Cultural Heritage and Contemporary Change
Series I. Culture and Values, Volume 16

Civil Society and Social Reconstruction

Edited by
George F. McLean

The Council for Research in Values and Philosophy

Gibbons Hall B-20
620 Michigan Avenue, NE
Washington, D.C. 20064

Printed in the United States of America

Library of Congress Cataloging-in-Publication

Civil society and social reconstruction / edited by George F. McLean.
p.cm. — (Cultural heritage and contemporary change. Series I. Culture and values ; vol. 16)
Includes bibliographical references and index.
1. Civil Society. 2. Civil Society—Cross-cultural studies; Civil Society—Philosophy and Interdisciplinary Studies. I. McLean, George F. II. Series.
JC336.C565 1996 96-20814
306—dc21 CIP

ISBN 1-56518-086-0 (pbk.)

Table of Contents

Preface

George F. McLean

The Situation

The issue of "civil society" has been receiving greater attention since the end of the Cold War and now appears as a major challenge in most parts of the world. This can be seen by a brief review of the present situation in various regions.

a. In China, for decades the basic structures had been the Party and the masses. Now the initial development of a market economy begins to evoke increasing activity and participation by the many dimensions of society. Neighborhood and village configurations re-quire new structures of engagement in work, education, environment, health, recreation and the like. The mobilization of the populace for effective participation in the new possibilities and activities requires the recognition of multiple and structured solidarities related to the differentiated engagements in life. Beyond simply following uniform directives, it is necessary that all groups contribute from their own experience and respond with creativity to the multiple and diverse challenges of life. The image is that of a sleeping dragon shaking off mechanical motion and beginning verily to dance.

In Central and Eastern Europe a set of teams at the Institutes of Philosophy of the Academies of Science has written a set of eight volumes. These look back into their cultural heritages for resources in this time of change. The publication of this series was followed immediately by a consultation in Smolenize Castle, the Conference Center of the Slovak Academy of Science, of representatives of the teams from the various nations in order to plan the next phase of their work. This, they concluded, should be focused on rebuilding democratic societies with special attention both to the configurations of values which characterize and give strength to their cultures. It should integrate as well the newly evolving pattern of agreed upon human rights which articulate standards and goals for the social reconstruction for our times.

In Latin America in the 70s the tensions of the Cold War had frozen political parties into ideologically opposite extremes. This was reflected in incessant rounds of strikes which paralyzed not only political life, but also labor and hence industries, universities and hence the preparation of the next generation. It drove many beyond the pale of law into guerilla movements which, in turn, linked with drug cartels to generate the terror of violent anarchy. The end of the Cold War undermined not only the credibility of a world movement of liberation

political parties and other institutions. Even confidence in justice has waned, undermined by corruption and the skepticism this entails. What is felt to be desperately needed is a sense of civic responsibility marked by social solidarity, active participation and an order of subsidiarity. Based on this there is need for an educational process capable of raising up a new generation with the moral character which will enable it truly to exercise the new possibilities of freedom. This centers concern on social reconstruction and directs interest to civil society.

In the North Atlantic area there is an emerging awareness of the extent of the change entailed by the end of the Cold War. Not only have the excessive statisms of fascism and communism been rejected, but confidence in the individualist liberal tradition, which had at first been heightened, is now increasingly questioned. By abandoning all social responsibilities, individualism unwittingly generates a massive state which stifles the creative initiative of the various sectors of the populace. Education and welfare are shifted from private to state responsibilities; health faces the dilemma of how to combine private and public capabilities; personal moral stamina and public stability are

threatened as society increasingly divides between the rich and the poor, and the increasing sophistication of production and service sectors withdraws job and career opportunities from an increasing proportion of the populace. The ideal of a vibrant and creative populace is in danger of fading into an amorphus and lonely crowd.

The Present Challenge

All of these descriptions converge in suggesting a common challenge for the last years of the 20th century and preparation for the new millennium, that is, to reintegrate social life after the polarization of the Marxist communist state, on the one hand, and the liberal individual, on the other. This means filling in or activating that social space between the state and the economy which is termed civil society.

Here the challenge is to generate: freedom, social concern and commitment on the part of persons; the various solidarities formed due to age and location, occupation and commitment; and relations of subsidiarity between these solidarities. This must draw upon and reflect, respect and promote the cultural heritages involved.

All of this reflects the hope that life can be both free and social, overcoming the need for authoritarianism; that it can integrate and promote a plurality of cultural resources; that it can work by voluntary association based on proximate involvement and local control; and that it can evolve for the coming ages new modes for living freedom more fully.

These challenges called for three major research components: first, to survey the notion of civil society and to be alert to potential dangers which could be generated by its development; second, to investigate the cultural and value foundations upon which civil society can be developed; and third, to consider the structural components of such a society and their dynamics.

The Notion of Civil Society and Its Problematic

At this point there is a danger that the epochal changes which human life in society is undergoing will be underestimated. It is natural, because relatively easy, to continue to think in terms of the rational, scientific, socio-political models of the past four hundred years of the Enlightenment and to attempt to carry these forward incrementally. But if the above indicates that this model is no longer adequate to the new development in personal and social life, then the increasing thoroughness and intensity of its application can be expected to create ever greater difficulties and even disasters.

The catastrophic world wars both hot and cold and the renewal of ethnic and regional conflicts—indeed genocides—combined with the pervasive development of communications and immigration within and between continents, all suggest that humankind has indeed reached the limits of the modern paradigm. If its advances are to be retained and the new challenges faced it is necessary to deepen our understanding and sensibilities to new levels of meaning and of life.

In terms of consciousness, this is now reflected by the movement of human awareness beyond its prior captivity to mathematic-instrumental reason initiated by Descartes and reflected in the focus upon Kant's first two critiques centered upon universal laws. Now attention is shifting to the aesthetic dimension in Kant's third critique with its potential for a new openness to the presently emerging sensibilities to creative imagination, care, concern and culture.

The content of this deepening awareness is reflected paradigmatically in the shift of attention beyond the modern captivity to the political and the economic dimensions of life to civil society

as the primary locus of the exercise of human freedom in society and to the tripartite relation between these three.

In the United Nations this deepening of awareness and concern is palpable as attention moves from the Security Council to the summits on ecology (Rio), family (Cairo), women (Beijing), etc. Each of these bespeaks a broad ground swell from neighborhood organizations to NGOs and other modes of responsible citizen participation in issues which effect the quality of life.

One major difficulty at this point of new initiation is the perduring restrictive effects of past habits. Trapped in the old model of mathematical, even quantitative, reason, many fear to move ahead without a "clear definition" of civil society and a plan for obtaining "measurable" results.

But should one attempt to provide a definition of civil society at this early stage of its contemporary renewal or at the beginning the present investigation? Certainly, if one knew ahead of time exactly what one was looking for it would be much easier to identify and organize its components; from an *a priori* grasp of its nature it would be relatively easy and secure to delineate analytically its necessary and universal characteristics. On the other hand, such an *a priori* definition would have to depend upon and reflect knowledge and outlooks which either already were possessed in the past or which abstract from the concrete personal exercise of freedom in time. This would hold any work on civil society to patterns relatively unsuited to the new recognition of the person and stifle the human creativity needed to move ahead with the times.

Perhaps more deeply the call for an *a priori* definition reflects rather the problem than the solution. Modern times are characterized by a devotion to reason which has radical by reduced human horizons to what is clear and distinct either to sense or to intellect. Thus, what Bacon would destroy as "idols," Vico recognized as the accumulated wisdom or culture of a people. Locke proceeded from the supposition of the mind as a blank tablet on which were written ideas solely from the senses and their various reflective permutations. Descartes would put all under doubt except the indubitable intellectual idea of one’s own existence and what could be developed thereupon through a universal mathematics.

The effect was a reduction of philosophy to either the individualist empiricism and random voluntarism of the utilitarian choice of the Anglo-Saxon or the continental communal and necessitarian rationalism typified by Kant, Hegel and Marx. In either case, reason allowed for only a narrow range of evidence: it sought to manage all either as atomic individuals or through universal and necessary laws; rigorously it rejected all else, including any deeper and authentic sense of human freedom. The result was not philosophies seeking a wisdom which would integrate all, but ideologies bent rather upon a reduction of the human spirit and the suppression of all but the chosen realm of idea. The twentieth century has been the natural culmination of the limitations of this approach as attention to society lurched toward into totalitarianism, while attention to the particular person sank rapidly into individualism. After the World War II defeat of Fascism these two divided naturally into the Cold War as a conflict between ideologies.

Now, following the collapse of Marxism in Eastern Europe, it is possible to look back not simply in order to adopt the opposing ideology, but to ask what was omitted in the Age of the Enlightenment which led to such a violent and bloody twentieth century. This should be less a negative process of critiquing and deconstructing the past in terms of post-modernism, than a positive process of reconstructing the future in terms of a new awareness often characterized as global period.

If so then it may be less promising to begin our work on civil society from a definition, which would be limited in content to past vision and in method to an ideological approach, but to reopen the question in a way that makes possible the rediscovery and integration of what was available

but rejected in choosing the path of modernity. This corresponds to Heidegger's notion that the real step forward is not merely an incremental advance along the path already well trodden, but a return to factors which had been available but were not included in the historic modern choice of mathematical and instrumental reason.

This suggests that the present volume begin from and build upon the freedom which marks human action as responsible and creative, and focus upon the characteristics of the exercise of this freedom with regard to social life. This will enable two steps with regard to civil society. The first is to follow its exercise in modern times in order to uncover what has been accomplished there. The second is to take the step backward to culture as the cumulative and integrative exercise of freedom and on that basis to attempt its application, in Gadamer's sense, to the development of the notion of civil society for the twenty-first century.

Such a project must integrate such painfully achieved advances of the modern period as the Universal Declaration of Human Rights. But these must free this from being a merely abstract, technical construct in which individuals are enclosed, in order to be appreciated as an unfolding of human freedom as people meet and interact in the various dimensions of life. This will include and build upon the richness of the humanizing cultures which modernity had omitted and often suppressed, and search out new ways of living our freedom with other persons and groups in society.

The effort must transcend the economic order and the exercise of political power, while setting standards and direction for both precisely as humane engagements in the world. Just as we have learned that democracy means that it is important to have civilian control of military and state powers, so we have learned that it is essential that the economy be directed not by a hidden material hand, but by conscious human concern.

The relation then between civil society and the economic and political orders is a major issue to be worked out. In some places the urgent present task is to make room for civil society; in others it may be to revive consciousness of its existence and roles. Beyond both, however, a progressive humanization of life for the next century and millennium will depend upon the way in which civil society, as a mobilization of the freedom of a people, can pervade, transform and inspire all phases of social life. On this complex and integrating task the present interdisciplinary and intercultural team of scholars worked intensively over an extended period of time. This volume is the result of their work.

Hence, a first step here is that of identifying the basic components of free social life and then to trace their history in terms of civil society in modern times. This should make it possible to identify more precisely the new character of the present challenge and the corresponding resources for a response.

But if this effort focuses on the area between state and economy, it is important that this not be in opposition to the two. The nation state was constituted in response to real needs. Further, in the past the notion of government was itself value laden; this source of public convergence in values must be mined, not abandoned. Further, the more recent attention to the pluralistic character of contemporary community life and a positive appreciation of its diversity of values makes the issue of how these are to be lived freely, fully and conjointly central to the task of constructing civil society in our day.

On the other hand, there is concern lest the very focus upon shared values exercise a restraint upon human creativity. Need the commitment to the values of a culture be attenuated in order that diversified creativity might flourish, or can such a commitment itself be a creative force—if so, in what manner and under what conditions?

Where society is moving from a closed system marked by an infallible totalitarian government, social conformity and the sub-ordination of individuality, to an open society marked by attention to the person and by competition, how can one assure social responsibility? This must be not merely a utilitarian ploy dominated by self-interest, but a freely acknowledged dimension of one's personhood in the varied relations by which one transcends self and lives in and through multiple solidarities.

The Value Base of Civil Society

The value base of civil society needs to be founded not simply in a Kantian deontological framework as a set of conditions for practical reason, but rather in the actual processes of life. Such an Aristotelian teleological framework which identifies the goal or purpose of social life and understands all as properly ordered thereto, ha been elaborated by Amartya Sen and Martha Nussbaum in development theory. From this sense of the common good one can read back, as it were, to civic virtue and to the construction of a global development ethic. In this light the private realm is not merely a realm of egoistic self-interest, but entails multiple relations of solidarity with others, each of which involves public responsibilities first of all to develop intermediate spheres of active participation in the social order and, by implication, to correct conditions of excessive authoritarianism or weakness on the part of the state and of injustice in the economic order .

This involves both persons and groups. As the basic constituent of any society the person is essential but ambiguous, for one can turn inward in a self-centered manner; hence it is important to add that any resolution of the social problem requires that the individual be endowed with moral values. Further, these are not simply functions of external circumstances; indeed the ideological effort to construct in these terms a "new socialist man" proceeded to destroy the inner person. Hence, there is need for an inner reconstruction that includes one's emotional life as well as intellect and will, and which must be reflected further in the values which guide one's options and the culture which emerges as the complex of values and virtues of one's people.

As culture this is not merely proper to an individual, but is developed over time by a group. It becomes the context which endows young people with a capacity to interpret their surroundings and interact socially with others. Hence, an understanding of the resources of social reconstruction requires an ability to access the resources of the oral traditions which bear the fruit of the ages of human experience which preceded writing and laid the foundations of the major cultures. It requires, as well, attention to the role of symbol and ritual and to the new hermeneutic understandings of how these manifest and reinforce a culture and its values. Here may lie important keys to exclusivist attitudes between cultures, as well as to their ability to relate positively to one another in facing contemporary challenges.

Structures in Civil Society

Structure can be approached both negatively and positively. Negatively, one can analyze cases of overpowering state domination which have suppressed freedom; this implies a need to develop of a set of additional structures in order to enable the life of civil society. One could also analyze the recent dynamics regarding the notion of sovereignty in order to follow the actual processes. This gradually deconstructs claims of exclusivity as the presence of different groups comes to be acknowledged.

Positively, one can look at the way in which concrete situations call for particular configurations of solidarity and subsidiarity, or one could investigate the nature of these configurations.

This could focus on a particular dimension such as that of the family in terms of the conjugal union. It might be a more general study of the way in which a shared culture generates order through local communities and informal mechanisms. Or, finally it might be possible to consider the general issue of a third social order (or "third way") distinct from the two classical Western models of liberalism and socialism.

All of these elements are involved in the redevelopment of civil society as a process of social reconstruction. There integrated study is the goal of this work.

Introduction

George F. McLean

That the issue of civil society has not only returned in our days but has become the key issue of reversing the downward flow of power and engaging people in democratic life, is neither accident nor fad, but a response to a need which has been building over the last four centuries. At the time of the Enlightenment a great campaign was mounted to gain control over knowledge, and hence over life. Figures such as Descartes, Locke and Bacon converged in purging the mind of all ideas which were not clear and distinct either in themselves or in their origin. The convictions and commitments of the cultures were put aside so that all could be constructed anew.

Very much was accomplished. Our physical living space was transformed, communication broadened and intensified, and economic and socio-political structures were vastly elaborated. But in the last century wars and atrocities have made it increasingly clear that a reductivist reason was not capable of coordinating our new capabilities. Increasingly, the world slid toward a Cold War between an individualist capitalist economy and the hegemony of a socialist polity. In this each would be destroyed, less by the other than by itself. Vico's analysis had come true, namely, an intellectual monster had been born that would destroy what it created.

At this turn of the millennia, therefore, following the collapse of one of the alternative modes of modernity in '89, there is need to reconstruct social life. The focus of this activity is not the economic or political order, but the responsible exercise of human freedom with others in the pattern of multiple solidarities in which life is lived: family, education, neighborhood and church. On its 50th anniversary the United Nations turned from its concentration upon states to the non-governmental solidarities for the key human convictions which engage and shape political and economic policymaking. Hence, this volume is dedicated to the investigation of civil society and social reconstruction.

