>8</sup> L.A. Day, *Ethics in Media Communications: Cases and Controversies* (Belmont, CA: Wordsworth, 2006), 5<sup>th</sup> Edition, chap. 7.

profit over the attainment of a profession's end (aforementioned instances are the cases in point) has been one of the primary reasons behind the morally questionable behavior of journalists.

It seems the question of responsibility of journalists towards their profession has gradually become redundant and that is why the discourse on media ethics has become so relevant and significant for us. Berry has presented the significance of media ethics by saying:

A discourse on media ethics is partly an attempt to alert us to the fact that commercialism, a central generating force of the capitalist system, is chiefly responsible for the slow and steady decline into the moral abyss.<sup>9</sup>

The capitalistic structure of society has contributed to deviate most of the professions from their path of achieving the goals they are meant to. When profit-seeking becomes the sole motive of any profession, the moral decline becomes inevitable. Media, in democracy, has a responsibility towards people, to give voice to their issues and to make people aware of wrongdoings of any organization; and when journalists do not succeed in doing these due to their concern for producing something which could get them more advertisements and more revenue, their behavior becomes immoral. Commercialism, which is closely linked with or is a by-product of capitalism, has been one of the primary reasons behind this moral abyss.

Most media organizations are owned by a few multinational corporations. These corporations are involved in the business of selling information. Their fundamental aim is to survive in this hypercompetitive market economy. Competition and the longing for financial gains are not detrimental to the ethical journalistic practices as they give encouragement and motivation to work more for the public interests. It could be considered as a practice of making oneself better to be attractive and desirable. Philip Patterson et al. stated:

Individual organizations competed for consumer satisfaction and time, consumer spending, content, advertisers, and employees. More than 30 years ago, media scholar Steve Lacy (1989) predicted these low-to-moderate competitive environments would produce a quality news product based on individual organizations' financial commitment to news, which in turn was perceived useful by audience members and sustained by a journalistic culture that valued excellence and public service.<sup>10</sup>

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<sup>9</sup> Berry, *Journalism, Ethics and Society*, 86.

<sup>10</sup> Philip Patterson et al, *Media Ethics: Issues and Cases* (London: Rowman and Littlefield, 2019), 214.



Hence, when in a low to moderate competitive market economy media organizations were driven by profit-seeking attitude, their works were more progressive and in accordance with the interests of the common people. They were making efforts to provide a better platform of showcasing information and being watchdogs of the governmental and non-governmental organizations. However, in the hypercompetitive market economy, instead of delivering information, media organizations have become producers of information. More often, they produce news in order to attract viewers. By fusing their sensational way of presenting news with any piece of information, they work to make that information a suitable and attractive 'commodity' ready to be sold in the market.<sup>11</sup> Hence, in this capitalistic market economy, where everything is valued in terms of being a commodity, news items too have become commodities to be sold. Since the objective of media organizations has shifted from disseminating information to selling information as a 'commodity,' the objective of journalistic practices has also been shifted from being responsible and accountable to people's right to information to being accountable to the demands of the market economy.

However, this does not mean that journalists are only driven by the demands of commercialization and market economy. Apart from this, the power of those who are in authority plays a significant role in the production, dissemination, and manipulation of the news. This constitutes the second control of journalism.

### *The Influence of the 'Power Elite' and Biasness in Journalism*

Media organizations have become multinational corporations who are engaged with trading information for the benefit of their organizations. These media organizations have become, in terms of C. Wright Mills,<sup>12</sup> the 'power elite' who control the power dynamics of a democratic country. Media conglomerates are not only economically motivated but also politically biased. Owning the decision of what is to be broadcasted and in what way it should be presented, these media conglomerates have been very influential in manipulating information to serve the interests of a particular political party or organization. Since in a capitalist society, it is unviable to distinguish economy from politics, the media is also not untouched from this acclimatization.

This acclimatization has created a partisan and ideological biasness in media. Media's biasness is not limited to political issues only; they are also biased when they choose to cover the news mostly from the metro

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<sup>11</sup> This point has been discussed at length by McManus in *Market-driven Journalism: Let the Citizen Beware?*.

<sup>12</sup> C.W. Mills, *The Power Elite* (Oxford/New York: Oxford University Press, 1956).

cities and of those people who mostly attract viewers' attention. They are also called biased when they give preference to one sort of news over others due to their being popular among the viewers, covering every aspect of a cricket match and giving little coverage to any other game is a case in point. These biases do not occur only due to the fault of media agencies, but also because of the interest of viewers and their subjective point of view. In other words, news agencies might seem to be partial to one sort of news over the others due to some of the afore-mentioned reasons, this is also enthused by the interests of viewers, for they choose to watch one kind of news more than the other. Their choices and preferences influence the decisions taken by media agencies regarding what is to be covered by journalists. However, sometimes the understanding of any news agency's biasness is also driven by our subjective views.<sup>13</sup> When we do not adhere to the political leanings of any news agency, we start considering it to be biased. Hence, instead of having any objective agreement over any news agency's biasness, we subjectively perceive such biasness.

The above discussion shows that media biases are various in forms and work at different levels. D'Alessio and Allen<sup>14</sup> in the article "Media Bias in Presidential Elections: A Meta-analysis" have presented three forms of media biases:

1. The first one works at the level of 'gatekeeping.' This consists of the biasness media persons show in the selection of what is to be broadcasted and what is to be avoided. The Editors and selectors give preference to one type of news over others, which could be motivated by various factors. It could be due to the interests of viewers, the political inclination of the news agency, the feasibility in the coverage of that news, or the sensationalizing element in the information. However, D'Alessio and Allen maintain that sometimes 'gatekeeping bias' could be unknowable. Since every day hundreds of incidences happen, and there is a limitation on the number of stories one could cover in a day, the news agencies can take the liberty of choosing one and leaving others; and they cannot be blamed for doing that.

2. The second one is the 'coverage bias.' This is related to time, space, and effort a news agency gives to any news item. This could be related to the coverage of any political party's agenda and issues, or discussion or presentation of any information of social, national, or economic significance. Although it is comparatively easier to find out 'coverage bias' in the electoral realm, according to D'Alessio and Allen; with other

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<sup>13</sup> R.L. Stevenson and M. T. Greene, "A Reconsideration of Bias in the News," *Journalism Quarterly* 57 (1980): 115-121.