Part I begins with a chapter by G.F. McLean on the identification of the root elements of such a society, namely, human freedom lived in solidarity with others, and with a subsidiary relation between these solidarities in order to provide the maximum possibility for a creative exercise of freedom. This is followed by an analysis of the travails of civil society in the confines of modern rationalism, which points to the need for a new space for civil society. It is suggested that this space can be found in aesthetic awareness, which makes possible an integration of reason and will, of matter and spirit, and of person and society. In these terms it is possible to reappropriate what had been rejected by modern rationalism, namely, imagination and sensibility, values and religion, in a word, the rich cultural traditions which reflect the cumulative exercise of human freedom in the past and provide the normative force needed for the direction of a broad and varied civil life in our times.

The chapter by Stephen Schneck provides the set of alternative models according to which civil society might be structured which were proposed at the founding of the United States as the first modern democracy. These models are: 'top-down' as in the Puritan model, or 'bottom-up' as in the agrarian model, or horizontal as in the political-economy model. Each has its strengths and limitations. Their articulation is itself an invitation to look more deeply into the challenge and resources of civil society in our times.

Part II identifies some of these challenges. In chapter III Charles Dechert identifies the dynamics in the modern state which, even in a "liberal" frame of reference, tend to coerce the citizen into a servile position. Chapter IV by Chaoura Bourouh illustrates this in the case of Algeria

and its socialist effort to build a modern state after the colonial period. Beginning from a single political party whose directive influence was to penetrate and guide all, he identifies the difficulty of the Party in tolerating spontaneity on the part of the citizens and of the citizenry under such all-pervading directive force from the political order. Finally, Chapter V by William Barbieri identifies the difficulty of including all persons in a single society, whether this be conceived as a single ethnic group, a culture, a matter of local choice for broad coexistence or a universal cosmopolis. This is the fundamental and, in a way, prior issue of participation, that is, of who shall be considered to belong to the civil society, on what basis and with what rights and privileges. This will be the topic of a subsequent volume in this series.

Part III begins the work of responding to these challenges by studying the various constructive elements of a civil society. Chapter VI by Mario Laserna studies the growth of a global industrial society. In Chapter VII Rosemary Winslow investigates the first steps of self-awareness and interpersonal relatedness through an analysis of the experience of the process of expression and communication. In Chapter VIII David Power points to the ways in which this is reflected stably in rituals of all sorts in public as in religious life. In a remarkable Chapter IX Paul Peachey moves beyond a renewal of the frightening Platonic scenario in which all children ultimately become wards of the state, to identify the conjugal union as the basic social and socializing factor. If he is correct, then the difficulties of building civil society in our days of crumbling families may be great indeed. In Chapter X John Kromkowski carries the task further by situating it geographically in the neighborhoods in which families live and interact. He identifies the problems and dynamics of restoring a civil life in such communities of human scale.

Chapter XI by Antonio Perez expands the horizons dramatically to the international level suggesting that rather than remaining focused upon the sovereign political power of states, the major issues are now being reformulated in the qualitative terms of the rights of all peoples to democratic participation in the life of their nation. Chapter XII by Ivan Angelov and Harry Alexiev applies this to facing the concrete issues of transnational relations in border situations in which deep cultural divisions could lead to conflict.

Part IV turns to the basic metaphysical and religious resources for forming a civil culture and a civil society. In Chapter XIII Richard Khuri reviews the challenges noted by Professor C. Dechert and the foundational contribution of Professor Peachey. He provides a deep metaphysical base for a civil culture and the process of its creation which takes account of the diversity of persons whose truth nevertheless is preserved in their unity. Chapter XIV follows this lead as articulated in the religious experiences of a number of recent figures. In this light J. Donders introduces the address of John Paul II to the United Nations on its 50th anniversary and his spirited defence of the rights not only of individuals, but of cultures and nations in their various solidarities as essential modes of human life.

Chapter XV by Mustafa Malik shows its vitality in North America, pointing particularly to the Islamic peoples. Chapter XVI and XVII by Varghese Manimala and Chanchal Bhattacharya describe the Hindu patten of the four goals of life which provide an integral religious foundation for building a theory of civil society in our times. Chapter XVII focuses upon social evil and retribution. Chapter XVIII by Florencio Riguera treats developments in the recognition of a civil equality of religions as a key to enabling them to play their constructive role in civil society.

These chapters result not only from extensive private research, but from long hours of intensive critical, interdisciplinary and intercultural exchange between the authors. Together, they constitute a most extensive and intensive study of the issues of civil society and social reconstruction.

Chapter I

Philosophy and Civil Society: Its Nature, Its Past and Its Future

George F. Mclean

Part I. The Meaning and Challenge of Civil Society

Upon approaching the new century, we learn daily how deeply we have been conditioned by the Cold War extremes of the last 50 years. As with any war, these worked in two directions. In vast regions one ideology, in order to affirm the totality, laid waste to intermediate levels of association, treating people as masses. In reaction, contrary ideologies so stressed individual autonomy and rights as progressively to dissolve the bonds of community, neighborhood, and even family, thereby projecting ever greater responsibilities upon the state. Whether out of allegiance to the state or to the individual, to the whole or to the part, there emerged a world of communal living and lonely crowds, overshadowed by a faceless and increasingly bureaucratic state.

Upon reflection, it is not surprising that the new initiatives have generated new problems, but it is truly frightening to find that the responses reflect a return to old 'solutions'. This does violence to the emerging personalist aspirations and threatens to compound the tragedies of the 20th century for the 21st century about to begin.

On one level, a reductivist or reactionary focus on individual rights tends to sweep away shared traditional standards of human decency and with them the social bonding they reflect. As a result new (market) expressions of individual initiative give way to irresponsible greed and corruption. Instead of responding by developing a moral sense proportionate to the newly acquired freedom, the technology of government control is expanded. Thus, individual corruption threatens to be extrapolated into a battle of commercial interests at the national level, where, corruption being joined to coercive power, people and their needs are trammeled.

On another level, there is a new awareness of the national and ethnic identities of peoples. This calls for a creative integration of diversity, but it also generates fear and chauvinism and evokes responses which range from legal restrictions on the liberties of all to ruthless military suppression of minorities.

In these circumstances there is a renewed call for the redevelopment of civil society as a way both old and new to draw upon, and realize more perfectly, the passionately held values of the recent past. What is sought is a new stage overcoming and superseding the conflictual contraposition of values so that their complementarity can emerge and the deep concerns they reflect can be protected and promoted.

That civil society is a theme whose time has come—once again—is indicated by the convergence of the many reasons now being cited for its importance:1

- that it can expand the active participation of citizens,
- that it expresses an achieved synthesis of different values in the search for the good life (M. Walzer),2
- that it is the cutting edge of the search for freedom in the modern world (C. Taylor),3
- that it envisages a more manageable scale of life emphasizing "voluntary association, churches and communities, arguing that decisions should be made locally, and should not be controlled by the state and its bureaucracies" (D. Bell),4 and
- that it can take us beyond the excesses of authoritarianism (V. Tismaneanu).3

That those who express such varied concerns converge upon the notion of civil society as the hopeful bases upon which a response to their varied problematics can be built suggests strongly that it provides a special vantage point to examine and organize ways of developing a more adequate social life in the coming century.

To get to the root of this notion and to uncover its key components with a view to effective action M. Riedel6 suggests a phenomenological approach, the development of an eidetic reduction after the manner worked out by Edmund Husserl. In such an approach what is sought is not the natural object in itself, but its mode of appearing before consciousness, that is, its meaning for us:

> The move here from individual objects to essences is called *eidetic reduction*, and the path to the essences is through imaginative variation. The empirical individual, either given in sense experience or constructed in the imagination, is considered as one possible instance of the *eidos* in question. One imaginatively varies the different features of this instance to discover what remains necessarily present through all the instances. He will discover in this way those variations that will lead to a change in the *eidos* as distinct from those that lead simply to another possible typical instance within the limits of the *eidos*. In this way what pertains to this essence is brought to immediate evidence in intuition.7

Carrying out such a search longitudinally through time promises to provide a cumulative sense of the meaning which can be accessed through this term, the possibilities and difficulties of a range of approaches to its conceptualization and realization, and even a suggestion of a new approach appropriate to the challenges and new opportunities of our times.

We shall begin our study of civil society from the earliest modes of social life as it emerged in totemic and mythic forms and then look to its philosophical articulation by the Greeks. In this our concern will be to work toward uncovering its basic elements and dynamism. We shall seek not simply the bare historical facts with all their happen-stance, but the creation of the meaning of social life sought by people living together in their many circumstances. This is the basic social good which is struggled for when absent, and celebrated when attained. As the basic concern which moves people to respond to their circumstances meaning mediates the multiple events to a life goal. If well-conceived it is the key to constructive responses to the challenges of each age; if ill-conceived it assures that the responses will be at best ineffective or even conflictual. It is precisely here then that philosophical reflection is needed and promises to make an especially important contribution.

In this it is necessary to recognize that we ourselves are located in particular temporal and spatial circumstances, but acknowledging this to make it work for us8 in searching out the lessons of human experience. With the help of the human sciences it is possible for philosophy to reach back even further to the earliest forms of social life in its search for the basic and primary principles of social life.

Part II. Civil Society in Classical Thought

Before Philosophy: Principles of Social Unity and Diversity9

If we look back as far as the human search can go and then come forward we find that the basic dichotomy between unity and diversity as salient in the last half century is as old as is humankind. In the earliest societies unity was realized in terms of the totem with which all members of a tribe simply identified. 'I am parakeet, or lion, etc.', the members of a tribe would quite simply affirm.10 In this common symbiotic identity they both expressed the unity of their community and posited a symbolic principle for the maintenance and development of their common life. The totem was then, in Geertz's terms, both 'model of' and 'model for' their social life.11 For civil society the bases of sociality were firmly laid.

We note then an intensive social unity or community, symbolized by the totem with which people identified in an immediate manner. Life was little differentiated; everyone did everything. As differentiation of roles had not yet arisen, there was no need for a more complex symbol system. Though found quite universally throughout the world and lasting over vast lengths of time, the simplicity of this model, even in its various analogous configurations catalogued by Claude Levi-Strauss in his *Totemism*, would not be sufficient for the emerging complex diversity of life.

With the development of differentiation in roles there came a point at which it could be appreciated that the unique and unitive principle of a differentiated society needed to be free from, and in that sense transcendent to, the many realities it unites. With this came gradually the sense of multiple gods each transcending the realities they symbolized, yet united genetically among themselves in anthropomorphic patterns. As the varied myths expressed the meaning of life and shaped its realization, this period came to be termed rightly the age of myth.

What is important philosophically here is that this created and expressed a sense of unity among persons, while allowing nonetheless for their individual distinctiveness. Together, these bespoke a sense of complementarity or sociality. If there was conflict among the gods there was also a basic hierarchy and overarching unity in which humans participated as their descendants and expressions.

This symbol system for society was so significantly varied and enriched that it was possible for Homer to write in its terms his enduring statements of the nature and meaning of human life, the *Iliad* and the *Odyssey*.

What then does primitive and mythic life yield for an eidetic reduction of the notion of civil society? It gives first an insight into the basic character of unity in social life and enables us to see something largely unintelligible to those in an individualist culture, namely the foundational character of social unity for human life. Second, it enables us to see how differentiation can be had within a social unity and in such wise that it promotes rather than destroys it as a community. Thirdly, it provides a context within which an extended number of people can provide for the complexity and direction of their life through some degree of stratification.

Greek Thought: The Components of Civil Society

The philosopher is concerned especially with the point at which myth could be transcended through the development by reason of a capacity to articulate the basic character of reality no longer in symbolic, but in proper terms. This made it possible to reason discursively and thereby to discover the nature of reality in its multiple, including its social forms.

Once philosophy had been initiated in Greece, the mind rapidly searched out a speculative understanding of the unifying principles which stood as causes in the various dimensions of reality.12 In but a few generations speculation moved from cosmology with Thales, to mathematics with Pythagoras, and to metaphysics as the study of the basic nature of reality with

Parmenides. He came immediately to the theme of unity and hence of identity as essential to the notion and reality of being; but he left unthematized the issue of plurality. In so doing he set up for metaphysics its central issue: unity and plurality, namely, how is the multiple related to the one in a manner that enables the two to be mutually complementary rather than subversive?

As regards civil society this comes to: how can human beings establish a social unity which promotes, rather than subverts, the unique dignity and self-realization of all who are its members. This remains the basic issue to our day. It could be expected that whoever would open the way to resolving this issue would be the father of the Greek, and hence the Western, tradition in philosophy. This proved to be Plato and Aristotle.

Plato opened the way from unity to multiplicity through his notion of participation which envisaged the many as having their reality from expressing, and ultimately being directed toward the one. This breakthrough was foundational for all the Western philosophy which Whitehead termed a series of footnotes on Plato. Plato's sense of participation was expressed in the long Platonic tradition through the imagery of light coming from a simple exalted source, but shining down in ever expanding, if diminished, ranks. In his famous allegory of the cave in the *Republic*13 Plato described the preparation of leaders as one of liberation from the darkness of the cave in order to ascend to the light and then returning to the cave to govern in an enlightened manner. This was not a role, but the center of one's reality. Hegel beautifully expressed this Platonic sense of the citizen as "living in and with and for one's people, leading a general life wholly devoted to the public interest."14

There was, however, a fatal weakness which showed up in his description of an ideal state in his *Laws* (in some contrast to his *Republic*). In response to the chaotic situation of his times, Socrates had sought a pattern of virtues which could provide real guidance in actual intuitions of human action. Plato, seeking greater clarity in their regard, reduced them to ideal forms in relation to which the many individual instances were but passive formal images. This made room for diversity between different forms, but left the many instances of any one form as basically identical—just as all number threes are the same among themselves and in relation to threeness itself. As a result the ideal state he described in the *Laws* had a shocking absence of any sense of the uniqueness of human beings. It reduced social life to a communal form in which all was determined by and for the state.

To the degree possible, and in terms of the sense of reality of the times, this image of society was corrected by Plato's pupil, Aristotle, who first mapped out the field of philosophy as a science and a wisdom. It is here that we shall attempt to advance our eidetic reduction of the notion of civil society and to observe the contribution that philosophy can make to the development of that notion.

With regard to civil society Aristotle took three preliminary steps. Speaking thematically rather than chronologically, he first developed the science of logic in order to make it possible to control the steps of the mind in extended and complex reasoning. The result was the first elaboration of the structure of scientific knowledge in both the theoretical and the practical orders. Second, he proceeded actually to design the sciences for the first time. He developed *Physics* as an appreciation of the active character of physical reality and, by implication, of all being. In his *de Anima*, the science of living beings, he identified intelligence and freedom as the distinctive characteristics of human life. These found the proper dignity of human beings and imply a civic union of human communication and cooperation. But the practical creative work of developing and directing these cooperative unions is the topic of ethics and politics as sciences of the practical order.

In that order of making and doing, the principles of scientific understanding lie not in the object but in the subject—the agent or artist. Aristotle's work, *The Nichomachean Ethics*, begins with the observation that every action aims at an end, and that the end sought by all is happiness or the good life. *Politics* as a science consists of the study of the search for the good life as a goal not only of an individuals, but of the whole integrated society. What must be understood here and expressed in language is the goal, meaning and modes of realization of life in community. Phenomenology has been developed precisely as a mode of access to this interior life of meaning. Hence Manfried Riedel suggests that if reached by a process of eidetic reduction after the manner of Husserl described above,15 the language of Aristotle's politics can unveil the real meaning of civil society.

Generally, this is aided by Aristotle himself who begins most of his works with a description of how the matter in question has appeared historically through time, thereby gradually delineating the field whose scientific principles and structure he will seek to determine in the process of establishing the science of that field. This we have done above, for Aristotle begins his politics not historically but by thematically delineating the elements in which political life consists.16 Both however bring us to the same point, namely, that to be political means to govern and be governed as a member of a community.

Governance and Community

We find immediately that most properly the political bespeaks governance or directive action toward the goal. Significantly this is expressed by the term *arché* which originally means beginning, origin or first source. Secondly, this is extended to governance in the sense of sovereignty, that is, directing others toward a good or a goal but not oneself being necessitated by others. It is the point of beginning or origin of social action, and as such bespeaks responsibility for the overall enterprise. This is what is characteristically human as an exercise of freedom by individuals and groups in originating responsible action. Though most actions of humans at the different inorganic and organic levels can be performed by other physical realities, it is precisely as these actions are exercised under the *aegis* of freedom that they become properly human acts. This issue of corporate directive freedom—its nature and range—is then the decisive issue as regards civil society. How this is needed and how it can be effectively exercised today is the heart of the issue of civil society for our times.

There is a second dimension to the issue of governance in Aristotle. It is indicated in what many have seen as a correction of his evaluation of types of governance. His first classification of modes of government was drawn up in terms of the quantity of those who shared in ruling. When ruling is seen as a search of material possessions or property, this tends to be an *oligarchy*; rule is by the few because generally only a few are rich. Democracy, in contrast, is rule by the many who are poor.17 Aristotle needed to improve on this basically quantitative division founded empirically on the changing distribution of property, for conceptually there could be a society in which the majority is rich. Hence, he chooses instead a normative criterion, namely, whether governance is exercised in terms of a search not for goods arbitrarily chosen by a few out of self-interest, but for the common good in which all can participate.18 In this light governance has its meaning as a species of broader reality, namely, the community (*koinonia*) which comes together for its end, namely, happiness or the good life of the whole. Community supposes the free persons of which it is composed; formally it expresses their conscious and free union with a view to a common end, namely, the shared good they seek.

The *polis* is then a species of community. It is a group, which as human and hence free and self-responsible, comes together in governance to guide efforts toward the achievement of the good life. Community and governance are not the same or tautological, but they do go together, for persons are united as a community by their common orientation to the same end, and as free they rightly guide or govern themselves toward that end. In this way Aristotle identifies the central nature of the socio-political order as being a *koin nia politika* or "civil society".

Civil society then has three elements. First there is governance: *arché*, the beginning of action or the taking of initiative toward an end; this is the exercise of human freedom. But as this pertains to persons in their various groups and subgroups there are two other elements, namely, communication or solidarity with other members of the groups and the participation or subsidiarity of these groups or communities within the whole. In the search for the goal or end, that is, for the common good, the participants form communities marked by solidarity and interrelated in subsidiarity. Thus to understand a civil society we must seek to uncover the solidarity and subsidiarity of the community as its members participate in the governance of life toward the common good.

Solidarity and Community

Through time societies have manifested an increasing diversity of parts; this constitutes their proper richness and strength. As the parts differ one from another, this increase is numerical, thereby bringing quantitative advantage as with an army. But it is even more important that the parts differ in kind so that each brings a distinctive concern and capability to the common task. Further, differing between themselves, one member is able to give and the other to receive in multiple and interrelated active and receptive modes. This means that the members of a society not only live alongside others, but that their shared effort to realize the good life thrives through their mutual interaction.

Aristotle develops this theme richly in chapter 6 "On Friendship" in Book IX of his *Nicomachean Ethics*, stressing a theme which will reemerge later, namely, that the members of a civil society need to be of one mind and one heart. Toward the end of this chapter he evolves the importance of this for the common weal.19

Such solidarity of the members of society is one of its essential component characteristics. Plato would use the terms *methexis* and *mimesis* or participation for this. But Aristotle feared that if the individual were seen as but another instance of a specific type or an image of the primary form their individuals would then lose reality. So he soon ceased to use this term; the term ‘solidarity’ which recognizes the distinctive reality of the parts seems better to reflect his thought.

In the human body, where there is but one substantial form, the many parts exist for the whole and the actions of the parts are actions of the whole (It is not my legs and feet which walk; I walk by my legs and feet). Society also has many parts, and their differentiation and mutuality pertains to the good of the whole. But in contrast to the body, the members of a community have their own proper form, finality and operation. Hence their unity is an accidental one of order, that is in terms of the relation or order of their capabilities and actions to the perfection of the body politic or civil society and the realization of its common good.

Aristotle does not hesitate to state strongly the dependence of the individual on the community in order to live a truly human life, concluding that the state is a creation of nature prior to the individual.20 Nevertheless, in as much as the parts are realities in their own right, outside of any

orientation to the common good of the whole, society ultimately is for its parts: the society is for its members, not the contrary.21

Subsidiarity and Community

But there is more than solidarity to the matter of order of which a civil society is constituted. Community in general is constituted through the cooperation of many for the common goal or good, but the good or goal of a community can be extremely rich and textured. It can concern nourishment, health maintenance, environmental soundness; it includes education both informal and formal, both basic and advanced, and retraining; it extends to nutrition, culture, recreation, etc., all the endless manners in which human beings fulfill their needs and capacities and seek "the good life". As each of these can and must be sought and shared through the cooperation of many, each is the basis of a group or subgroup in a vastly varied community.

When, however, one adds the elements of governance (*archê*), that is, the element of freedom determining what will be done and how the goal will be sought, then the dimension of subsidiarity emerges into view. Were we talking about things rather then people it would be possible to envisage a technology of mass production in a factory automatically moving and directing all the components automatically toward the final product. Where, however, we are concerned with a community and hence with the composite exercise of the freedom of the persons who constitute its membership, then it is crucial that this not be substituted for by a command from outside or from above. Rather governance in the community initiating and directing action toward the common end must be exercised in a cumulative manner beginning from the primary group, the family, in relation to its common good, and moving up to the broader concerns or goals of more inclusive groups considered both quantitatively (neighborhood, city, nation, etc.), and qualitatively (education, health, religion) according to the hierarchy of goods which are their concerns.

Aristotle recognizes the many communities as parts of the political order when he treats justice and friendship inasmuch as this seeks not particular advantage but that of the whole.22 Justice here, as distributive, is not arithmetic but proportionate to those involved according to the respect and honor that is due to each.23 In the *Politics* in his concern for the stability of the state he stresses the need for a structured diversity. Groups such as the family and village differ qualitatively from the state, and it is necessary to recognize this and promote them as such for the vitality of the whole.

The synergetic ordering of these groups, considered both quantitatively, and qualitatively and the realization of their varied needs and potentials is the stuff of the governance of civil society. The condition for success in this is that the freedom and hence responsible participation of all be actively present and promoted at each level. Thus, proper responsibility on the family level must not be taken away by the city, nor that of the city by the state. Rather the higher units either in the sense of larger numbers or more important order of goods must exercise their governance precisely in order to promote the full and self-responsible action of the lower units and in the process enable them to achieve goals which acting alone they could not realize. Throughout, the concern is to maximize the participation in governance or the exercise of freedom of the members of the community, thereby enabling them to live more fully as persons and groups so that the entire society flourishes. This is termed subsidiarity.

Thus through considering phenomenologically Aristotle’s analysis of the creative activity of persons striving consciously and freely toward their goals it is possible to articulate the nature and constituent elements of civil society as a conscious goal of persons and peoples. It is a realm of

persons in community solidarity and through a structure of subsidiarity participating in self-governance.

This manifests also the main axes of the unfolding of the social process in Greece, namely:

(a) from the Platonic stress upon unity in relation to which the many are but repetitions, to the Aristotelian development of diversity as necessary for the unfolding and actualization of unity;

(b) from emphasis upon governance by authority located at the highest and most remote levels to participation in the exercise of governance by persons and groups at every level and in relation to matters with which they are engaged and responsible;

(c) and from attention to one's own interests to attention to the common good of the whole.

Following progress along these axes will be the key to efforts to develop civil society and will provide guidance for efforts to promote a proper functioning of social life.

Medieval Thought: The Existential Sense of Person, Solidarity and Subsidiarity

If these be the original components of the notion of civil society, as first systemized philosophically by Aristotle, we should look to the major subsequent stages in the evolution of philosophy for the unfolding of this notion of civil society as the heart of social life. We shall do so first in the classical medieval synthesis of Aquinas, then in the turbulent reality of modern thought. This should put us in position to look at the new avenues along which civil society can be pursued in our day.

Above we referred to Aristotle's speculative philosophy, and then especially to his ethics and politics, in order to uncover (or "unveil" in Heidegger's terms) the basic and perennial components of social life and to come thereby to the meaning of civil society (*koin nia politika*). To appreciate the development of this meaning in the medieval Graeco-Christian synthesis it is helpful to begin with the shift in metaphysics, that is, the development in appreciation of the character and content of reality, which took place with the advent of Christianity. In his *Metaphysics* Aristotle noted that the most fundamental issue "which was raised of old and is raised now and always . . . is just the question what is substance," that is, what is reality in its strongest, foundational and primary sense.24 If humankind's appreciation of this were to shift, then the whole vision of reality in all its ordering, relations and striving would evolve. This indeed is what occurred in, or better constituted the step from, Greek to Christian philosophy. The former had been concerned with forms, the essences or natures of things; the latter would be enlivened by the coming into consciousness of the existence, actuality or affirmation of things. It is the difference between knowing what a car is and driving one; some have described it as the difference between a dream about life and the actual process of making decisions, bearing responsibilities and building a life. In biblical terms S. Kierkegaard and Paul Tillich would see it as the difference between the dreaming innocence of the Garder of Eden and the difficult ambiguities of the exercise of freedom.

This development required transcending the Greek notion of being which had meant simply a specific type or kind to an explicit awareness of the act of existence (*esse*) in terms of which being could be appreciated in its active and self-assertive character. The precise basis for this expansion of the appreciation of being from form to existence is difficult to identify in a conclusive manner, but some things are known.

Because the Greeks had considered matter (*hyle*—the stuff of which things were made) to be eternal, no direct questions arose concerning the existence or non-existence of things. As there always had been matter, the only real questions for the Greeks concerned the shapes or forms under

which it would exist. Only at the conclusion of the Greek and the beginning of the medieval period did Plotinus (205-270 A.D.), rather than simply presupposing matter, attempt the first philosophical explanation of its origin. After the Platonic image he explained the origin of matter as light coming from the One and, having been progressively attenuated as it emanated ever further from its source, finally turning into darkness.25 But whence this new sensitivity to reality which enabled him even to raise such a question?

It is known that shortly prior to Plotinus the Christian Fathers had such a sensitivity. They explicitly opposed the Greek's mere supposition of matter; affirming that, like form, it too needed to be explained, and traced the origin of both form and matter to the Pantocrator.26 In doing this they extended to matter the general principle of *Genesis* that all was dependent upon the One who created heaven and earth. In so doing two factors appear to have been significant.

First, it was a period of intensive attention to the Trinitarian character of the divine. To understand Christ to be God Incarnate it was necessary to understand Him to be Son sharing fully in the divine nature. The Son, like the Father, must be fully of one and same divine nature. This made it possible to clarify, by contrast, the formal effect of God's act in creating limited and differentiated beings as constituted in their own right. This pointed to the meaning of existence, which for humans means human life, and for society is the issue of how life in community can truly be lived humanly.

Cornelio Fabro suggests that another factor in the development of this awareness of being as existence was reflection upon one's free response to the divine redemptive invitation. This response goes beyond any limited facet of one's reality, any particular consideration of time, occupation, or the like. It is a matter of the self-affirmation of one's total actuality. Its sacramental symbol, baptism, is not merely that of transformation or improvement, but of passage through death to radically new life. This directs the mind beyond my specific nature or individual role. It focuses rather upon the unique reality that I am as a self for whom living freely is to dispose of my act of existence and living socially is to do this in cooperation with others. This opens the way to a new seriousness and great potential progress as regards the realization of civil society.

It took many centuries for this evolution in philosophical awareness from essence to existence to emerge clearly and for its implications vis-a-vis the Christian Platonism, which had reigned from Augustine to Bonaventure, to be brought clearly to light.

The catalyst for this was the new availability of the texts of Aristotle in the 12th and 13th centuries. His work on civil society was taken up immediately by Thomas Aquinas and effectively elaborated upon in his commentary on Aristotle's *Nicomachean Ethics*:

> Because man is naturally a social animal, since he needs many things for his life which he cannot provide for himself alone, the consequence is that man is naturally a part of some group, through which assistance toward the good life is furnished him. This assistance he needs for two purposes. First, for those things that are necessary to life, without which the present life cannot be maintained. In this respect the domestic group of which he is a part may be an aid to man, for each man receives generation and nourishment and training from his parents, and the individuals who are members of a domestic family assist one another to the necessaries of life.
>
> In another way man is assisted towards the perfect sufficiency of life by the civil group of which he is a part: namely, that he may not only live, but live well, having

> all the things which suffice him for life. The civil group of which he is a part may be an aid to man in this respect, not only in regard to corporal goods, since there are many crafts in the state to which a single household is not adequate, but also in regard to morals, inasmuch as insolent youths, whom paternal admonition cannot correct, may be coerced through public power by the fear of punishment.
>
> Moreover, it should be known that this whole—a civil multitude or a domestic family—has only the unity of order, according to which it is not one thing in the strict sense of the term. Therefore, a part of this whole can have an operation which is not the operation of the whole, even as a soldier in an army has an operation which is not that of the whole army. Nevertheless, the whole itself also has an operation which does not belong to any of the parts, but to the whole, as a battle belongs to the whole army, and as the rowing of a ship is an operation of the multitude or the oarsmen.
>
> Now there is a kind of whole which has unity not only by order but by composition or connection, or even by continuity, according to which unity it is, in the strict sense of the term, one thing; and in this kind of whole there is no operation of the part which is not that of the whole, for in continuous things, the movement of the whole and of the part is the same. Likewise in things composed or connected the operation of the part is, in principle, that of the whole. Therefore, it is fitting that consideration of such wholes and consideration of their parts should belong to the same science.27

In a sense this is an insightful synthesis of Aristotle, but in the light of Thomas' existential emphasis it signifies considerably more. We saw above in Aristotle the principles of human freedom, solidarity and subsidiarity. We saw also how in terms of reality as primarily act, existence and freedom came to be much more than the choice between different forms or contrasting natures; it became the creative affirmation by which things were made actual or brought into reality.

Thus, one was not simply taking part in a process of cyclical return such that no matter how hard one struggled all ultimately returned to its original state. Life is much more significant: it has history and directedness, radical newness and definitive meaning. It has a uniqueness and creativity, such that the exercise of human freedom is always momentous with sacred meaning which has eternal import. This is a vastly deepened sense of the dignity of human freedom and the reason why its exercise must be protected and promoted.

Further, in terms of existence this can be seen not only from the teleological point of view of the goal or end as with Aristotle, or from the formal point of view as with Plato, but from the point of view of its origin in, and from, existence itself. This did not take away the importance of natures in ordering to an appropriate end, which allowed the contribution of the Stoics regarding natural law to be integrated. But it transformed this from pattern to which we surrendered to a wise and loving source by which our more limited but yet decisive powers should be measured and inspired. The Stoics had seen moral life as simply a matter of following the laws of nature; Kant would see it as living up to laws which we ourselves autonomously decreed. But for Thomas to assimilate and act upon the laws of a God-given nature was to participate in and express the wisdom and love from which all came and toward which all was directed. Moral action in a civil society was

creatively to mediate this ideal pattern into concrete cooperative action by the members of society in the many and myriad ways in which they intersected in their lives.

For human solidarity this had great import. In this light, community was even less than for the Greeks a matter merely of a shared specific form and of harvesting all human power in a quantitatively cumulative manner, as might an army. It was rather the enablement of each person to express this freely and hence in a thoroughly unique action, and to do this actively by contributing effectively as a cause to their life and its actuation. This takes us far beyond the notion of a unity merely of order which evolves into a dynamic unity of action and graded interaction in patterns of subsidiarity.

But how is this not to destroy the uniqueness of each person but to intensify it, and in the process how is it not to destroy the unity of society but to intensify that? Thomas' answer is to redevelop Plato's notion of participation, but in the sense of Aristotle's notion of being as act and of its Christian sense as existence. In this light all exist by sharing in a common source of existence. This is reflected through time in their active conscious cooperative commitment to striving toward a common goal. This is inspired by conviction regarding their transcendent origin and purpose, and made actual in the hope and mutual love which this engenders.

The bonds of solidarity which this builds and which spread out, beyond family and blood relations, to strangers we meet and hopefully even to peoples afar are deep and vast. Indeed, from tribal to medieval times the great challenges of mankind have always been at the border of these felt unities where other persons or groups appear as markedly "other", alien, and threatening. Given present mobility, this defines the major problem of immigrant peoples who become aliens within. Hence, the transcendent and active principle of unity, solidarity and cooperation between persons and communities is the more necessary in our task of binding together increasingly different groups.