<sup>14</sup> Dave D'Alessio and Mike Allen, "Media Bias in Presidential Elections: A Meta-analysis," *Journal of Communication Autumn* 50, no. 4 (December 2000): 135-137.

realms, it becomes impossible to locate such biases. However, Phillip Patterson and many others<sup>15</sup> have mentioned the visible biasness of news agencies towards the coverage of the issues related to the marginalized groups of society. Villages, marginalized groups, and lower classes hardly get the attention of these news agencies. This is also because viewers are more interested in knowing about who's and when's of celebrities than that of the marginalized groups.

3. The third type is 'statement bias.' D'Alessio and Allen explain:

A given media event that contains equal numbers of statements biased in one direction as those biased in the opposite can reasonably called "neutral" or "balanced" and one that contains no overtly biased statements can be called "unbiased," whereas an event containing a preponderance of statements favorable to one side is overtly "biased."<sup>16</sup>

Hence, statement biasness exists in the inclination of reporters' expressions while s/he presents any news. This kind of biasness is also tough to identify objectively as it depends on the nature of the information provided and the inclination of viewers of that information.

These selections of news to be broadcasted are mostly controlled by the 'power elites' who are economically and politically motivated. In order to gain popularity among viewers and support from political parties, these 'power elites' carefully choose news stories and programs to be broadcasted. On the one hand, this control works mostly at the administrative level, where individual journalists are constrained by the pressure of adhering to the rules and commands of the people in power. On the other hand, news agencies are bound by their ideological and partisan biasness.

This shows that there are so many forces working on and behind this profession that despite having the freedom of expression and speech, it is challenging to work independently.

### *Ears at Viewers' Interests and Eyes at TRPs*

Third check or control comes from the side of viewers towards the interest of which everything is directed. Whether we think about commercialists or authorities, they do make decisions in order to take care of the interests of viewers. Berry rightly states, "journalists/editors always have

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<sup>15</sup> Stephen Hess, *The Washington Reporters* (Washington, DC: The Brookings Institution, 1981); D.H. Weaver et al., *The American Journalist in the 21st Century: U.S. News People at the Dawn of a New Millennium* (LEA's Communication Series) (Mahwah, NJ: Lawrence Erlbaum Associates, 2007).

<sup>16</sup> D'Alessio and Allen, "Media Bias in Presidential Elections: A Meta-analysis," 137.

their audience in mind when constructing a news item that invariably impacts on method and truth.”<sup>17</sup> Since news channels are profit-seeking organizations and the source of this profit is the attainment of maximum viewers, selection of what is to be broadcasted is largely derived from “what do the audience want to see?” Rather than aiming at being objective and fair, the selection and representation of stories is directed to the interests of the targeted audience.

Whether we talk about the commercial interests of the media agencies or biasness they show in the selection and representation of any story, the audience’s response is of utmost importance for them. It might be argued that neither the audience is a homogenous group nor are their likes and dislikes, then: how do any media agency determine what the audience want? David Stromberg presents a demand-driven model to explain this phenomenon and argues that advertisers primarily target affluent audiences, and newspaper agencies are more inclined towards the urban-middle and lower class audience.<sup>18</sup> Hence, it could be argued that it is not the total population of any country which influences the functioning of media agencies, but only a part of it. It would not be an exaggeration to utter that the influential group of the audience is the one whose ideology is mostly copied by media agencies. These people become the deciding factors of what the remaining part of the population of any country will watch. In a hyper-competitive economic market, media agencies are bound to work in this manner, where their most significant revenue source is advertising. As Berry has rightly pointed out:

The empirical application of responsibilities becomes extremely complicated by the very way in which journalism works: owner (commercial interests) – journalist (mediation) – public (recipients). It’s the latter point that really muddies the commercial-capitalist waters.<sup>19</sup>

Apart from framing stories as per the interests of the influential population, news agencies focus on sensationalization of, sometimes irrelevant and insignificant, information and stories in order to gain as much TRP as possible. TRP driven media has become the norm today, and they are harming rather than doing any good to the society. 24/7 News broadcasting has put a pressure on these agencies to be attractive and eye-catching so that they can get the attention of the viewers. In the internet age, information reach people mostly via social media platforms before it

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<sup>17</sup> Berry, *Journalism, Ethics and Society*, 116.

<sup>18</sup> David Stromberg, *The Politics of Public Speaking* (PhD diss., Princeton University, 1999), chap. 1.

<sup>19</sup> Berry, *Journalism, Ethics and Society*, 93.

comes to any news channel, these news agencies have invented their ways of luring the consumers (who watch news). Apart from giving information, these news agencies work on making them entertaining, and one of the best-used methods of making any news item exciting and entertaining is to present it sensationally. Hence, when the objective of selection and framing of stories becomes to entertain the audience, the question of accountability to and objectivity of information remains side-lined.

When we deal with the ethics of journalism, we take into consideration the theoretical aspects of responsibilities and duties of a journalist, rather than the harsh realities of the practical world. The question of how a journalist should behave should not be based only on the superlative notion of morality, but also understand the demands of the working environment. The involvement of media conglomerates, the influence of political parties and the pressure to fulfil the demands of what the audience want to see, together they make it very difficult to shift the focus of news agencies from what they are presenting to what they should present. Berry considers the audience's choice to be the most substantial decisive factor of the normative behavior of new agencies, as he argues,

whether owners or journalists like it or not, the community exists and its members have certain interests that information is required to fulfil, and this negates a lot of the so-called rights owners or an individual journalist may have, not legal rights, but moral rights.<sup>20</sup>

These three controls are entangled together and determine the behavior of a journalist in real life. Hence, when we talk about the morality of a journalist, these constraints should also be discussed and taken care of. Karen Sanders makes a similar point when she says,

The economic realities of the media business can be one of the greatest obstacles to ethical journalism. Profits, audience share, advertising revenue and the bottom line drive the journalism. Information is itself a commodity.<sup>21</sup>

Hence, when information becomes a commodity, the focal point of this profession becomes profit by selling information and then the primary objective of the sellers becomes to sell the commodity in the best possible way, either by following the moral codes or by ignoring them. This shows that the clash emerges primarily between the ethics of acquiring profit and

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<sup>20</sup> Ibid.

<sup>21</sup> Karen Sanders, *Ethics and Journalism* (New Delhi: Sage Publications, 2003), 128.

that of attaining the objectives of one's profession; and in this clash, it seems the latter is aimed for when the former is secured.

After dealing with the controls and challenges that obstruct the ethical practices of journalists, in the next section of this article, I will make an attempt to find out whether there could be an alternative to the mainstream media which could be able to sort out the challenges most news agencies face and yet maintain the moral sanctity of media.