For subsidiarity too the deepening of the notion of reality opened a major new opportunity. For to the degree that reality could be seen in terms not of closed forms but of the act of existence, then the forms and structures could become, as it were, translucent one to the other. Each was constituted not in terms of its opposition to others, as are material blocks or contrasting forms such as red and brown, but rather in terms of the degree to which the original source of existence was reflected in their actuality and through their efficient causality was communicated to others. The paradigm of an original gift of being in which all were created meant that the significance of life lies in sharing or giving in turn. In social terms this means that the significance of a level of society lies not in holding all exercise of governance to itself but in enlivening other groups and subgroups in the exercise of their own freedom.

For civil society this meant not deadening the initiative of other groups by holding power to oneself, but enlivening and empowering the multiple communities to direct or govern their own life or area of activity and to train people progressively in guilds and other forms of comity to live and exercise responsibility in their own sphere of community life.

Finally, without reducing the importance of material possessions, this kept the nature of social life from being understood as most basically a matter of possessing materials goods or products. It directed attention rather to the meaning of life and to the development of a social order in which all could contribute and share. This meant exercising their proper freedom in cooperation with others and with an eye to the common good of all.28 The implications of this for community and for the exercise of authority are developed by Yves Simon in his *Community of the Free*29 and *General Theory of Authority, and Democratic Government*.30

Part III. Civil Society in Modern Thought

Civil Society in the Anglo-Saxon Enlightenment and Contemporary Liberal Theory

In order to take up the present challenge we need to look with special attention at the modern landscape with regard to civil society. If that concerns the way of governing and directing or, more basically, of humanly initiating our search for the good life as a community or society, then our attention must be directed basically to the nature of freedom and its exercise. When, some decades ago, Mortimer Adler and his team at the Institute for Philosophical Research undertook the most comprehensive review of philosophical literature in order to determine what humankind had discovered about freedom they found this highly differentiated field to be constituted of three clusters of meanings:31

(a) Circumstantial freedom of self-realization: "To be free is to be able, under favorable circumstances, to act as one wishes for one's own individual good as one sees it;"
(b) Acquired freedom of self-perfection: "To be free is to be able, through acquired virtue or wisdom, to will or live as one ought in conformity to the moral law or an ideal befitting human nature;" and
(c) Natural freedom of self-determination: "To be free is to be able, by a power inherent in human nature, to change one's own character creatively by deciding for oneself what one shall do or shall become."

The suggestion which follows is that the Enlightenment explored the first two senses of freedom and in attempting to develop the notion of civil society has manifested its own limitation for the task. This will imply for our final section an exploration of ways of developing civil society at the third level of freedom, and doing so in a way which integrates and thereby humanizes, rather than simply dismisses, the earlier two levels of freedom.

The opening of modern times is marked by, and probably consists in, a characteristic shift in governance. This no longer was shared by all or at least by the notable number of free men as in the ideal of the Athenian *polis*, but had been concentrated in Roman Emperors, kings and nobles. Later, while great empires emerged in the East, in the West governance was highly divided in small kingdoms led by local princes, as is reflected today in the abundance of castles in Italy, Austria, etc. They had broad responsibility, yet were held to moral standards, if not legal norms, with regard to the concerns, if not the rights, of the people they ruled.

The story of the emergence of the citizenry—from the Magna Carta to the American "Declaration of Independence", to the French "Rights of Man", to the United Nations Charter and its "Declaration of the Rights of Man", to the Chinese Revolution of 1949—is, of course, the defining context of the evolution of civil society in modern times. This can be followed in many terms such as population, health or sovereignty. But it is significant that in philosophy and political theory the modern age has been characterized above all as the Enlightenment or Age of Reason. This suggests that underneath, or at least in close and controlling tension with the development of the notion of freedom there stands a development in the understanding of knowledge. We are faced then, as it were, with a series of boxes. To understand and prescribe philosophically regarding the notion of civil society we need to be aware of the notion of freedom; but in order to grasp this notion of freedom we need to be aware in turn of developments in the meaning of understanding. Hence, in order to explore the development of the notion of civil society in modern times and to

understand its present problematic we shall take three steps in both British and Continental Enlightenment thought. First, we shall investigate their sense of knowledge which enables the awareness of meaning and the interests of people; second, we shall investigate their notion of freedom; thirdly, we shall see how this defines the mode of governance in the society referred to as civil.

Knowledge as Empirical: the Lockean Tradition

Turning to the epistemological dimension it is important to note the difference between the more rationalist continental, and the more empirical British traditions.32 To follow this it is necessary to reach further back, to John Locke and indeed to the Reformation.

On the one hand, as an ex-Augustinian, friar Martin Luther was educated in a loosely Platonic, rather than an Aristotelian, tradition. As seen above, this favored the ideal pattern over the concrete and differentiated. On the other hand, as a follower of Ockham, and hence of nominalism, he held closely to knowledge of single things and rejected a capacity of the intellectual for knowledge of natures and universals. These came together to constitute a fideism in order to bring out the importance of faith in his commentary on the *Epistle to the Romans*. Luther focused upon the damage done to humankind by the Fall seeing it as not merely weakening, but corrupting human nature and its capacities for reason. On this theological, rather than philosophical, basis human reason was seen as no longer capable of knowing the divine or thinking in terms of being or existence as the proper effect of His causality. Suddenly, the world became very opaque. Knowledge of natures and hence of natural law was no longer possible, a study of human life could reveal at best what was, but not what ought to be. The morally good, could be known not from an understanding of the nature of things themselves, but only from the will of their creator, which, in turn, could be known only by special revelation as communicated in Scripture. In the important matters of life, faith firmly held was substituted for reason; theology replaced philosophy, which shrunk suddenly to external knowledge of accidental happenings.

The questions of the time, however, were not shrinking but expanding and becoming more pervasive. They included not only what one could know, but how one could redevelop the socio-economic order in view of the vastly expanded resources of a farflung empire and the newly invented industrial capabilities. No less importantly there was question of how all this could be managed by the new parliamentarian manner of governance which soon would be institutionalized by the American and French revolutions. The issue of civil society (*the koin nia politika*) would have to be rethought on this new basis but by very narrow bands of knowledge and correspondingly narrow understandings of freedom.

Early on John Locke was an assistant to the Earl of Shaftsbury who would soon become the Lord Chancellor of the British Empire—and literally loose his head in the complex political eddies of those changing times. In these circumstances, in a regular series of discussions with colleagues he came to see how progress on political and other issues required further clarification of what we could know. Thus, Locke's thought moved from issues of governance to community, and hence to knowledge. Facing the issue of how the *arché,* origination and sovereignty in political decision-making could reside not in the single person of the king, but in a group or parliament communication became central in importance. How could the members of such a group think together in order to come to agreement upon decisions on public policy and thereupon exercise their will in legislation? For Locke this meant that all needed to have equal access to the same foundations of knowledge.

To this end Locke designed for his colleagues his historical plain method. He proposed that we suppose the mind to be a white paper void of ideas, and then follow the way in which it comes to be furnished by ideas. These he traced from external things through the senses and onto the mind. To keep knowledge public, he insisted that only those ideas be recognized which followed this route of experience, either as sensation or as reflection upon the mind's work upon the materials derived from the senses.33 On this basis David Hume reduced all knowledge to either matters of fact or formal analytic tautologies derived therefrom. They could concern neither the existence or actuality of things nor their essences, but could be simply the determination of one from a pair of sensible contraries, e.g., red rather than brown, sweet rather than sour.34

The resulting ideas would be public in the sense that they could be traced back to their origin and thus could be replicated by anyone who would situate himself in order to make the same observation. The mind could proceed to make all kinds of combinations with such ideas, and Locke eventually worked out the intricate pattern of such possible associations and dissociations of ideas.35 But all ideas, no matter how complex, were always subject to a test of verification, namely, that in principle all content could be traced back to an origin in the simple ideas drawn directly from the senses. No distinctive order of intellectual knowledge was recognized; substance remained only an unknowable supposition soon to be dismissed by Hume. This 17th century epistemology was adopted broadly in the following century not only in England and in America, but in France. There it became the context for the Enlightenment proper. Its concern for systematic codification and its restriction of all valid knowledge to the limits of technical reason would denominate this.

Thus knowledge sedulously avoided any consideration of the nature of one's own reality or of other persons and things. Interpersonal bonds of civil society and human community based on an intimate appreciation of the nature of the person and on respect for the dignity of other human beings were replaced by external observations of persons as single entities wrapped in self-interests. This lent itself to the construction only of external utilitarian relations based on everyone's self-interests. Mutual recognition constituted a public order of merely instrumental relations assured by legal judgements rendered by the courts. In this way there came to be established a system of rights and of justice to protect each one's field of self-interested choices and of action against incursion from without. This field was progressively defined through legal judgements and legislation and enforced by the coercive power of the state. Through the combination of industrial and colonial expansion, property or wealth was vastly expanded as was the public impact of the self-interested decision-making based thereupon. In turn, the state by legislating these private interests into public law and engaging its coercive power created a legal pattern which defined the meaning of justice for its time.

The restrictions implicit in this appear starkly in Rudolf Carnap's "Vienna Manifesto" which shrinks the scope of meaningful knowledge and significant discourse to describing "some state of affairs" in terms of empirical "sets of facts." This excludes speech about wholes, God, the unconscious or *entelechies*; the grounds of meaning, as well as all that transcends the immediate content of sense experience, are excluded. All of these would be absent from the construction of the public order.

Freedom as Choice

What then could be the meaning of freedom? Just as knowledge had been reduced to external matters of fact (red or brown), freedom was reduced to choices between external objects. In

empirical terms, it is not possible to speak of appropriate or inappropriate goals or even to evaluate choices in relation to self-fulfillment. The only concern is which objects among the sets of contraries I will choose by brute, changeable and even arbitrary will power and whether circumstances will allow me to carry out that choice. Such choices, of course, may not only differ from, but even contradict the immediate and long range objectives of other persons. This will require compromises and social contracts in the sense of Hobbes; John Rawls will even work out a formal set of such compromises.36 Throughout it all, however, the basic concern remains the ability to do as one pleases.

This includes two factors: The first is execution by which my will is translated into action. Thus, John Locke sees freedom as "being able to act or not act, according as we shall choose or will"37; Bertrand Russell sees it as "the absence of external obstacles to the realization of our desires."38 The second factor is individual self-realization understood simply as the accomplishment of one's good as one sees it. This reflects one's personal idiosyncracies and temperament, which in turn reflect each person's individual character.

In these terms, one's goal can be only what appeals to one, with no necessary relation to real goods or to duties which one ought to perform.39 "Liberty consists in doing what one desires,"40 and the freedom of a society is measured by the latitude it provides for the cultivation of individual patterns of life.41 If there is any ethical theory in this, it can be only utilitarian, hopefully with enough breadth to recognize other people and their good, as well as my own. In practice, over time this comes to constitute a black-hole of self-centered consumption of physical goods in which both nature and the person are consumed; it is the essence of consumerism.

This first level of freedom is reflected in the contemporary sense of "choice" in North America. As a theory, this is underwritten by a pervasive series of legal precedents following Justice Holmes' notion of privacy, which now has come to be recognized as a constitutional right. In the American legal system the meaning of freedom has been reduced to this. It should be noted that this derived from Locke's politically motivated decision (itself an exercise of freedom), not merely to focus upon empirical meaning, but to eliminate from public discourse any other knowledge. Its progressively rigorous implementation, which we have but sampled in the references to Hume and Carnap, constitutes an ideology in the sense of a selected and restrictive vision which controls minds and reduces freedom to willfulness. In this perspective, liberalism is grossly misnamed, and itself calls for a process of liberation and enrichment.

Here a strong and ever deepening gap opens between, on the one hand, what reason could ascertain, namely, a set of self-interested single agents interacting in the Hobbes manner as wolves to wolves, and, on the other hand, what would undergird the construction of a public social order.

Civil society and Moral Sentiment

Where in this mechanism was civil society to be found? Due to the restriction of knowledge to the empirical reporting and managing of facts, the moral realm was no longer an effort at rational ordering of all toward the common good of the overall society and its variously articulated sub-groups. The newly restricted reason could provide no basis for a public moral order of duty and obligation. Instead, all moral life was located in the private, interior sphere as a matter not of reason, but of feeling, affectivity and emotions.

Further, when it came then to issues of the basic motivation for decisions in private or public life these could not be the result of reason, for there reason of itself is entirely incapable. "The

ultimate ends of human action can never be accounted for by reason, but recommend themselves entirely to the sentiment and affections of mankind."42

It would not be right to underestimate the power of this sentiment or its influence in humanizing the new social universe of Locke and Hume. The Cambridge Platonists had written eloquently of moral sentiment. Locke in his *Second Treatise on Government*43 invoked prominently the subordination of human self-seeking to a unifying and uplifting order of divine providence. The Scottish Common Sense Realists propounded this eloquently in Scotland and in the major Ivy League colleges in North America in an effort to articulate the moral dimension of life.

This articulation of the moral order in terms of affectivity is central to the work of Adam Smith as is evidenced by his *Theory of Moral Sentiments*44 and of Adam Ferguson in his landmark work, *An Essay on the History of Civil society*.45

In this process two sources of motivations are noted. One is theological, namely, divine inspiration and its approbation of love, charity or benevolence as actions in accord with divinely approved law of nature. This is a strong and pervasive influence in Locke and it continues in such Scottish moralists as Francis Hutcheson. Alisdair MacIntyre documents this at length in his *Whose Justice? Which Rationality?*46

A second, more humanistic, source is the desire for social approbation developed in the work of Adam Ferguson. While recognizing the realm of self-interest, he defends the overriding reality of a moral sphere. "Mankind, we are told, are devoted to interest; and this, in all commercial nations, is undoubtedly true. But it does not follow that they are, by natural dispositions averse to society and natural affections." He expresses contempt for mere "fortune or interest" and looks rather to a benevolent heart with "courage, freedom and resolute choice of conduct" as directing us to act with a view to the good of society. This, in turn, is seen less as divinely mandated universal laws of action than as universal attributes of "moral sentiments and natural affections (discovered) through the study of particular human agents acting in society."47

In this manner the moral warrant for the civility of civil society is separated from reason, from the creator as source of society, and from the substance and end of society. Its warrant is left as self-justifying and self-motivating. While moral sentiment can generate a certain conception of a way of life and a conviction that this is a good way to live, these are hard pressed by the internalized motivation of self-interest based on the drive for material possessions. These even receive divine sanction in the complex, convoluted, puritan rationalization described by Max Weber.

Is this motivation for a separated civil society adequate to harmonize all the elements in the full breadth of human life? In the context of the first level of freedom as developed in early British empiricist philosophy following Locke, with its external utilitarian structure for human relationships, Adam Smith developed a corresponding economic theory. His goal was social promotion and protection of the economically disadvantaged. These, he thought, could best be achieved by the untrammeled development of economic forces under the guidance of their own inner logic, namely, free market interchange working as an invisible hand. Being blind to realities other than its material, economic self, however, it was inevitable that this would trammel inadvertently upon the broader human and social reality which needed and deserved to be protected. Hence he turned with full and equal seriousness, if with less success, to the elaboration of another realm—civil society. This was neither the economic order nor the state, but was needed in order to provide a "safety net" for those endangered or damaged by the interplay of market forces and the dislocation and unemployment which they generate.

It could and should be argued further that in this understanding, civil society is not merely a matter of protecting the victims of the economic system, but even more of providing a human context for the lives of all who do participate in that system. It would be a field in which they could as community exercise their humanity and hence their freedom. Here the exercise of freedom need not be limited to its first level; thus the early modern Scotch theorists, responding to Locke, developed their theme of civil society as a realm of altruistic activity guided by moral affectivity. This stood in constant contrast to the self-interested and self-seeking management of property in terms of its own maximization. It was inspired both by such religious motifs as the example of divine providence and benevolence, and the desire to be seen and appreciated by one's peers as a good and morally sensitive person. Adam Smith's *The Theory of Moral Sensitivity* was a natural, integral and typical part of this crucial early modern development, though he seemed over time to have moved to stress justice over benevolence.

Finally, it should be noted that civil society was conceived not only as a refuge from the economic realm both for its victims and its participants, but also as a wellspring of economic abilities. Without health and basic education there cannot be a successful work force; without further education and communication there will not exist the creative inventiveness to generate more products and to compete successfully; without a sense of self-worth, human dignity and social concern the invisible hand will be left to destroy its own environment and the human potentialities it requires.