### **Mainstream Journalism vs Citizen Journalism**

The problem in the field of traditional media is that it is primarily controlled by the capitalistic demands of society that impedes its ethical behavior. One of the solutions could be found in the 'compensatory approach,' in which one believes that the lack and shortcomings of the mainstream media could be compensated by the intervention of citizen journalism as the adherent of this approach. Due to citizen journalism, mainstream media becomes alert of not manipulating any information. Citizen journalism should, in a way, solve the problem of conflict of interests between journalism as a profession and as a business as for imparting any information on the internet, one does not need to be dependent on any source of revenue. Hence, the issue of not following the moral norms of one's profession will not arise.

In such cases, by using the internet disseminate information, people critically analyze the information received from various sources of media, and study them from various perspectives. Jay Rosen defines citizen journalism as "when the people formerly known as the audience employ the press tools they have in their possession to inform one another."<sup>22</sup> Internet and specifically social media have provided people with such platforms through which they can share their opinion and argue in favor or against any information given by the mainstream media. In this way, they directly participate in policies and operation of the government and other organizations. This has been the outcome of globalization and technological advancement.

Citizen journalism is of various types, such as personal broadcasting sites like blogs, audience participation, independent news and information websites, collaborative and contributory media sites.<sup>23</sup> It has created a source of power in the hands of people who can now directly participate<sup>24</sup>

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<sup>22</sup> Jay Rosen, "A Most Useful Definition of Citizen Journalism," *Press Think*, July 14, 2008, [http://journalism.nyu.edu/pubzone/weblogs/pressthink/2008/07/14/a\\_most\\_useful\\_d.html](http://journalism.nyu.edu/pubzone/weblogs/pressthink/2008/07/14/a_most_useful_d.html) (accessed on June 21, 2019).

<sup>23</sup> J.D. Lasica, "What is Participatory Journalism?," *Online Journalism Review* (August 7, 2003), <http://www.ojr.org/ojr/workplace/1060217106.php> (accessed May 25, 2019).

<sup>24</sup> Mark Deuze Axel and Christoph Neuberger, "Preparing for an Age of Participatory News," *Journalism Practice* 1, no. 3 (2008): 322-38; David Domingo, Thorsten Quandt,

in democracy by presenting their opinion via the internet. Whereas in the traditional media people participate in democracy indirectly as passive receivers of information and are entirely dependent on these representations of information; in this new form of media where people themselves are the sources of information, their participation becomes more direct and active. Since the above-mentioned three controls do not affect the acts of citizen journalists in the way they affect the mainstream media, citizen journalism could be said to be entirely independent in these terms. In this way, citizen journalists could be assumed to be more ethical in their behavior. They can get over with the three controls: commercialism, powerful authorities, and the interests of viewers.

However, this has not been the case. On the one hand, citizen journalism has provided people with an opportunity to become an active part of society; on the other hand, it has also created various problems. Since people can anonymously produce and present any information via social media or other internet resources, they are not held responsible for any harm done to any individual or any part of the society due to their activities on these online platforms. Being responsible for the good of society has been one of the significant objectives of traditional media, which is missing in this new form of journalism. Due to the lack of any sense of responsibility and accountability towards the effects of the information people share through various online resources, many problems have occurred. Some people or groups try to use unethical means to distort the image of some other people, or to enrage one group against other groups, etc. By manipulating information, images, and videos with the help of new technologies, people (citizen journalists) have tried to fulfil their self-interests or propaganda.

Although citizen journalism could be a powerful means to control the activities of traditional media as well as that of the various organizations and to make them accountable towards their function in society, it can also prove to be a detrimental instrument to the welfare of society in various ways. Apart from this, it is difficult to put moral constraints on citizen journalists as well.

I do not agree with the compensatory approach that advocates that the problem related to the profession of journalism could be avoided by shifting this work in the hands of people who are capable of handling the internet. Journalism as a profession needs skill, knowledge, and a sense of responsibility and accountability. If anyone could get this opportunity to share their views or disseminate a piece of information, they will not turn into a journalist; instead that is just the sharing of one's opinion, with or without any sense of accountability or responsibility. It is good that

people have the freedom of expression and they can share their views on various social media platforms, but until that piece of information has a reference to any source, we should not follow that blindly. Sanders argues:

[I]f we understand the notion of ‘responsibility’ correctly, it must imply the ability to explain one’s conduct. Being responsible is taking charge of behavior and giving reasons for actions. If moral choices cannot be explained, if we cannot give reasons for what we do, we might be considered intellectually or morally deficient. If an editor doesn’t know why he or she showed an image of the mutilated corpse of a terrorist outrage, we would doubt the soundness of their intellectual let alone moral faculties. Here too we can see the sense of the Socratic notion that doing what is right is also about knowing what to do. The good person is good because he or she is also wise; acting badly is partly about being foolish. In other words, it is not enough to have good intentions: as a doctor, I may sincerely want to cure someone but if I inject them with ten times the required dosage of a life-saving drug I simply succeed in killing them. A good person does good and to do good is also to know, to have learnt, to have practical wisdom.<sup>25</sup>

Any action that does not account for the responsibility of its outcome could not be moral. It does not matter whether any information is shared by a few people or hundreds of people, what matters is whether it is coming out of a reliable source or not. Until it has a sense of accountability and responsibility, it could not be accepted as journalism. In the age of globalization, where financial profit is the primary motivation of any profession, journalists are forced to work under immense pressure to produce as much information as possible in the shortest period. For these journalists, the first priority is to save their jobs in order to procure their means of subsistence and to do that they have to follow the dictates. For them, ethical norms of their profession do not matter much on a practical level, even if we consider them on a theoretical level.

Due to the competition to gain more TRP and hence more advertisers, moral concerns have been kept under the carpet. Due to the profit-seeking attitude of capitalism, TV News channels came up with the idea of 24x7 news broadcasting, and that has created many issues for journalists. In the words of Sanders:

It is inevitable that reporters work to time and space limits and that they are encouraged to produce stories of certain kinds. But

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<sup>25</sup> Sanders, *Ethics and Journalism*, 150.



what's worrying is when these pressures undercut a reporter's or editor's commitment to fair and accurate coverage of issues which go beyond a 'frothy' or 'breathless' agenda.<sup>26</sup>

They are forced to focus more on producing and presenting as many stories as possible while highlighting an attractive mode of presentation and ignoring the depth of research required from a moral point of view.

The challenge faced by the print journalism is that they could only print newspapers once a day and generally readers prefer to watch images and videos on TV rather than reading newspapers, which is comparatively unattractive. In order to make their newspapers more attractive for readers, they focus more on the entertaining part rather than the research part. These and other reasons obstruct the moral behavior of journalists. In such a situation, one could argue that in order to solve this problem or to make it more ethically responsible and accountable, either some external committee could be established to check whether journalists are maintaining the moral codes of their profession or not; or it could be done internally by creating some association which can analyze the conditions of the profession as well the requirement of moral accountability.

Establishing external organizations to control the behavior of journalists would be in opposition to the freedom of expression they are supposed to have. Berry has argued,

Media ethics as an academic discipline is indeed a broad church in which anything goes. Everything is up for debate, but what is at stake is whether anyone can impose a system of practice upon journalists in the name of responsibility to the principles of a democracy.<sup>27</sup>

This point is quite significant because external organizations could prove to be detrimental for the free and fair exercise of journalism in a democratic society. Burns<sup>28</sup> too rejects any interference from the state in the practice of journalism.

An internal association could be an alternative. It could be created by forming collaboration which, according to Lee Wilkins, means "to work jointly with others or together, especially in an intellectual endeavor."<sup>29</sup> He further explains: "It (collaboration) honors autonomy and independ-

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<sup>26</sup> Ibid., 30.

<sup>27</sup> Berry, *Journalism, Ethics and Society*, 85.

<sup>28</sup> L.S. Burns, *Understanding Journalism* (London: Routledge, 2002).

<sup>29</sup> Lee Wilkins, "Paying for Journalism: An Ethics-based and Collaborative Business Model," in *Media Ethics and Justice in the Age of Globalization*, eds. Shakuntala Rao and Herman Wasserman (New York: Palgrave Macmillan, 2015), 82.

ence but adds notions of solidarity around a goal and a more equal distribution of power – reciprocity – among the collaborating parties.”<sup>30</sup> With the help of such kind of collaboration among the members related to any field of media, journalists will stand for the practice of moral behavior and against the immorality prevailing in the profession. PTI could be one of the examples of such a collaboration.

Although such collaborations could provide independence to the press while looking after the requirement of maintaining moral behavior of journalists, I think by doing this we cannot ignore the way the above mentioned three constraints control the behavior of journalists. The primary problem is that of commercialism, and until we find a solution for the unethical approach of profit-seeking attitude of commercialism, we cannot solve it by any other means. In order to minimize the encroaching attitude of commercialism, which established the empire of the importance of market and economy, we need to focus more on human values. The economic demands of the modern world have played down a sense of responsibility towards others and society. In the words of Berry,

In essence, developing an awareness of responsibility rests on a self-decision-making process; it is the formation of habitus and the reordering of biographical narratives in relation to the outside world – it alerts individuals that they are not isolated islands, but rather are a part of a community of speakers in which actions or words may affect others.<sup>31</sup>

Sanders too has argued that “Nothing wrong with making money except where the drive for profits and audience become the only determinants of what reporters can do.”<sup>32</sup>

The sense of individual development and well-being has created a gap between one’s development in a material sense and one’s inner development as a human being. Focusing on human values does not mean that one has to ignore personal advancements in a materialistic sense; it only requires that while doing this one should not forget that they are parts of a society where every professional is dependent on other professionals for their requirements. If people follow the ethics of their profession, they will be able to regain the lost faith in humanity, which has occurred due to the increasing importance of materialism and commercialism.

The question of morality cannot arise in a world that is only aiming for seeking profit at the cost of human values; the issue of morality can only be valid when one is concerned about others. Hence, when media is

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<sup>30</sup> Ibid.

<sup>31</sup> Berry, *Journalism, Ethics and Society*, 81.

<sup>32</sup> Sanders, *Ethics and Journalism*, 27.

not concerned about its responsibilities, it is a lack of concern for society and others. Until or unless they become sensitive to the welfare of society, these questions of morality remain redundant. In this endeavor of making sure that these organizations work ethically, we as the audience will have to be aware of what kind of society we want to establish and whether we are being carried away by the fumes of glamour and entertainment or are conscious of its impact on our welfare.

No doubt, citizen journalism has changed the equation of media representations and has become a source of people's participation in the democratic events of country. It has given power in the hands of citizens to be the witness of and disseminator of what is happening around us, which is going to keep a tab on what has been broadcasted by any news agency. However, as we cannot say that any person who has googled about a disease and its treatment could be a doctor, any person with the internet and some information to be delivered to people could not be considered to be a journalist. In order to perform the functions of a profession, whether it is of a doctor or a journalist, a formal training along with the understanding of and accountability to that work must be there. Since mainstream media is lacking in being objective, fair, and unbiased in their work, we cannot say that citizen journalism could be an alternative to that. Bolette B. Blaagaard says, "Citizen journalism is not seen to be useful to the public sphere beyond its connection to professional journalism."<sup>33</sup> The moral negligence on the part of journalists could only be questioned but not compensated or replaced by the emergence of citizen journalism.

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<sup>33</sup> Bolette B. Blaagaard, "Shifting boundaries: Objectivity, Citizen Journalism and Tomorrow's Journalists," *Journalism* (January 2013): 14, <https://doi.org/10.1177/1464884912469081>.

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## **Justice and Responsibility in the Framework of Care Ethics**

ANUMITA SHUKLA & MAYANK BORA

### **Introduction**

The notions of justice and responsibility may attach themselves to two sorts of agencies: one, they may attach to the agency of an individual as a moral agent and the member of a nation and society, and two, they may attach to the agency of a collective such as a nation or society itself. In the first instance these notions concern the individual's conduct in terms of how it affects other individuals and how it affects the functioning of any collective such as a nation or society that the agent may be seen as a part of. In the second instance, these notions govern the conduct of collectives such as nations or societies in terms of how this conduct affects other similar nations or societies and how it affects the citizens of the collective itself. We believe that Care Ethics construed in terms of Care<sup>1</sup> – understood as a sentiment of selfless concern for others which motivates us to act so as to meet their salient needs – has much to offer towards how the notions of justice and responsibility may be construed even as applied to collectives like nations and societies. However, Care is inherently personal: it is a matter of what sentiments an individual may have for another. Therefore, we feel, that any application of Care to the notions of justice and responsibility applied to the collective level must first be based on a clear understanding of how the notions of justice and responsibility at the individual, or personal, level may be grasped in terms of Care.

This shall be the objective of this paper, that is, to sketch out how the notions of justice and responsibility at the personal or individual level may be captured within a Care Ethical framework. It will consist primarily of taking an issue that may, at least *prima facie*, seem to offer a decisive reason against the possibility of a Care Ethical grasp of the notions of justice and responsibility. Care Ethics was envisaged by its originators as an alternative to the traditional “justice” based ethical perspective. Thus, notions like justice and responsibility, even at the personal or individual level, appear to be beyond the grasp of, in fact even diametrically opposed to, a Care Ethical perspective. However, we do not think that appearances here are correct and we shall try to give reasons why.