All of this argues for a civil society on the basis of economic interchange exercised not reductively at the first level of freedom, but essentially transcending that dimension. Even those who would attempt to hold reductively to the first level would refer to civil society in terms of "enlightened" self-interest play loosely with words, for in effect it means exercising self-interest with levels of insight and meaning which transcend the empirical and utilitarian. This is to say that for utility to be maximized and really succeed it needs to be situated in a context of meaning and a set of values which transcend it. The Scots recognized this and drew insight from other, especially religious, sources in order to humanize their world and support their system.

But is this sufficient to ward off the deleterious effects of leaving the economic order of production and distribution to a non-human "hidden hand"? Marx's world shattering analysis of the conditions of mill workers in 19th century England was a resounding "no". While these condition have since been seriously attenuated, his indictment of the system itself that generated them, though fought over in wars hot and cold, has never been truly answered. The difficulties increase as the material stakes and self-interest increase, and as not only workers but management becomes more distant from ownership, and communication slips ever more toward the inadequate language of the economic balance sheet.

And what can be expected of this arrangement as we move from the industrial to the information age in which the focus of material self-interest will shift to competencies possessed by the technically sophisticated few? This promises to catapult large numbers of people out of industrial production which previously had absorbed massive numbers, and thus out of the economic web, leaving them to wander and search for their survival in that inter-mediate field called civil society.

The "liberal" response to this follows Hume's separation of "is" from "ought" to develop a bifurcation between the public realm ruled by justice and the realm of private morality ruled by virtue. John Rawls' *Theory of Justice*48 and its subsequent evolution in *Political Liberalism*49 follows this penchant. The so-called integrating visions of the meaning and exercise of life he relegates to a position behind a "veil of ignorance" in order to constitute a "pluralistic"

public domain charted by a minimum set of rules to which all would be expected to assent in order to be assured of a maximum range of action. The denizens of this domain, having deposited their basically identifying sense of meaning and commitment behind a veil of ignorance, remain denatured clones whose age, religion, race and sex must not be considered in the public domain.

This does not exclude that people might yet be inspired and motivated by values held in private behind the "veil of ignorance", but these are not a matter of public concern which is only that a field of action and equal competition be guaranteed by an agreed structure of rights protected by the state. This is the self-styled "the free world"; Kant would consider it a field of lawful right (*rechts*) worked out by practical reason concerned with defining its own prerequisites; in the common law areas it would be constituted by legislative or judicial will as exercised in resolving conflicts. In either case it would not be a properly moral field of ethical action, for that is relegated to the private and the personal.

But perhaps this exclusion of the ethical from the public arena and its relegation to the private realm is what is most important here for the issue of civil society. For if the point of civil society is to constitute a realm for the full exercise of a richly textured social life, this approach implies strong limitations. It creates a notion of the private, but does so in a negative manner, that is, not in terms of full personal self-expression but as that which is excluded from public expression and engagement. Further, even when defined as the realm of the private, civil society is in a precarious situation for the requirements that one abstract from gender, age, race, religion, etc., which the liberal approach imposes upon the public order, are continually extended to the private. More and more it becomes difficult to express one's identity in a school or club, all of which come under the strictures of the public domain if they participate in any public funding or are important for social or professional advancement. Anti-federal paranoia in Oklahoma was an aberrant sign of the sense of threat created by this invasive depersonalization not only of the public but of the private realm, as is fundamentalism in many lands.

In sum, certainly we need guarantees of equal participation by all in social life. The fight against discrimination and the calls for a society of law rather than of men have primarily that meaning. But where this has not already evolved over time, what forces will generate it; and where it already exists is it sufficient? The critics of Rawls would note that his political liberalism does not provide the motivation for its own implementation, and thinkers ranging from Hobbes to Hegel and Marx would see what motivation there is as lying captive to self-interest in terms of material possessions and Adler's first level of freedom. Most serious this reflects their separation of morality and of religious and other integrating views of the meaning of life from the public sphere. As this progressively expands it pervades all and promises to subvert the bases for civil society as well.

This suggests some important elements for any development of the notion and reality of civil society. First, it must not be relegated to a private realm defined by exclusion from an ever expanding domain of public life and meaning. Second, the ethical must not be separated from the public exercise of freedom lest social life be a mere voluntarism. Third, the ethical must not be separated from reason and hence from reasoned discourse or from the experience and shared traditions of a people. The last section of this paper must look for how this can be done.

Civil Society and Continental Rationalism: Kant, Hegel and Marx

In the previous section we saw how in the Anglo-American context the reduction of understanding to sense knowledge and the corresponding reduction of freedom to the choice

among external objects first reduced civil society to the realm of sentiment and then marginalized it on public life. On the continent a more rationalist philosophical context had an analogous effect.

In Western cultures since Plato clarity of reason has been endowed with a special, almost fetishistic, value. Time after time this has led to a dismissal of what did not possess that clarity, or to its reduction to what could be presented with a high degree of rational clarity. This resulted in the marginalization of the insights of Pascal in favor of the search for rigorous clear and distinctive ideas following Descartes; the same was true of the insights of Kierkegaard in the aftermath of Kant. It is not surprising then to note that the proposals of a civil society based upon moral sentiment would not survive in the renewed rationalization of philosophy by Kant, Hegel and Marx.

Kant provided the basis for another, much richer notion of freedom, which Adler's team called "acquired freedom of self-perfection." This acknowledges the ability of man to transcend the empirical order and to envisage moral laws and ideals. Here, "to be free is to be able, through acquired virtue or wisdom, to will or live as one ought in conformity to the moral law or an ideal befitting human nature." This is the direction that has been taken by such philosophers as Plotinus, Spinoza and Bradley who thought in terms of ideal patterns of reason and of nature. For Kant, freedom consists not in acting merely as one pleases, but in willing as one ought, whether or not this can be enacted.50 Moral standards are absolute and objective, not relative to individual or group preferences.51

But then we face the dilemma of freedom. If, in order to have value, it must be ordered, can freedom be truly autonomous and, hence, free; conversely, if to be free is to be autonomous, will it be surely a value. In either case, how can freedom be free? The dilemma is how persons can retain both meaning and value, on the one hand, and autonomy or freedom, on the other. One without the other—meaning without freedom, or freedom without meaning—would be a contradiction. This is the kind of question that takes us to the intimate nature of reality and makes possible new discovery. I will suggest in the last section that eventually this could allow us to appreciate from within the more intuitive insight of Confucius and, thereby, to engage this in new ways particularly adapted to present times. To see this, we must look at the structure of the three critiques which Kant wrote in the decade between 1781 and 1790.

Knowledge: the Critique of Pure Reason

It is unfortunate that the range of Kant's work has been so little appreciated. Until recently, the rationalist impact of Descartes directed almost exclusive attention to the first of Kant's critiques, the *Critique of Pure Reason*, which concerned the conditions of possibility of the physical sciences. Its rejection of metaphysics as a science was warmly greeted in empiricist, positivist and, hence, materialist circles, as a dispensation from any search beyond what was reductively sensible and, hence, phenomenal in the sense of inherently spatial and/or temporal.

Kant himself, however, quite insisted upon going further. If the terms of the sciences were inherently phenomenal, then his justification of the sciences was precisely to identify and to justify, through metaphysical and transcendental deductions respectively, the sets of categories which enable the phenomenal world to have intelligibility and scientific meaning. Since sense experience is always limited and partial, the universality and necessity of the laws of science must come from the human mind. Such *a priori* categories belong properly to the subject inasmuch as it is not material.

We are here at the essential turning point for the modern mind, where Kant takes a definitive step in identifying the subject as more than a wayfarer in a world encountered as a given and to which one can but react. Rather, he shows the subject to be an active force engaged in the creation even of the empirical world in which one lives. The meaning or intelligible order of things is due not only to their creation according to a divine intellect, but also to the work of the human intellect and its categories. If, however, man is to have such a central role in the constitution of his world, then certain elements will be required, and this requirement itself will be their justification.

First there must be an imagination which can bring together the flow of disparate sensations. This plays a reproductive role which consists in the empirical and psychological activity by which it reproduces within the mind the amorphous data received from without, according to the forms of space and time. This merely reproductive role is by no means sufficient, however, for, since the received data is amorphous, any mere reproduction would lack coherence and generate a chaotic world: "a blind play of representations less even than a dream".52 Hence, the imagination must have also a productive dimension which enables the multiple empirical intuitions to achieve some unity. This is ruled by "the principle of the unity of apperception" (understanding or intellection), namely, "that all appearances without exception, must so enter the mind or be apprehended, that they conform to the unity of apperception."53 This is done according to the abstract categories and concepts of the intellect, such as cause, substance and the like, which rule the work of the imagination at this level in accord with the principle of the unity of apperception.

Second, this process of association must have some foundation in order that the multiple sensations be related or even relatable one to another, and, hence, enter into the same unity of apperception. There must be some objective affinity of the multiple found in past experience—an "affinity of appearances"—in order for the reproductive or associative work of the imagination to be possible. However, this unity does not exist, as such, in past experiences. Rather, the unitive rule or principle of the reproductive activity of the imagination is its reproductive or transcendental work as "a spontaneous faculty not dependent upon empirical laws but rather constitutive of them and, hence, constitutive of empirical objects."54 That is, though the unity is not in the disparate phenomena, nevertheless they can be brought together by the imagination to form a unity only in certain particular manners if they are to be informed by the categories of the intellect.

Kant illustrates this by comparing the examples of perceiving a house and of a boat receding downstream.55 The parts of the house can be intuited successively in any order (door-roof-stairs or stairs-door-roof), but my judgment must be of the house as having all of its parts simultaneously. Similarly, the boat is intuited successively as moving downstream. However, though I must judge its actual motion in that order, I could imagine the contrary. Hence, the imagination, in bringing together the many intuitions goes beyond the simple order of appearances and unifies phenomenal objects in an order to which concepts can be applied. "Objectivity is a product of cognition, not of apprehension,"56 for, though we can observe appearances in any sequence, they can be unified and, hence, thought only in certain orders as ruled by the categories of the mind.

In sum, it is the task of the reproductive imagination to bring together the multiple elements of sense intuition in some unity or order capable of being informed by a concept or category of the intellect with a view to making a judgment. On the part of the subject, the imagination here is active, authentically one’s own and creative. Ultimately, however, its work is not free, but is necessitated by the categories or concepts as integral to the work of sciences which are characterized by necessity and universality.

How realistic is talk about freedom? Do we really have the choice of which so much is said? On the one hand, we are structured in a set of circumstances which circumscribe, develop and

direct our actions. This is the actual experience of people which Marx and Hegel articulate when they note the importance of knowledge of the underlying pattern of economic and other laws and make freedom consist in conforming thereto.

On the other hand, we learn also from our experience that we do have a special responsibility in this world to work with the circumstances of nature, to harness and channel these forces toward greater harmony and human goals. A flood which kills thousands is not an occasion for murdering more, but for mobilizing to protect as many as possible, for determining what flood control projects need to be instituted for the future, and even for learning how to so construct them that they can generate electricity for power and irrigation for crops. All of this is properly the work of the human spirit which emerges therein. Similarly, in facing a trying day, I eat a larger breakfast rather than cut out part of my schedule; instead of ignoring the circumstances and laws of my physical being, I coordinate these and direct them for my human purposes.

This much can be said by pragmatism and utilitarianism. But it leaves unclear whether man remains merely an instrument of physical progress and, hence, whether his powers remain a function of matter. This is where Kant takes a decisive step in his second *Critique*.

Freedom: The Foundations of the Metaphysics of Morals and the Critique of Practical Reason

Beyond the set of universal, necessary and ultimately material relations upon which he focuses in his first *Critique*, Kant points out the fact of human responsibility in the realm of practical reason. If one is responsible, then there must be about him a distinctive level of reality irreducible to the laws of physical nature. This is the reality of freedom and spirit; it is what characterizes and distinguishes the person. It is here that the bonds of matter are broken, that transcendence is affirmed, and that creativity is founded. Without this nature would remain a repetitive machine; peoples would prove incapable of sustaining their burgeoning populations, and the dynamic spirit required for modern life would die.

Once one crosses this divide, however, life unfolds a new set of requirements for reality. The definitiveness of human commitments and the unlimitedness required for its free creativity reflect characteristics of being which soar far beyond the limited, fixed and hypothetical relations of the physical order. They reflect rather the characteristics of knowledge and love: infinity, absoluteness and commitment. To understand the personal characteristics experienced in our own life, we need to understand ourselves not as functions of matter, but as loving expressions of unlimited wisdom and creative generosity.

Locke had tried too hard to make everything public by reducing everything to the physical dimensions and concrete circumstances of human life. Instead, in order to understand the proper place of man in the universe, we must read ourselves and our situation from the opposite end, as expressions of conscious life, progressively unfolding and refining.

Many materialist philosophies of a reductionist character, such as positivism and other materialism, would remain at the level of Kant's first Critique. The necessity of the sciences provides control over one's life, while their universality extends this control to others. Once, by means of Kant's categories, the concrete Humean facts have been suffused with the clarity of the rationalist's simple natures, the positivist hopes with Descartes to be able to walk with confidence in the world.

For Kant, however, this simply will not do. Clarity which comes at the price of necessity may be acceptable and even desirable for works of nature, but it is an appalling way to envisage human life. Hence, in his *Foundations of the Metaphysics of Morals,* Kant proceeds to identify that which

is distinctive of the moral order. His analysis pushes forcefully beyond utilitarian goals, inner instincts and rational (scientific) relationships, precisely beyond the necessitated order which can be constructed in terms of his first *Critique*. None of these recognizes that which is distinctive of the human person, namely, freedom. For Kant, in order for an act to be moral, it must be based upon the will of the person as autonomous, not heteronomous or subject to others or to necessary external laws.

This becomes the basic touchstone of his philosophy; every-thing he writes thenceforward will be adapted thereto, and what had been written before will be recontextualized in this new light. The remainder of his *Foundations* and his *Critique of Practical Reason* will be composed in terms of freedom, and in the following two years he would write the *Critique of the Faculty of Judgment* in order to provide a context enabling the previous two critiques to be read in a way that protects human freedom.

In the *Foundations*, he recasts the whole notion of law or moral rule in terms of freedom. If all must be ruled or under law, and yet in order to be free the moral act must be autonomous, then my maxim must be something which as a moral agent I—and no other—give to myself. This, in turn, has surprising implications, for, if the moral order must be universal, then my maxim which I dictate must be fit to be also a universal law for all persons.57 On this basis, freedom emerges in a clearer light. It is not the self-centered whimsy of the circumstantial freedom of self-realization described above; but neither is it a despotic exercise of the power of the will; finally, it is not the clever, self-serving eye of Plato's rogue who can manipulate and cheat others.58 This would degrade that which is the highest reality in all creation. Rather, freedom is a power that is wise and caring, open to all and bent upon the realization of "the glorious ideal of a universal realm of ends-in-themselves." It is, in sum, free men living together in righteous harmony.59

Civil society: Kant, Hegel and Marx

In one sense Kant would appear to agree with Hume by developing as two separate critiques his treatment of pure and practical reason. The first provided an epistemology for scientific reason which does not attain to the nature of things. According to this, one could not define a pattern of natural law nor determine a set of ends in relation to which one could construct a teleological ethics. In contrast, in the second critique he began afresh to develop a distinctive order of practical reason and to define the formal conditions of such reason. It is precisely on this that principles such as never treating a person as a means rather than an end are formulated and founded.

In this way he makes a twofold transformation. One is to translate much of the content of the realm of moral sentiment, which had been the moral warrant for the virtues of civil society in the thought of the Scots, into patterns of universal reason and thereby to provide them with rigor and universality. The second is to move these elements from the realm of the subjective and private to that of the objective and public. This was of central import for Kant, as it was through the civil structures of political interchange that his central notion of human autonomy was established. This was a noble effort, a landmark for the sense of the person, and for a high standard in the exercise of freedom. It enshrined as a condition of freedom the public right to rational debate and critique in the realm of civil society seen now as distinct from the state.