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<sup>1</sup> From here on when we use “Care” with a capitalized “C” we would mean it as defined here.

## Care Ethics and the Justice-based Moral Perspective

It was in Carol Gilligan's<sup>2</sup> and Nel Noddings'<sup>3</sup> works where Care Ethics originated. Both Gilligan and Noddings thought that women approach morality in a way much distinct from how men do. While men approach morality in an objective, rationalistic, and emotionally dissociated way, women's approach to morality is decidedly sentimental. It is marked by the influence of caring sentiments and relationships with those who are the objects of the concerned actions. In short, their understanding is that while men look to follow universal rules of reason, women are led by emotions. Gilligan's and Nodding's contention was that this feminine-care-based approach to morality should be considered a genuine alternative to the traditional justice-based "masculine" approach rather than a morally anomalous approach to morality. Care Ethics is then conceived as the ethics based on this feminine alternative to the traditional justice-based approach to morality.

The opposition between the two approaches is one of the central dogmas, though not an unjustifiable one, of the Care Ethics related literature. Yet it is not agreed upon in the literature what the exact (source of the) essential difference lies in. We think the best way to understand the difference between the two approaches is (as we have argued elsewhere<sup>4</sup>) in terms of how we understand the nature of moral agency. In the traditional moral approach agents are conceived as emotionally dissociated rational beings supposed to be guided by an ideal of duty. Under this conception moral agents look to act in accordance with their obligations. Agents' obligations in turn are determined by universal rules which abstract away from the actual participants in the given situation and their inter-relations and focus only on impersonal aspects of the situation. Under this conception then a morally proper/non-deficient moral agent is one who does not act according to the specific person in the situation, and how the agent is related to him/her but acts in accordance with the universally applicable rules without getting swayed by one's sentiments towards the other.

Care Ethicists find this to be problematic. In such an approach there is no accounting for the effects of our relationships on our actions. Rather our relationships are understood as nothing but distractions that lead us away from the moral path, if they result in actions not in accordance with universal principles. But Care Ethicists note that each of us is embedded in a multitude of relationships which necessarily shape our actions, even if women appear to be disproportionately affected by the relationships

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<sup>2</sup> Carol Gilligan, *In a Different Voice* (Cambridge, MA: Harvard University Press, 1982).

<sup>3</sup> Nel Noddings, *Caring: A Feminine Approach to Moral Education* (Berkeley, CA: University of California Press, 1986).

<sup>4</sup> See Anumita Shukla and Mayank Bora, "On Motive Accounts of Care," forthcoming in *Journal of Indian Council of Philosophical Research*.



when acting towards others. It hardly seems correct to deem an agent morally deficient on account of his/her being affected by a relationship so as to selflessly act in the benefit of the other. If a mother least concerned about her moral duty and moved only by her love and care for her child feeds the last available morsel to her child ensuring the child's survival but her own demise, it does not seem correct to think of her and her action as morally deficient. In fact, her act of self-sacrifice would generally be considered one of the highest moral worth. Yet, this moral worth cannot be captured within a justice-oriented rule-based framework. If women truly act out of the influence of relationships, then the justice-based perspective would deem them morally deficient even when they intuitively appear to have acted morally appreciably.

Thus, for Care Ethicists moral agents are not to be conceived of as emotionally dissociated purely rationalistic beings, but rather they may very well also be seen as beings tied in relationships whose actions towards others are dictated by their relationships. Gilligan's and Noddings' point is exactly that women are (generally) agents of this kind. Care Ethics may be seen as an attempt to capture the inherent morality of this feminine relational approach to moral issues and to make sure ethical understanding does not relegate women to the status of morally deficient beings. For this to be the case Care Ethics takes a distinctly sentimental and relational view of moral agency.

We take all this to be essentially correct but more needs to be said. If agents in acting out of sentiments engendered by relationships are being moral, then the question arises: exactly what is it that makes such agents and their acts moral? We take it to be intuitively quite clear that a mother's selfless action of giving the last morsel to her child as well as selfless motive behind it is morally praiseworthy irrespective of whether she was somewhere in her mind also concerned with what her moral duty is or was not so in the least bit. But if she is not in the least bit concerned with what her duty is then what gives her actions and motives moral worth? This we think is an important question for Care Ethics to answer.

In our view the answer is the caring sentiment or Care which we understand as a selfless concern for the other, which arouses a receptivity to the other's needs resulting in the desire to meet those needs when salient. This desire then motivates the agent to meet those salient needs. It is precisely due to such a motive born out of her concern for her child that the mother acts the way she does. In our view, it is also precisely the presence of such a caring sentiment that makes her motives morally worthy. It is precisely in being born out of such a sentiment that her actions have moral worth too. Caring sentiment in our view has *underived* moral worth; motives derive their moral worth from being marked by the presence of caring sentiments, and actions derive their moral worth from being motivated by morally worthy (read "caring") motives.

Thus, the upshot is that women, or anybody else for that matter, need not be considered morally deficient on account of acting out of Care as occasioned by the relationships in effect while paying no heed to the notion of duty. One can be considered morally deficient only if one is deficient in Care itself.

This, we contend, should be taken as the central message of the care-based approach that Care Ethics must capture. This is also in tune with some of the basic insights that Gilligan and Noddings had related to the essential difference between the two kinds of approaches to morality. For example, Gilligan<sup>5</sup> takes the moral agent to ask ‘how should I respond’ (that is, to the needs of others), and not ‘what is just’ or ‘what I ought to do.’ A moral agent acting out of care for another would not ask what is just or what one’s duty is but would simply try to respond to the salient needs of the other.

Similarly, Noddings<sup>6</sup> thinks Care Ethics must establish caring relations as morally worthy, even “morally basic,”<sup>7</sup> as opposed to the sense of duty. While under our suggestion relationships do not come out to be morally basic, (certain) relationships do come out to be morally worthy. Clearly not all relationships are morally worthy. For example, an abusive husband-wife relationship need not be considered morally worthy. Only caring relationships, i.e., those that exhibit and nurture caring sentiment, are morally worthy and they are so precisely on account of exhibiting and nurturing Care, which has underived or basic moral worth.

To sum up, we think that the best way to understand the difference between the traditional masculine justice-based approach to morality and the feminine care-based approach is in terms of whether the dimension of agency seen as morally pertinent is the emotionally dissociated rationalistic one or the distinctly sentimental, relational one. We have thereon suggested that in Care Ethics we should take the caring sentiment, i.e. Care, to have underived moral worth and the basis of the moral worth of caring relationships, motives, and actions.

### **Justice, Responsibility, and Care**

Care Ethics, thus, is understood as instituting a radically different approach to morality than the traditional one; this creates an issue for the understanding of justice and responsibility within a Care Ethical framework. In fact, the traditional approach to morality is labeled as the justice-

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<sup>5</sup> Gilligan, “Moral orientation and moral development,” in *Women and Moral Theory*, eds. Eva Feder Kittay and Diana Meyers (Lanham, MD.: Rowman and Littlefield, 1987), 23.

<sup>6</sup> Nel Noddings, “Two Concepts of Caring,” *Philosophy of Education* (1999): 36-39.

<sup>7</sup> See Ibid., 37; Nel Noddings, *The Maternal Factor* (Berkeley, CA: University of California Press, 2010), 33.

based approach. If Care Ethics stands opposed to the justice-based approach, then one would think that it must stand opposed to the notion of justice itself. Similarly, as we have suggested, the justice versus care contrast is best understood in terms of the emphasis on doing one's duty in the justice-based approach and the emphasis on acting out of (the sentiments as engendered by) one's relationships in the care-based approach. But responsibility is just duty by another name and thus the concept seems quite opposed to the very conception of Care Ethics. While this gives some idea of the tension between Care Ethics and the notions of justice and responsibility, we need to look more closely, especially at the notion of justice and responsibility at the personal level.

What exactly is the notion of justice at the personal level? It is that of a just person: someone who is fair and who fulfills one's duties and responsibilities towards others, to the society, etc. Perhaps the most significant notion here is the notion of fairness which has been traditionally associated with the notion of justice. A just individual would, we may say, be at least a fair individual. The notion of responsibility is also inherently involved in the notion of justice at the personal level if we are to think of a just individual in terms of whether one pays one's due in lieu of the advantages accrued in virtue of being a part of a society.

The notions of fairness and responsibility seem quite in contrast with the notion of a moral agent as one whose actions towards the other are effected by the sentiments as occasioned by one's relationships towards the other. Until and unless you believe that in every instance what is fair and what is one's duty is intuitively clear you would have to agree that in order to do what is fair and dutiful one would need to think what one's duties and responsibilities are; one would need to think about what would be fair. It is precisely because of this that the traditional duty-oriented approach to morality is called the "justice-based approach," for here one views the agent as being concerned with one's duties, fairness, justice, etc. Such considerations are simply not based on sentiments and relations, but necessarily abstract away from the same. An agent who acts on the basis of the sentiments as one's relations with the other in question determines does not consider issues of what is fair and right. A mother acting out of care for her child does not think whether the child fairly deserves milk. She only perceives the child's need and out of concern for the child is motivated to act so as to meet that need. On the other hand, if one must treat the others that one confronts fairly one may not be swayed by one's relationship with anyone of the others and the sentiments occasioned by it, for depending upon the nature of one's sentiments one might be pushed to give more or less than what would be fair. Thus, the notion of justice at the personal level, which the notions of fairness and responsibility are closely tied to, appears to be quite opposed to a care-based relational approach to morality and thus to Care Ethics itself.

Let us take stock of the conclusion we seem to have reached. What we concluded is that there is a tension between Care Ethics, in as much as it is understood as we do in terms of the caring sentiment, and the notions of justice and responsibility (at the personal level). Since Care Ethics is envisaged as an alternative to the traditional justice-based approach to morality, a cursory appropriation of the notions of justice and responsibility to the justice approach would suggest the notions of justice and responsibility and Care Ethics cannot mix. But, things fare no better even when we delve deeper into how the notions of justice and responsibility may be understood at the personal level. If the (personal) notions of justice and responsibility are understood in terms of the agent's being just, fair, dutiful, and responsible which is then cashed out in terms of acting out of the sense of justice, fairness, duty, and responsibility, the cursory conclusion seems only to be reaffirmed, for you cannot act out of both a sense of duty *and* be guided by your sentiments as Care Ethics would have it. Must we then accept that we cannot grasp the notions of justice and responsibility in Care Ethical terms? We think not, for there is one way available to understand these notions we have not as yet considered.

While, being just and responsible may be thought of in terms of acting out of a sense of justice and responsibility, it may also be thought of in terms of one's actions being in accordance with justice and responsibility. Let us clarify the distinction we are trying to make. Take the example of duty. One could be acting out of the sense of duty and trying to do what one's duty is. We may think of that as being dutiful. But, note that you cannot be assured of actually doing what your duty is just because you are seeking to do your duty. You may be simply mistaken about what you think your duty is. A simple case of incorrect awareness of the facts in question can lead one to wrongly assess what the dutiful action is. On the other hand, it may be that you do not act out of the sense of duty, yet, perhaps due to factors outside your consideration, perhaps even by happenstance alone, your actions correlate with what your duty is. That is your actions may be in accordance with duty even though you have not acted out of the sense of duty.

Similarly, the notions of justice and responsibility, understood at the personal level as the agent's being just and responsible, can be understood in two ways. The agent may be deemed as being just and responsible if the agent (always/for the most part) acts out of the sense of justice and responsibility, or the agent may be deemed as being just and responsible if the agent's actions (always/for the most part) are in accordance with what the just and responsible thing to do is.

We have already admitted that Care Ethics cannot be aligned with justice and responsibility construed in the first way. But, can Care Ethics and the notion of being just and responsible come together if being just and responsible is thought of in the second way?

It may seem that there is some tension between Care Ethics and being just and responsible even in the sense of (always/for the most part) committing actions that accord with what the just and responsible thing to do is. To reiterate in short, you may give others more than what is fair if you care for them and someone else may then get less than what is fair. Thus, it seems that if one is acting out of Care, or out of one's sentiments as occasioned by the contextually salient relationships, one and one's actions are not guaranteed to be fair and just. In fact, it seems that at least on some occasions agents are guaranteed to be unjust. But, if that is the case and Care Ethics is the ethical system that champions acting out of Care, then the injunction issued by Care Ethics – to act out of Care – would at least on some occasions force actions that do not accord with the just and responsible thing to do.

It is precisely here that we think the tension is only apparent. We think that Care Ethics can offer an understanding of motives and actions in terms of Care such that where your motives are not deficient in Care itself your actions will accord with the just and responsible thing to do.

### **Aligning Care and Justice**

The key to aligning the personal notion of justice and Care is to note two things: one, where there is Care there may at the same time also be a lack of it; and two, that Care is inherently directed towards meeting the needs of the other. Let us take these two points one by one and see their significance for capturing the notion of being just and responsible in Care Ethical terms.