At first sight Kant seems to have translated civil society back into the public realm and strengthened it with rational clarity and rigor. But one does not find here the personal bonds of community which would move one to put into action the universal dicta of practical reason nor does one find its formal preconditions such as assuring equality of participation in public debate

(more recently elaborated by J. Habermas).60 Neither does one find the free determination of, and commitment to, ends. The public order is not a "kingdom of ends", nor is it concerned with inner motives. Rights, and the laws which articulate them, require only that actions which outwardly affect others be done with their consent, actual or supposed.61 In this light the ethical, like religion, remains separated from the public order and is guarded jealously in the privacy of the human heart.

With regard to civil society this provides some cognitive preconditions for community and for participation, but it omits any actual meeting of hearts such as Aristotle considered central and it allows for only a selectively restricted meeting of minds. As to freedom and governance, especially in its basic sense of initiating and directing action, the concern for ends or goals and the motivation and conviction these evoke—all are left in the privacy of the heart. Natural sympathy has no place in the public order and virtue is seen to be a purely private. How could these elements be reintroduced? Efforts to do so are very significant for the issue of civil society today, because their success or failure will indicate the degree of sufficiency of the basic modern projects of knowledge and freedom. Even should these prove unsuccessful that fact may bear clues as to how we can proceed to the future. This is the special interest for us of the attempts of Hegel and Marx to respond to this challenge and thereby to save civil society, even if in Europe both seem in the end to have taken the notion down dangerous paths without exit.

Hegel attempted to reimbue with value civil society understood as the sector between family and state. In the characteristically holistic and dialectical manner of his *Phenomenology of the Spirit*,62 he followed the expansive unfolding of the idea. Just as the unity of the family would be based on love, so the unity of the civil society would be related to the satisfaction of needs and wants and hence based on property, for it is in the exchange of property that the individual attains both self-consciousness and mutual recognition.

For Hegel then this takes civil society beyond the realm of practical theory or of the "ought" and incarnates it as an "external" state and abstract universal. But there it is in grave difficulty, for when personal identity is tied to real property and possessions it comes to reflect not just greed, but the real needs of its members.63 In time this comes to include the extravagances and wants of the people with the physical and ethical degeneration this implies.64 The power of self-interest generates conflicts which remain insoluble in terms of particular persons or smaller grouping; hence the state is necessary, while the corporation mediates between the two. This state, however, is not an impersonal structure, but is the locus of the exercise of freedom and of the values and virtues needed to overcome private self-interests and the conflicts they engender. It is a concrete rather than an abstract universal, and is diversified internally by the multiple classes into which people have chosen to group themselves.

However, civil society, having now become the state, is not only public but is suffused with the power of coercion and provides therefrom no protection or escape. "Individuals can attain their ends only insofar as they determine their knowing and willing and action in a universal way and make themselves links in a chain of social connections."65

For Marx the ideal of a civil society in which all participated fully in all pursuits, including governance, could be a matter only for the future, a soteriological myth.66 For the present the private individual was dominated by his or her property and in turn treated others as means for its advancement. Only the state was concerned with the communal being. But as this took all governance to itself it became increasingly distanced from the people and their concerns. Thus, Marx predicted the end of the socialist state in a transformation to an ideal communist society. Where this has taken place, however, it has not been succeeded by the envisioned ideal communal

state, but by a return to private property and less central control, thereby reestablishing the initial problematic of how to assure the solidarity and subsidiarity of civil society.

Part IV. Opening a New Space for Civil Society

At the present juncture we find ourselves at the end of the Cold War between the individualist and communalist ideologies and in search of ways to proceed. Civil society as understood in modern terms has experienced a check. But this may be more a check of the modern rationalist context itself. For it can be said that the individualist ideologies reflected the British tradition of working in empiricist terms (from Locke, the Scots and Hume to Rawls) on the one hand, while the communalist ideologies reflect the continental traditions (of Hegel and especially Marx), on the other (both lines drawing on the first two critiques of Kant). From different perspectives they took up the perennial quest for ways to realize the dignity of persons as free, self-determining and sharing in governance, not only in one mass society, but with respect to the variegated levels and modes of human comity. Both appear to have pushed the logic of their own positions and can be proud of real achievements. But the destructive and paralyzing isometrics into which they fell could be the judgement of history confirming the philosophical assessment above that neither line provided an adequate route for human progress. This perennial question returns now in the new and more potent circumstances of greater property, people and needs.

What strategy does this invoke for a response? Seligman's assessment upon reviewing the modern field is that civil society is not sufficient for our times67 and Ernest Gellner would seem to agree.68 I believe Seligman to be correct in holding that the modern notions of civil society he investigates are insufficient for the future and have even been checkmated, but his work begins from the Stoics and ignores the rich dimensions of classical thought (Plato and Aristotle are referred to but once and together, p. 79). Others such as Cohen and Arato69 see civil society as a perennial task which must be taken up. But they would restrict its ambit to the realm between, but not including, the economy and the state. But should one simply strike a compromise by cutting off the dimensions of property/production, on the one hand, and of state, on the other, as areas to be guided by hidden hands or abstract laws of reason and their prerequisites. This would be to exclude full humanness in order to be left in exchange with an intermediate realm of varied other forms of human comity. In that case the effort would be to suffuse this intermediate realm with ethical meaning and set it as a bulwark against supposed non-ethical realms of productive property ruled by the hidden hand and the coercive powers of the state. Or more manipulatively, is it desirable, right or feasible to set these two powers against each other as non-ethical counter balances in order to create the private sphere of civil society for a properly human life? This would seem to be neither feasible nor desirable, for to leave both these power centers devoid of ethical direction would be to leave two of the most pervasive dimensions of reality unrelated to human dignity as source or *arché* and as goal. Thus, Hegel and Marx were correct however in stressing the importance of the economic order for human self-understanding and interaction in our times and to struggle to define a role of the state in this. We seem to have come to the end of the possibilities of the present order of things and to be in need of considering life at a deeper, less abstractive and reductive manner. What is needed is a level which is more integrative and potentially fulfilling. What could this be?

All of this, together with the existential and post-modern critiques of rationalism suggests that the task of developing a more adequate notion of civil society must be taken up, but on a new, more open and inclusive basis. To do so will require a richer notion of reason and of freedom

capable of integrating the personal dimensions of moral sensitivity in a broader sense of human life and meaning such as is suggested by the new hermeneutics of culture.

If then there is agreement on the need for civil society in the broad terms cited in the introduction, but disagreement on its feasibility in the terms of modern rationalism, this suggests that we need to continue the effort to redevelop the notion of civil society, but to do so at a new level of freedom. Adler's third level natural freedom of self-determination is: "to be able, by a power inherent in human nature, to change one's own character creatively by deciding for oneself what one shall do or shall become." It is significant that it is to this, rather than the proceeding two levels of freedom that Adler adjoins political liberty and collective freedom.

But there are a number of indications that this new level of freedom will require and reflect a new level of knowing: the result of Adler's search of philosophical literature shows how closely the levels of freedom correspond to those of knowledge; modern times has been defined by technical reason above all; the Enlightenment whether the 16th and 17th centuries have worked in terms of empirical knowledge and in the 18th century in terms of Kant's first two levels of reason; finally it is particularly significant that post-modern attention has shifted to the third critique of aesthetic reason. Following the pattern used to analyze the modern notions of civil society, let us first look at this third level of knowledge or critique, then proceed to the new ambit of freedom, and finally see what this can mean for the development of civil society. The above progression followed that of the earlier British-French Enlightenment in which the limitations of knowledge implied a corresponding limitation on freedom. This meant, in turn, that civil society was a realm of moral sentiment separated from economic and political life. For the later continental Enlightenment, it was constituted of necessary prerequisites of reason, whether the properly ethical was relegated to the private inner life of individuals. Here we shall look once again to Kant for indications of new dimensions of meaning for social life which will draw upon the resources of the culture of a people and find there moral authority for governance. This will be based upon the rich store of their cumulative experience and free commitments and reflect the solidarity and subsidiarity of their society.

The Aesthetic in Kant and Confucius

The Critique of Aesthetic Judgement

In initiating the decade in which he wrote his three critiques Kant did not have the third one in view. He wrote the first critique in order to provide methodologically for the universality and necessity of the categories found in scientific knowledge. He developed the second critique to provide for the reality of human freedom. It was only when both of these had been written that he could see that in order to protect and promote freedom in the material world there was need for a third set of categories, namely, those of aesthetic judgement integrating the realms of matter and spirit in a harmony which can be appreciated in terms not of a science of nature as in the first critique nor of society as worked out from the second, but of human creativity working with the many elements of human life to create human life and meaning which can be lived as an expanding and enriching reality.

This can be seen through a comparison of the work of the imagination which he provides in the first and the third critiques. Kant is facing squarely a most urgent question for modern times, namely: how can the newly uncovered freedom of the second critique survive when confronted

with the necessity and universality of the realm of science as understood in the *Critique of Pure Reason*?

- Will the scientific interpretation of nature restrict freedom to the inner realm of each person's heart, where it is reduced at best to good intentions or to feelings towards others?
- When we attempt to act in this world or to reach out to others, must all our categories be universal and hence insensitive to that which marks others as unique and personal?
- Must they be necessary, and, hence, leave no room for creative freedom, which would be entrapped and then entombed in the human mind? If so, then public life can be only impersonal, necessitated, repetitive and stagnant.
- Or must the human spirit be reduced to the sterile content of empirical facts or to the necessitated modes of scientific laws? If so, then philosophers cannot escape forcing upon wisdom a suicidal choice between either being traffic directors in the jungle of unfettered competition or being tragically complicit in setting a predetermined order for the human spirit.

Freedom then would, indeed, have been killed; it would pulse no more as the heart of mankind.

Before these alternatives, Kant's answer is a resounding No! Taking as his basis the reality of freedom—so passionately and often tragically affirmed in our lifetime by Gandhi and Martin Luther King—Kant proceeded to develop his third *Critique of the Faculty of Judgment* as a context within which freedom and scientific necessity could coexist, indeed, in which necessity would be the support and instrument of freedom. Recently, this has become more manifest as human sensibilities have opened to awareness that being itself is emergent in time through the human spirit and hence to the significance of culture.

To provide for this context, Kant found it necessary to distinguish two issues, reflected in the two parts of his third *Critique*. In the "Critique of Teleological Judgment",70 he acknowledges that nature and all reality must be teleological. This was a basic component of the classical view which enabled all to be integrated within the context of a society of free men working according to a developed order of reason. For Kant, if there is to be room for human freedom in a cosmos in which man can make use of necessary laws, if science is to contribute to the exercise of human freedom, then nature too must be directed toward a transcendent goal and manifested throughout a teleology within which free human purpose can be integrated. In these terms, nature, even in its necessary and universal laws, is no longer alien to freedom, but expresses divine freedom and is conciliable with human freedom. The same might be said of the economic order and its "hidden hand." The structure of his first *Critique* will not allow Kant to affirm this teleological character as an absolute and self-sufficient metaphysical reality, but he recognizes that we must proceed "as if" all reality is teleological precisely because of the undeniable reality of human freedom in an ordered universe.

If, however, teleology, in principle, provides the needed space, there remains a second issue of how freedom is exercised, namely, what mediates it to the necessary and universal laws of science? This is the task of his "Critique of the Aesthetic Judgment",71 and it is here that the imagination reemerges to play its key integrating role in human life. From the point of view of the human person, the task is to explain how one can live in freedom with nature for which the first critique had discovered only laws of universality and necessity and especially with structures of society in a way that is neither necessitated nor necessitating?

There is something similar here to the *Critique of Pure Reason*. In both, the work of the imagination in assembling the phenomena is not simply to register, but to produce an objective

order. As in the first critique, the approach is not from a set of *a priori* principles which are clear all by themselves and used in order to bind the multiple phenomena into a unity. On the contrary, under the rule of unity, the imagination orders and reorders the multiple phenomena until they are ready to be informed by a unifying principle whose appropriateness emerges from the reordering carried out by the productive imagination.

In the first *Critique*, however, the productive work was done in relation to the abstract and universal categories of the intellect and carried out under a law which dictated that phenomena must form a unity. The *Critique of Pure Reason* saw the work of the imagination in assembling the phenomena as not simply registering, but producing the objective order. The approach was not from *a priori* principles which are clear all by themselves and are used to bind the multiple phenomena into a unity. On the contrary, in the first Critique, under the rule of unity, the imagination moves to order and reorder the multiple phenomena until they are ready to be informed by a unifying principle on the part of the intellect, the appropriateness of which emerges from the reordering carried out by the reproductive imagination.

However, this reproductive work took place in relation to the abstract and universal categories of the intellect and was carried out under a law of unity which dictated that such phenomena as a house or a receding boat must form a unity—which they could do only if assembled in a certain order. Hence, although it was a human product, the objective order was universal and necessary and the related sciences were valid both for all things and for all people.72

Here in "The Critique of the Aesthetic Judgment," the imagination has a similar task of constructing the object, but not in a manner necessitated by universal categories or concepts. In contrast, here the imagination, in working toward an integrating unity, is not confined by the necessitating structures of categories and concepts, but ranges freely over the full sweep of reality in all its dimensions to see whether and wherein relatedness and purposiveness or teleology can emerge and the world and our personal and social life can achieve its meaning and value. Hence, in standing before a work of nature or of art, the imagination might focus upon light or form, sound or word, economic or interpersonal relations—or, indeed, upon any combination of these in a natural environment or a society, whether encountered concretely or expressed in symbols.

Throughout all of this, the ordering and reordering by the imagination can bring about numberless unities. Unrestricted by any *a priori* categories, it can nevertheless integrate necessary dialectical patterns within its own free and, therefore, creative production and scientific universals within its unique concrete harmonies. This is properly creative work. More than merely evaluating all according to a set pattern in one’s culture, it chooses the values and orders reality accordingly. This is the very constitution of the culture itself.

It is the productive rather than merely reproductive work of the human person as living in his or her physical world. Here, I use the possessive form advisedly. Without this capacity man would exist in the physical universe as another object, not only subject to its laws but restricted and possessed by them. He/She would be not a free citizen of the material world, but a mere function or servant. In his third Critique Kant unfolds how man can truly be master of his/her life in this world, not in an arbitrary and destructive manner, but precisely as creative artists bring being to new realization in ways which make possible new growth in freedom.

In the third Critique, the productive imagination constructs a true unity by bringing the elements into an authentic harmony. This cannot be identified through reference to a category, because freedom then would be restricted within the laws of necessity of the first Critique, but must be recognizable by something free. In order for the realm of human freedom to be extended to the whole of reality, this harmony must be able to be appreciated, not purely intellectually in

relation to a concept (for then we would be reduced to the universal and necessary as in the first critique), but aesthetically, by the pleasure or displeasure, the attraction or repulsion of the free response it generates. Our contemplation or reflection upon this which shows whether a proper and authentic ordering has or has not been achieved. This is not a concept,73 but the pleasure or displeasure, the elation at the beautiful and sublime or the disgust at the ugly and revolting, which flows from our contemplation or reflection.

The Aesthetic and Social Harmony

One could miss the integrating character of this pleasure or displeasure and its related judgment of taste74 by looking at it ideologically, as simply a repetition of past tastes in order to promote stability. Or one might see it reductively as a merely interior and purely private matter at a level of consciousness available only to an elite class and related only to an esoteric band of reality. That would ignore the structure which Kant laid out at length in his first "Introduction" to his third Critique75which he conceived not as merely juxtaposed to the first two Critiques of pure and practical reason, but as integrating both in a richer whole.

Developing the level of aesthetic sensitivity enables one to take into account ever greater dimensions of reality and creativity and to imagine responses which are more rich in purpose, more adapted to present circumstances and more creative in promise for the future. This is manifest in a good leader such as a Churchill or Roosevelt—and, supereminently, in a Confucius or Christ. Their power to mobilize a people lies especially in their rare ability to assess the overall situation, to express it in a manner which rings true to the great variety of persons in their many groupings in a pattern of the subsidiarity characteristic of a civil society, and thereby to evoke appropriate and varied responses from each according to the circumstances. The danger is that the example of such genius will be reduced to formulae, become an ideology and exclude innovation. In reality, as personable, free and creative, and understood as the work of the aesthetic judgment, their example is inclusive in content and application as well as in the new responses it continually evokes from others.

When aesthetic experiences are passed on as part of a tradition, they gradually constitute a culture. Some thinkers, such as William James and Jürgen Habermas,76 fearing that attending to these free creations of a cultural tradition might distract from the concrete needs of the people, have urged a turn rather to the social sciences for social analysis and critique as a means to identify pragmatic responses. But these point back to the necessary laws of the first *Critique;* in many countries now engaging in reforms, such "scientific" laws of history have come to be seen as having stifled creativity and paralyzed the populace.

Kant’s third Critique points in another direction. Though it integrates scientifically universal and necessary social relations, it does not focus upon them, nor does it focus directly upon the beauty or ugliness of concrete relations, or even directly upon beauty or ugliness as things in themselves. Its focus is rather upon our contemplation of the integrating images of these which we imaginatively create, that is, our culture as manifesting the many facets of beauty and ugliness, actual and potential. Here Marx makes an important contribution in insisting that this not be left as an ideal image, but that it be taken in its concrete realization of a pattern of social relations. As we appreciate more and more the ambit of free activity in the market and other levels of life, this comes to include those many modes of solidarity and their subsidiary relations which constitute civil society. In turn, we evaluate these in terms of the free and integrating response of pleasure or

displeasure, the enjoyment or revulsion they generate most deeply within our whole person and society according to the character of our culture.

Confucius probably would feel very comfortable with this if articulated according to the sense of peace generated by an appreciation or feeling of harmony. In this way, he could see the sensibility of which the Scots spoke as freedom at the height of its sensibility, not merely as an instrument of a moral life, but as serving through the imagination as a lens or means for presenting the richness of reality in varied and intensified ways. Freedom as social sensibility, understood not only morally but aesthetically, is both spectroscope and kaleidoscope of being. As spectroscope it unfolds the full range of the possibilities of social freedom, so that all can be examined, evaluated and admired. As kaleidoscope, it continually works out the endless combinations and patterns of reality so that the beauty of each can be examined, reflected upon and chosen when desired. Freely, purposively and creatively, imagination weaves through reality focusing now upon certain dimensions, now reversing its flow, now making new connections and interrelations. In the process reality manifests not only scientific forms and their potential interrelations, but its power to evoke our free and socially varied responses of love and admiration or of hate and disgust.

In this manner harmony becomes at once the creative source, the manifestation, the evaluation and the arbiter of all that imaginatively we can propose. It is *goal*, namely to realize social life as rational and free, united and peaceful in this world; it is *creative source*, for with the imagination it unfolds the endless possibilities for social expression; it is *manifestation*, because it presents these to our consciousness in ways appropriate to our capabilities for knowledge of limited realities and relates these to the circumstances of our life; it is *criterion*, because its response manifests a possible mode of action to be variously desirable or not in terms of a total social response of pleasure or displeasure, enjoyment or revulsion; and it is *arbiter*, because it provides the basis upon which our freedom chooses to affirm or reject, realize or avoid this way of self-realization. In this way, freedom emerges as the dynamic center of the creation of civil society.

Confucius and Social Harmony

There is much in the above which evokes the deep Confucian sense of the harmony and the role of the gentleman in society in unfolding its implications for daily life. This uncovers new significance in the thought of Confucius for the work of implementing in a mutually fruitful manner science and democracy in our times. Looking to the aesthetic sense of harmony as a context for uniting both ancient capabilities in agriculture with new powers of industrialization and for applying these to the work of building society is a task, not only for an isolated individual, but for an entire people. Over time, a people develops its own specific sensibilities and through the ages forms a tradition and a culture, which is the humane capital for such a project. In this sense, one can look to the Confucian cultural heritage for its aesthetic sense of harmony as a way to carry forward civil society in our day.

The Confucian sense of harmony is not a rationalist law whose unfolding would suggest an attempt to read all in an *a priori* and necessitarian manner. Its sense of life and progress is not that of a scientific view of history after the dialectic of Hegel and Marx. Rather, the Confucian way of understanding humans brings people together in relation to other persons and in the concrete circumstances of everyday life. In this sense, it is not massively programmatic in the sense of a rationalist scientific theory of history. This may be very much to the good, for it protects against efforts to define and delimit all beforehand, after the manner of an ideology.

Further, one must not underestimate the cumulative power which the Confucian sense of harmony and resonance can have when it brings together creatively the many persons with knowledge of their circumstances and in an effort together or socially to provide for life in its many modes. This extends from those farmers who know and love their land intimately and are committed to its rich potentialities (and analogously from all phases of productive economic life), to family members and villagers—teachers, store-keepers and health workers—who love their kin and neighbors, to citizens who are willing to work ardently for the welfare of their people and nation. If the exercise of freedom is a concrete and unique expression of the distinctive reality of its authors, then the task is not how to define these by abstractive and personally stifling universal laws as in some enlightenment theories, but how to enliven all persons to engage actively in solidarity in the multiple dimensions of their lives.

Philosophically, the Confucian attitude is of great importance. For if harmony and resonance enable a more adapted and fruitful mode of the realization of being, then the identity and truth, dynamism and goodness of being are thereby manifest and proclaimed. In this light, the laws of nature emerge, not as desiccated universals best read technically and negatively as prohibitions, but as rich and unfolding modes of being and of actualization best read through an appreciation of the concrete harmony and beauty of their active development in patterns of social subsidiarity. This, rather than the details of etiquette, is the deeper Confucian sense of the gentleman and sage; it can be grasped and exercised only with a corresponding aesthetic, rather than merely pragmatic, sensibility.

Nor is this beyond people's experience. Few can carry out the precise process of conceptualization and definition required for the technical dialectics of Platonic and Aristotelian reasoning. But all share an overall sensibility to situations as pleasing and attractive or as generating unease or even revulsion. Inevitably, in earlier times, the aesthetic Confucian mode lacked the technical precision which is now available regarding surface characteristics of physical phenomena. But, in its sense of harmony, it possessed the deep human and social sensibility and ability to take into account and integrate all aspects of its object. This is essential for the contemporary humanization of our technical capabilities for the physical and social mobilization of a richly textured and harmonious civil society.

From this it appears that it is not reason as working according to the necessary laws of the physical world (as in the first Critique) or as working out the necessary order of the prerequisites and conditions of freedom (as in the second Critique), but the active and creative work of freedom which takes up the constructive work which must be done in the social order and which focuses upon the work of freedom in governance as that constitutes the origin or sources (*arché*) of the pattern of social interaction of which civil society is constituted.

Ernest Gellner stumbles upon this, without recognizing it in his *Conditions of Liberty: Civil society and Its Rivals* when he speaks of the deep commitments of a people which generate strong emotive responses when touched, such as patriotism which unites and mobilizes a country for a revolution as in 1777 and 1949, or outrage at a patently unjust judicial decision, as in the first case of Rodney King (significantly, it could not be the last).

R.T. Allen sensed this as early as 197677 when he pointed out that human nature when lived in society is itself an object of aesthetic appreciation for this must constitute a harmony which proclaims an order or form. In this light he cites from Burke's *Reflections* his critique of the sufficiency of enlightenment and reason to understand or adequately promote civil society:

But now all is to be changed. All the pleasing illusions which made power gentle and obedience liberal, which harmonized the different shades of life, and which, by a bland assimilation, incorporated into politics the sentiments which beautify and soften private society, are to be dissolved by this new conquering empire of light and reason. All the decent drapery of life is to be rudely torn off. All the super-added ideas, furnished from the wardrobe of a moral imagination, which the heart owns, and the under-standing ratifies, as necessary to cover the defects of our naked, shivering nature, and to raise it to dignity in our estimation, are to be exploded as a ridiculous, absurd, and antiquated fashion.78

In the same context Burke developed the conditions of reform:

> Our political system is placed in a just correspondence and symmetry with the order of the world . . . wherein . . . the whole, at one time, is never old, or middle-aged, or young, but, in a condition of unchangeable constancy, moves on through the varied tenor of perpetual decay, fall, renovation and progression. Thus, by preserving the method of nature in the conduct of the state, in what we improve, we are never wholly new; in what we retain, we are never wholly obsolete.79

> Nothing is more beautiful in the theory of parliaments, than that principle of renovation, and union of permanence and change, that are happily mixed in their constitution: That in all our changes we are never either wholly old or wholly new.80

In a sense he mocks Locke by calling it a criminal presumption to treat one's country as a blank sheet on which one may scribble whatever one will. The social life of human kind is much deeper and richer than that.

Cultural Tradition and Human Communities

Here Burke raises some important issues for the development of the notion of civil society in aesthetic terms. If, as Manfred Riedel suggested, the components of civil society are best manifest through an eidetic reduction that leads to meaning, then how do patterns of meaning come together socially; if civil society requires governance then how can these patterns of meaning be endowed with the authority needed in order that governance not be arbitrary and willful; and if times change, how can this pattern of meaning which constitutes a culture adapt to new times and be articulated with an appropriate order of sociability and subsidiarity.

These questions point to the new hermeneutic sensibility opened by the work of Husserl, and developed by Heidegger and especially Gadamer (to cite the key figures over three generations) as a new road to the appreciation of civil society for our time.

This phenomenologically based approach would take account of the free and creative work of inspiring, social cooperation. Working out the aesthetic level it promises to be able to harmonize and direct social cooperation. And as with Kant's third Critique, it would integrate rather than omit the natural basis and political coordination of social life. This directs us therefore to a hermeneutic procedure interpreting the human social creativity of civil society through time.

I have developed this at some length in a set of lectures delivered at Fudan University and published under the title: *Tradition, Harmony and Transcendence,*81 especially lectures I, "Cultural Heritage and Contemporary Creativity," and III "Harmony as a Contemporary

Metaphysics of Freedom: Kant and Confucius". Here, I would recall the following with regard to values and virtues, culture and application.

Value

For the drama of self-determination and the development of persons and of civil society one must look to their relation to the good in search of which we live, survive and thrive. The good is manifest in experience as the object of desire, namely, as that which is sought when absent. Basically, it is what completes life; it is the "perfect", understood in its etymological sense as that which is completed or realized through and through; once achieved, is no longer desired or sought, but enjoyed. This is reflected in the manner in which each thing, even a stone, retains the being or reality it has and resists reduction to non-being or nothing: the most that we can do is to change or transform a thing into something else, but we cannot annihilate it. Similarly, a plant or tree, given the right conditions, grows to full stature and fruition. Finally, an animal protects its life—fiercely, if necessary—and seeks out the food needed for its strength. Food, in turn, as capable of contributing to animal's realization or perfection, is for the animal an auxiliary good or means.

In this manner, things as good, that is, as actually realizing some degree of perfection and able to contribute to the well-being of others, are the bases for an interlocking set of relations. As these relations are based upon both the actual perfection things possess and the potential perfection to which they are thereby directed, the good is perfection both as attracting when it has not yet been attained and as constituting one's fulfillment upon its achievement. Goods, then, are not arbitrary or simply a matter of wishful thinking; they are rather the full development of things and all that contributes thereto. In this ontological or objective sense, all beings are good to the extent that they exist and can contribute to the perfection of others.

The moral good is a more narrow field, for it concerns only one's free and responsible actions. This has the objective reality of the ontological good noted above, for it concerns real actions which stand in distinctive relation to our own perfection and to that of others—and, indeed, to the physical universe and to God as well. Hence, many possible patterns of actions could be objectively right because they promote the good of those involved, while others, precisely as inconsistent with the real good of persons or things, are objectively disordered or misordered. This constitutes the objective basis for values and disvalues.

Nevertheless, because the realm of objective relations is almost numberless, whereas our actions are single, it is necessary not only to choose in general between the good and the bad, but in each case to choose which of the often innumerable possibilities one will render concrete. However broad or limited the options, as responsible and moral, an act is essentially dependent upon its being willed by a subject. Therefore, in order to follow the emergence of the field of concrete moral action, it is not sufficient to examine only the objective aspect, namely, the nature of the persons, actions, and things involved. In addition, one must consider the action in relation to the subject, namely, to the person who, in the context of his/her society and culture, appreciates and values the good of this action, chooses it over its alternatives, and eventually wills its actualization.

The term 'value' here is of special note. It was derived from the economic sphere where it meant the amount of a commodity sufficient to attain a certain worth. This is reflected also in the term 'axiology' whose root means "weighing as much" or "worth as much." It requires an objective content—the good must really "weigh in" and make a real difference; but the term 'value'

expresses this good especially as related to wills which actually acknowledge it as a good and as desirable.82 Thus, different individuals or groups of persons and at different periods have distinct sets of values. A people or community is sensitive to and prizes a distinct set of goods or, more likely, it establishes a distinctive ranking in the degree to which it prizes various goods. By so doing, it delineates among limitless objective goods a certain pattern of values which in a more stable fashion mirrors their corporate free choices.

This constitutes the basic topology of a culture; as repeatedly reaffirmed through time, it builds a tradition or heritage about which we shall speak below. It constitutes, as well, the prime pattern and gradation of goods which persons experience from their earliest years and in terms of which they interpret their developing relations. Young persons peer out at the world through a lens formed, as it were, by their family and culture and configured according to the pattern of choices made by that community throughout its history—often in its most trying circumstances. Like a pair of glasses it does not create the object; but it focuses attention upon certain goods involved rather than upon others. This becomes the basic orienting factor for the affective and emotional life described by the Scots as the heart of civil society. In time, it encourages and reinforces certain patterns of action which, in turn, reinforce the pattern of values.

Through this process, a group generates its moral concern in terms of which it struggles to advance or at least perdure, mourns its failures, and celebrates its successes. This is our world of hopes and fears, in terms of which, as Plato wrote in the *Laches*, our lives have moral meaning.83 It is varied according to the many concerns and the groups which coalesce around them. As these are interlocking and interdependent a pattern of social ends and concerns develops which guides action. In turn corresponding capacities for action or virtue are developed.

Virtues

Martin Heidegger describes a process by which the self emerges as a person in the field of moral action. It consists in transcending oneself or breaking beyond mere self-concern and projecting outward as a being whose very nature is to share with others for whom one cares and about whom one is concerned. In this process, one identifies new purposes or goals for the sake of which action is to be undertaken. In relation to these goals, certain combinations of possibilities, with their natures and norms, take on particular importance and begin thereby to enter into the makeup of one's world of meaning.84 Freedom then becomes more than mere spontaneity, more than choice, and more even than self-determination in the sense of causing oneself to act as described above. It shapes—the phenomenologist would say even that it constitutes—one's world as the ambit of human decisions and dynamic action. This is the making of the complex social ordering of social groups which constitute civil society.

This process of deliberate choice and decision transcends the somatic and psychic dynamisms. Whereas the somatic dimension is extensively reactive, the psychic dynamisms of affection or appetite are fundamentally oriented to the good and positively attracted by a set of values which evoke an active response from the emotions in the context of responsible freedom. But it is in the dimension of responsibility that one encounters the properly moral and social dimension of life. For, in order to live with others, one must be able to know, to choose and finally to realize what is truly conducive to one's good and to that of others. Thus, persons and groups must be able to judge the true value of what is to be chosen, that is, its objective worth both in itself and in relation to others. This is moral truth: the judgment regarding whether the act makes the person

and society good in the sense of bringing authentic individual and social fulfillment, or the contrary.

In this, deliberation and voluntary choice are required in order to exercise proper self-awareness and self-governance. By determining to follow this judgment I am able to overcome determination by stimuli and even by culturally ingrained values and to turn these, instead, into openings for free action in concert with others to shape my community, as well as my physical surroundings. This can be for good or for ill, depending on the character of my actions. By definition, only morally good actions contribute to personal and social fulfillment, that is, to the development and perfection of persons with others in community. When this is exercised or lived, patterns of action develop which are habitual in the sense of being repeated. These are the modes of activity with which we are familiar; in their exercise, along with the coordinate natural dynamisms they require, we are practiced and, with practice, come facility and spontaneity. Such patterns constitute the basic, continuing and pervasive shaping influence of our life. For this reason, they have been considered classically to be the basic indicators of what our life as a whole will add up to, or, as is often said, "amount to". Since Socrates, the technical term used for these especially developed capabilities is `virtues'.