A Care Ethics based on the notion of Care as a sentiment motivating us (to meet the needs of the other cared for) makes the positive injunction that we should act caringly. If this were the only injunction it could issue then such a Care Ethics would be at a crossroads with the notion of being just and responsible even when understood in the second way. But, if the presence of Care has moral worth, then the absence of it may also be seen as having negative moral worth. Thus, if our motives and actions should display Care, it may also be said that they should not display the lack of it. Now, you may think that this does not say much since our motives' and actions' displaying Care and their displaying a lack of it are just opposites of each other. If one obtains, the other cannot. This would imply that the combined injunction that our motives and actions must display Care and not a lack of it just collapses into the injunction that our motives and actions should display Care (or that they should not display a lack of it). But this is incorrect.

So is the nature of Care that where it can be present for one (set of) person(s) it may also be conspicuous in its absence for another (set of) person(s). It is not just possible but very much commonplace for an

agent's motives and actions to both display the presence of Care and a lack of it in this manner. For example, if a mother out of the desire to meet her child's needs snatches a toy from another child, she has displayed Care for her child but at the same time she has also displayed a lack of it for the other child. Thus, the combined injunction that our motives and actions must display Care and not a lack of it does not collapse into either of its components. Rather, it amounts to saying that our motives and actions should display Care for all the others involved in the given situation<sup>8</sup> and not just some of them. Such a Care Ethics need not praise all motives and actions that display Care even if they amount to putting those close to one over others. Rather, while such a Care Ethics may issue some limited praise for such motives and actions, as they in part display Care, it may find them morally deplorable to an equal or even greater measure in as much as they in part display a lack of it. Thus, such motives and actions might very well come out to be overall morally deficient under such a Care Ethics despite displaying Care in some measure.

But, where does that leave us vis-à-vis the notion of justice and responsibility? We think noting what we just have is to take one important step in understanding how being just and responsible may be completely compatible with a Care Ethics based on Care.

To see that let us go back to the situation we imagined where acting out of Care seemed to go against acting in a just and fair manner. The situation we imagined was one where you are faced with some people and one of the people is someone you personally care for and the others are not. Here acting out of Care could make you grant to the one cared for by you more than what is fair thus shortchanging the others. This would be unjust and unfair. But, now we can see that a Care Ethics based on Care need not actually see your motives and actions in such a scenario as being morally worthy. In fact, while you have acted out of Care for who you cared for you have acted out of a lack of Care for the others. A Care Ethics based on Care could in fact see your motives and actions here as morally deficient. You will be morally non-deficient only if you act out of Care for all involved.

However, while this suggests that acting out of Care understood in a manner proposed in this paper will not lead you to be unjust in the kind of situation imagined, there is still a conceptual gap to be bridged between being morally non-deficient and being just; between acting out of Care for all involved and being fair and just. To bridge that gap we need to go further and note that the sentiment of Care as we have understood it is a

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<sup>8</sup> What does "all the others involved in the given situation" amount to? By that we mean those who are affected by our actions in the given situation in a fairly obvious sense. The notion is admittedly not very precise. But, at the current stage it would be best to leave it so.

sentiment of concern for the other which leads to a receptivity to the needs of the other and the desire to meet those needs. And we need to note what that implies in the sort of situation just imagined.

If one is motivated by Care for all the others involved, one would be motivated to meet the needs of all the others. But, how does one do that, especially when resources are tight and all the needs of all the others involved cannot be met? What would a caring person do in such a scenario?

As Michael Slote<sup>9</sup> discusses, the motives of a loving and caring father who loves both of his children would reflect care for both his children equally. Such a father would never sacrifice the needs of one of his children even if by doing so he could use the resources freed up to meet even more of the needs of the other child, thus meeting a greater overall aggregate of needs. Instead, the father will try to balance in the best possible way the needs of all his children and try to ensure that as much as possible none of his children is left aside with his/her needs unmet. In trying to maintain this balance between the needs of both his children the father is not guided by any principles of justice, or rightness. The balance reached is not a result of a preoccupation with the notions of fairness or justice. The father who cares for and loves both of his children equally need not be thinking "I must be fair to both," or "I must strike a balance." The father would simply out of equal love and Care for both his children be equally concerned with both of them and equally motivated to meet the needs of both as much as possible. The balance the father would end up striking would then be in no means influenced by any desire to be fair but would be, as Slote suggests, a natural outcome of an equal concern for both the children. While this balance may be the result of an equal concern it is not the same thing as equality. Equal concern does not mean an equal appropriation of resources to the children for meeting their respective needs. Everyone's needs are not equal. If one of the children requires constant medical attention his/her simple need to live can demand a far greater share of the resources than his/her sibling's need to live. The father would of course try and meet both their needs to live.

To be clear, this is where we think the notion of balancing needs comes into the picture: we think that even keeping aside the notion of Care it is very plausible that the notions of rightness of actions, what our duties and responsibilities are, and what constitutes fair treatment of people, etc. can be understood in terms of a balanced meeting of needs. To be more specific we propose that we should understand exactly those actions to be right that in the given situation meet the salient needs of the others involved in the situation in the most balanced way. Here the notion of right may be understood as the strict one. That is, we may understand it to be our duty or moral responsibility that when such a situation arises we meet

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<sup>9</sup> Michael Slote, *Morals from Motives* (Oxford, UK: Oxford University Press, 2001), 68.

the needs of all the salient others in the most balanced way possible (within the limitations of abilities and resources). Similarly, we propose that what is a fair treatment of people is that they be subjects of equal concern and consequently that their needs are met as much as a balanced meeting of needs allows.

What we propose seems to us to be very plausible. Taking right actions to be those that meet the needs of all involved in the most balanced way possible is a fairly straightforward consequentialist analysis of right actions. It seems extremely plausible that people's needs being met is a good to be maximized. It also seems perfectly plausible that people's needs being left unmet is a bad to be minimized, especially if the needs are some of the very basic needs. Balancing the needs of others then seems to be a perfectly good way to meet as many needs as you can without totally ignoring the needs of anyone; it seems to be the best way to balance the good of meeting needs against the bad of leaving some people with some of their basic needs being totally neglected. We are simply asking that the rightness or wrongness of actions be understood in terms of whether as their consequence such a balance is achieved or not.

Furthermore, the same kind of needs for different people can require vastly distinct amount of resources. Recall the example of one of the father's children requiring constant medical attention. It hardly seems fair if that child's need to live is simply ignored because it requires a great deal of resources. The notion of fairness readily attaches to the notion of equality. But, in the context of meeting needs it does not seem that it can be attached to equality of resources appropriated. It seems much more acceptable that we understand fairness in terms of different others involved in the given situation being subjects of equal concern for the agent. Thereon considerations of what needs are salient and what resources are available and how best the needs can be balanced against the resources would take over rather than any bias of any kind. Given that the notion of fairness is synonymous with that of a lack of bias, this seems to adequately capture the notion of fairness.

Once we see that the notions of duty/responsibility and justice/ fairness can be understood in the manner proposed in terms of balanced meeting of needs we find that the injunction of Care Ethics that we act out of Care for all involved aligns perfectly well with what the just, fair, and responsible thing to do is (understood of course in terms of the understanding of the notions of duty/responsibility and justice/fairness proposed here). This should not be difficult to see. Care Ethics would say that we act out of Care for all involved. That would mean that our motives should display equal Care and concern for all the others involved in the situation. Since Care motivates us to meet the needs of others, equal Care for all involved would equally drive us to meet the needs of all the others involved. An agent equally driven to meet the needs of all others would



essentially be in the same position with respect to the others involved in the situation as the father in the example would be with respect to his two children. We would thus naturally be led to meet the needs of the others in the most balanced way possible. But, according to our proposal meeting the needs of all involved in the most balanced way possible is to act rightly. It is our moral responsibility to do so. According to our proposal that all involved be subjects of equal concern for you is to be fair to them. As such, following the injunction of Care Ethics would lead you to do exactly what is just, fair, and responsible. If you are the sort of person that Care Ethics would have you be, i.e. someone who (always/for the most part) acts out of Care for all involved, then given our proposal you purely in acting out of Care would also be someone who (always/for the most part) does what is just, fair, and responsible, even when the sense of justice, fairness, and responsibility is no part of your motives, only Care is.

To sum up in precise, say we do understand the notions of justice and responsibility at the personal level in terms of the agent's being just and responsible, which in turn is understood in terms of the agent's (always/for the most part) committing those actions which accord with what is just, fair, and responsible even when the sense of justice and responsibility is no part of the agent's motives. Then, given our proposal if an agent (always/for the most part) acts purely on the basis of Care for the others involved such that they are subjects of equal concern for the agent, then the agent also comes out to be a just and responsible agent. In short, being a caring person as Care Ethics would have you be also amounts to being a just and responsible person. Thus, we can capture the notions of justice and responsibility at the personal level in terms amenable to Care Ethics understood as an ethics based on Care.

### **Concluding Remarks**

In this paper our aim was to sketch out how Care Ethics could capture the notion of an agent's being just and responsible. We do so by means of two steps. We first propose a Care Ethics based on Care, which we understand as a sentiment of concern towards another resulting in a receptivity to his/her needs and the desire to meet those needs when salient. Care motivates us to meet these needs. Such a Care Ethics, we discuss, could very well see both positive moral worth in acting out of Care and negative moral worth in acting out of a lack of it. This would result in such a Care Ethics issuing the injunction that we should act out of Care for all others involved in the given situation. An agent following this injunction would try to meet the needs of all the others involved in the most balanced way possible. The second step is to propose that the notions of rightness, duty, fairness, etc., be understood in terms of a balanced meeting of needs of the other. The two steps together imply that, given our proposal, an agent

who acts out of Care that is not deficient morally would also be a just and responsible agent, without having to be specifically concerned with the sense of justice and responsibility. This amounts to capturing the notion of being just and responsible in terms amenable to an ethics of Care.

Our proposals no doubt require a great deal of further elucidation and defense. But, for the considerations of time and space we refrained from attempting that. We shall be content if we have been able to convince the reader of the plausibility of the thesis that Care Ethics indeed has the resources available to capture the notions of justice and responsibility since rightness and wrongness of actions, and therefore one's duty/responsibility, and justice/fairness can be understood in terms of equality of concern and a balanced meeting of needs. This not only shows how the personal notions of justice and responsibility could be understood in Care Ethical terms, thinking of fairness in such a way may also provide the basis for understanding notions of justice at the collective level such as distributive justice in terms amenable to an ethics based upon Care.

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# The Council for Research in Values and Philosophy

## Purpose

Today there is urgent need to attend to the nature and dignity of the person, to the quality of human life, to the purpose and goal of the physical transformation of our environment, and to the relation of all this to the development of social and political life. This, in turn, requires philosophic clarification of the base upon which freedom is exercised, that is, of the values which provide stability and guidance to one's decisions.

Such studies must be able to reach deeply into one's culture and that of other parts of the world as mutually reinforcing and enriching in order to uncover the roots of the dignity of persons and of their societies. They must be able to identify the conceptual forms in terms of which modern industrial and technological developments are structured and how these impact upon human self-understanding. Above all, they must be able to bring these elements together in the creative understanding essential for setting our goals and determining our modes of interaction. In the present complex global circumstances this is a condition for growing together with trust and justice, honest dedication and mutual concern.

The Council for Research in Values and Philosophy (RVP) unites scholars who share these concerns and are interested in the application thereto of existing capabilities in the field of philosophy and other disciplines. Its work is to identify areas in which study is needed, the intellectual resources which can be brought to bear thereupon, and the means for publication and interchange of the work from the various regions of the world. In bringing these together its goal is scientific discovery and publication which contributes to the present promotion of humankind.

In sum, our times present both the need and the opportunity for deeper and ever more progressive understanding of the person and of the foundations of social life. The development of such understanding is the goal of the RVP.

## Projects

A set of related research efforts is currently in process:

1. *Cultural Heritage and Contemporary Change: Philosophical Foundations for Social Life*. Focused, mutually coordinated research teams in university centers prepare volumes as part of an integrated philosophic search for self-understanding differentiated by culture and civilization. These evolve more adequate understandings of the person in society and look to the cultural heritage of each for the resources to respond to the challenges of its own specific contemporary transformation.

2. *Seminars on Culture and Contemporary Issues*. This series of 10 week cross-cultural and interdisciplinary seminars is coordinated by the RVP in Washington.

3. *Joint-Colloquia* with Institutes of Philosophy of the National Academies of Science, university philosophy departments, and societies. Underway since 1976 in Eastern Europe and, since 1987, in China, these concern the person in contemporary society.

4. *Foundations of Moral Education and Character Development*. A study in values and education which unites philosophers, psychologists, social scientists and scholars in education in the elaboration of ways of enriching the moral content of education and character development. This work has been underway since 1980.

The personnel for these projects consists of established scholars willing to contribute their time and research as part of their professional commitment to life in contemporary society. For resources to implement this work the Council, as 501 C3 a non-profit organization incorporated in the District of Columbia, looks to various private foundations, public programs and enterprises.

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