Cultural Tradition and Community

Together these values and virtues of a people set the pattern of social life through which freedom is developed and exercised. This is called a "culture". The term is derived from the Latin word for tilling or cultivating the land. Cicero and other Latin authors used it for the cultivation of the soul or mind (*cultura animi*), for just as even good land, when left without cultivation, will produce only disordered vegetation of little value, so the human spirit will not achieve its proper results unless trained.85 This sense of culture corresponds most closely to the Greek term for education (*paideia*) as the development of character, taste and judgment, and to the German term "formation" (*Bildung*).86

Here, the focus is upon the creative capacity of the spirit of a people and their ability to work as artist, not only in the restricted sense of producing purely aesthetic objects, but in the more involved sense of shaping all dimensions of life, material and spiritual, economic and political. The result is a whole life, characterized by unity and truth, goodness and beauty, and, thereby, sharing deeply in meaning and value. The capacity to do so cannot be taught, although it may be enhanced by education; more recent phenomenological and hermeneutic inquiries suggest that, at its base, culture is a renewal, a reliving of origins in an attitude of profound appreciation.87 This leads us beyond self and other, beyond identity and diversity, in order to comprehend both.

On the other hand, "culture" can be traced to the terms *civis* (citizen, civil society and civilization.)88 These reflect the need for a person to belong to a social group or community in order for the human spirit to produce its proper results. By bringing to the person the resources of the tradition, the *tradita* or past wisdom produced by the human spirit, the community facilitates comprehension. By enriching the mind with examples of values which have been identified in the past, it teaches and inspires one to produce something analogous. For G.F. Klemm, this more objective sense of culture is composite in character.89 Tylor defined this classically for the social sciences as "that complex whole which includes knowledge, belief, art, morals, law, customs and any other capabilities and habits required by man as a member of society."90

In contrast, Geertz came to focus on the meaning of all this for a people and on how a people's intentional action went about shaping its world. Thus he contrasts the analysis of culture to an

experimental science in search of law, seeing it rather as an interpretative science in search of meaning.91 What is sought is the import of artifacts and actions, that is, whether "it is ridicule or challenge, irony or anger, snobbery or pride, that, in their occurrence and through their agency, is getting said."92For this there is need to be aware "of the imaginative universe within which their acts are signs."93 In this light, Geertz defines culture rather as "an historically transmitted pattern of meanings embodied in symbols, a system of intended conceptions expressed in symbolic forms by means of which men communicate, perpetuate and develop their knowledge about and attitudes toward life."94

The development of values and virtues and their integration as a culture of any depth or richness takes time and, hence, depends upon the experience and creativity of many generations. The culture which is handed on, or *tradita,* comes to be called a cultural tradition; as such it reflects the cumulative achievement of a people in discovering, mirroring and transmitting the deepest meanings of life. This is tradition in its synchronic sense as a body of wisdom.

This sense of tradition is very vivid in pre-modern and village communities. It would appear to be much less so in modern urban centers, undoubtedly in part due to the difficulty in forming active community life in large urban centers. However, the cumulative process of transmitting, adjusting and applying the values of a culture through time is not only heritage or what is received, but new creation as we pass this on in new ways. Attending to tradition, taken in this active sense, allows us not only to uncover the permanent and universal truths which Socrates sought, but to perceive the importance of values we receive from the tradition and to mobilize our own life project actively toward the future.

The recognition of the value of tradition would appear to constitute a special problem for all heirs of the Enlightenment and it may be helpful to reflect briefly on why this is so. The Enlightenment rationalism idealizes clarity and distinctness of ideas both in themselves and in their interconnection; as such, it divorces them—often intentionally—from their existential and temporal significance. Such an ideal of human knowledge, it is proposed, could be achieved either, as with Descartes, through an intellect working by itself from an intellectually perceived Archimedean principle or, as with Locke and Carnap, through the senses drawing their ideas exclusively from experience and combining them in myriad tautological transforma-tions.95 In either case, the result is a-temporal and consequently non-historical knowledge.

Two attempts to break out of this have proven ultimately unsuccessful. The one, in order to recognize historical sequence while retaining the ideal of clarity and distinctness, attempted to attain detailed knowledge of each period, relativizing everything to its point in time and placing historicity ultimately at the service of the rationalist ideal. The other, the Romantics, ultimately adhered to the same revolutionary Enlightenment ideal even in appearing to oppose it, for, in turning to the past and to myths, they too sought clear and distinct knowledge of a static human nature. Tradition thus became traditionalism, for all was included in the original state of nature and our only way of obtaining a firm grounding for human life was simply to return thereto.

In the rationalist view, any meaning not clearly and distinctly perceived was an idol to be smashed (Bacon), an idea to be bracketed by doubt (Descartes), or something to be wiped clean from the slate of the mind as irrational and coercive (Locke and Hume). Any judgement—even if provisional—made before all had been examined and its clarity and distinctness established would be a dangerous imposition by the will.

This raises a number of problems for civil society which we have seen in some detail in the analyses of Enlightenment theories of this notion above. First, absolute knowledge of oneself or of others, simply and without condition, is not possible, for the knower is always conditioned

according to his or her position in time and space and in relation to others. But neither would such knowledge be of ultimate interest, for human knowledge, like human beings, develops in time and with others.96 This does not exclude projects of scientific knowledge, but it does identify these precisely as limited and specialized views: they make important but specific, rather than all-controlling, contributions.

Secondly, according to Descartes,97 reason is had by all and completely; authority, therefore, could be only an entitlement of some to decide issues by an application of their will rather than according to an authentic understanding of the truth or justice of an issue. This would be the over-hastiness of Descartes' fourth *Meditation*. Further, the limited number of people in authority means that the vision of which they dispose would be limited by restricted or even individual interests. Finally, as one decision constitutes a precedent for those to follow, authority must become fundamentally bankrupt and hence corruptive.98 As a result there has been a tendency to exclude public authority from the realm of civil society and its shared moral sense of the community. But then the moral quality of government is compromised.

If, on the contrary, the cumulative experience of mankind in living together in peace is to make a contribution to the development of modern life, then it will be necessary to return human knowledge to the ongoing lived process of humane discovery and choice, within a broad project of human interaction and an active process of reception by one generation of the learning of its predecessors. The emerging consciousness of the importance of this effort has led to broadening the task of hermeneutics from the study of ancient, often biblical, texts to a more inclusive attention to the integral meaning of cultures. There it has found, not a mere animal search for survival, but a sense of human dignity which, by transcending survival needs enables human creativity and encourages a search for ever higher levels of human life.

The reference to the god, Hermes, in the term "hermeneutics" suggests something of this depth of the meaning which is sought throughout human life and its implication for the world of values. For the message borne by Hermes is not merely an abstract mathematical formula or a methodological prescription devoid of human meaning and value; rather, it is the limitless wisdom regarding the source and, hence, the reality, and regarding the priorities and, hence, the value of all. Rather than evaluating all in terms of reductivist clarity and considering things in a horizontal perspective that is only temporal or totally changing,—with an implied relativization of all—hermeneutics or interpretation opens also to a vertical vision of what is most real in itself and most lasting through time, that is, to the perennial in the realm of being and values; this it does with a view to mobilizing life accordingly.

Cultural Tradition and Governance in Civil Society

If, however, one can look to tradition in order to find general inspiration for life, will this be sufficient for civil society which must have not only a certain tenor or quality of life, but governance as well? In the past the solution has been to centralize authority which then became autocratic and voluntaristic, and under the cover of efficiency and equality ruled by general decrees. This subverted the rich differentiation of solidarity and subsidiarity essential to civil society. Is it possible for tradition to bear sufficient authority to provide coordinated governance?

In *Truth and Method*, Hans Georg Gadamer undertook, on the basis of the work of Martin Heidegger, to reconstruct the notion of a cultural heritage or tradition as: (a) based in community, (b) consisting of knowledge developed from experience lived through time, and (c) possessed of authority. In order to analyze the genesis of a cultural tradition we shall look at each of these in

turn. Further, because tradition sometimes is interpreted as a threat to the personal and social freedom essential to a democracy, attention will be given here to the way a cultural heritage is generated by the free and responsible life of the members of a concerned community and enables succeeding generations to realize their life with freedom and creativity.

The Genesis of Community and Tradition

Autogenesis is no more characteristic of the birth of knowledge than it is of persons. One's consciousness emerges, not with self, but with its relation to others. In the womb, the first awareness is that of the heart beat of one's mother. Upon birth, one enters a family in whose familiar relations one is at peace and able to grow. Just as a person is born into a family on which he or she depends absolutely for life, sustenance, protection and promotion, so one's understanding develops in community. It is from one's family and in one's earliest weeks and months that one does or does not develop the basic attitudes of trust and confidence which undergird or undermine one's capacities for subsequent social relations. There one learns care and concern for others independently of what they do for us and acquires the language and symbol system in terms of which to conceptualize, communicate and understand.99

Similarly, through the various steps of one's development, as one's circle of community expands through neighborhood, school, work and recreation, one comes to learn and to share personally and passionately an interpretation of reality and a pattern of value responses. The phenomenologist sees this life in the varied civil society as the new source for wisdom. Hence, rather than turning away from daily life in order to contemplate abstract and disembodied ideas, the place to discover meaning is in life as lived in the family and in the progressively wider social circles into which one enters. As persons we emerge from birth in a family and neighbor-hood from which we learn and in harmony with which we thrive.

If it were merely a matter of community, however, all might be limited to the present, with no place for tradition as that which is "passed on" from one generation to the next. In fact, the process of trial and error, of continual correction and addition in relation to a people's evolving sense of human dignity and purpose, constitutes a type of learning and testing laboratory for successive generations. In this laboratory of history, the strengths of various insights and behavior patterns can be identified and reinforced, while deficiencies are progressively corrected or eliminated. Horizontally, we learn from experience what promotes and what destroys life and accordingly make pragmatic adjustments.

But even this language remains too abstract, too limited to method or technique, too unidimensional. While tradition can be described in general and at a distance in terms of feedback mechanisms and might seem merely to concern how to cope in daily life, what is being spoken about are free acts that are expressive of passionate human commitment and personal sacrifice in responding to concrete danger, building and rebuilding family alliances and constructing and defending one's nation. Moreover, this wisdom is not a matter of mere tactical adjustments to temporary concerns; it concerns rather the meaning we are able to envision for life and which we desire to achieve through all such adjustments over a period of generations, i.e., what is truly worth striving for and the pattern of social interaction in which this can be lived richly. The result of this extended process of learning and commitment constitutes our awareness of the bases for the decisions of which history is constituted.

This points us beyond the horizontal plane of the various ages of history and directs our attention vertically to its ground and, hence, to the bases of the values which mankind in its varied circumstances seeks to realize.100

Tradition, then, is not as in history simply everything that ever happened, whether good or bad. It is rather what appears significant for human life: it is what has been seen through time and human experience to be deeply true and necessary for human life. It contains the values to which our forebears first freely gave their passionate commitment in specific historical circumstances and then constantly reviewed, rectified and passed on that content, generation after generation progressively over time. The content of a tradition, expressed in works of literature and all the many facets of a culture, progressively emerges as something upon which character and community can be built. It constitutes a rich source from which multiple themes can be drawn, provided it be accepted and embraced, affirmed and cultivated.

Hence, it is not because of personal inertia on our part or arbitrary will on the part of our forbears that our culture provides a model and exemplar. On the contrary, the importance of tradition derives from both the cooperative character of the learning by which wisdom is drawn from experience and the cumulative free acts of commitment and sacrifice which have defined, defended and passed on through time the corporate life of the community.101

Moral Authority and Governance in Civil society

Perhaps the greatest point of tension between a sense of one's heritage and the Enlightenment spirit relates to authority. Is it possible to recognize authority on the part of a tradition which perdures, while still asserting human freedom through time? Could it be that a cultural tradition, rather than being the negation of freedom and, hence, antithetic to democracy, is its cumulative expression, the reflection of our corporate access to the bases of all meaning, and even the positive condition for the discovery and realization of needed new developments?

One of the most important characteristics of the human person and societies is their capability for development and growth. One is born with open and unlimited powers for knowledge and for love. Life consists in developing, deploying and exercising these capabilities. Given the communitary character of human growth and learning, dependence upon others is not unnatural—quite the contrary. Within, as well as beyond, our social group we depend upon other persons according as they possess abilities which we, as individuals and communities, need for our growth, self-realization and fulfillment.

This dependence is not primarily one of obedience to the will of others, but is based upon their comparative excellence in some dimension, whether this be the doctor's professional skill in healing or the wise person's insight and judgment in matters where profound understanding is required. The preeminence of wise persons in the community is not something they usurp or with which they are arbitrarily endowed; it is based rather upon their abilities as these are reasonably and freely acknowledged by others.

Further, this is not a matter of uniform universal law imposed from above and uniformly repeated in univocal terms. Rather it is a matter of corporate learning developed by the components of a civil society each with its own special concerns and each related to the other in a pattern of subsidiarity.

All of these—the role of the community in learning, the contribution of extended historical experience regarding the horizontal and vertical axes of life and meaning, and the grounding of

dependence in competency—combine to endow tradition with authority for subsequent ages which is varied according to the components and their interrelation.

There are reasons to believe, moreover, that tradition is not a passive storehouse of materials simply waiting upon the inquirer, but that its content of authentic wisdom plays a normative role for life in subsequent ages. On the one hand, without such a normative referent, prudence would be as relativistic and ineffective as muscular action without a skeletal substructure. Life would be merely a matter of compromise and accommodation on any terms, with no sense of the value either of what was being compromised or of that for which it was compromised. On the other hand, were the normative factor to reside simply in a transcendental or abstract vision, the result would be devoid of existential content.

The fact that humans, no matter how different in culture, do not remain indifferent before the flow of events, but dispute—even bitterly—the direction of change appropriate for their community reflects that every humanism is committed actively to the realization of some common—if general—sense of perfection. Without this, even conflict would be impossible for there would be no intersection of the divergent positions and, hence, no debate or conflict.

Through history, communities discover vision which both transcends time and directs our life in all times, past, present and future. The content of that vision is a set of values which, by their fullness and harmony of measure, point the way to mature and perfect human formation and, thereby, orient the life of a person.102 Such a vision is historical because it arises in the life of a people in time. It is also normative, because it provides a basis upon which past historical ages, present options and future possibilities are judged and presents an appropriate way of preserving that life through time. What begins to emerge is Heidegger's insight regarding Being and its characteristics of unity, truth and justice, goodness and love, not simply as empty ideals, but as the ground of things, hidden or veiled, as it were, and erupting into time through the conscious personal and social life of free human beings in history. Seen in this light, the process of human search, discussion and decision—today called democracy—becomes more than a method for managing human affairs; more substantively, it is the mode of the emergence of being in time.

One's cultural heritage or tradition constitutes a specification of the general sense of being or perfection, but not as if this were chronologically distant in the past and, therefore, in need of being drawn forward by some artificial contrivance. Rather, being and its values live and act in the lives of all whom they inspire and judge. In its synchronic form, through time, tradition is the timeless dimension of history. Rather than reconstructing it, we belong to it—just as it belongs to us. Traditions then are, in effect, the ultimate communities of human striving, for human life and understanding are implemented, not by isolated individual acts of subjectivity—which Gadamer describes as flickerings in the closed circuits or personal consciousness103—but by our situatedness in a tradition. By fusing both past and present, tradition enables the component groupings of civil society to determine the specific direction of their lives and to mobilize the consensus and mutual commitments of which true and progressive community is built.104

Conversely, it is this sense of the good or of value which emerges through the concrete, lived experience of a people through-out its history and constitutes its cultural heritage, which enables society in turn to assess and avoid what is socially destructive. In the absence of tradition, present events would be simply facts to be succeeded by counter-facts. The succeeding waves of such disjointed happenings would constitute a history written in terms of violence. This, in turn, could be restrained only by some utopian abstraction built upon the reductivist limitations of modern rationalism. Eliminating all expressions of democratic freedoms, this is the archetypal modern nightmare, 1984.

All of that stands in stark contrast to one's heritage or tradition as the rich cumulative expression of meaning evolved by a people through the ages to a point of normative and classical perfection. Exemplified architecturally in a Parthenon or a Taj Mahal, it is embodied personally in a Confucius or Ghandi, a Bolivar or Lincoln, a Martin Luther King or a Mother Theresa. Variously termed "charismatic personalities" (Shils105), "paradigmatic individuals" (Cua106) or characters who meld role and personality in providing a cultural or moral ideal (MacIntyre107), they supersede mere historical facts. As concrete universals, they express in the varied patterns of civil society that harmony and fullness of perfection which is at once classical and historical, ideal and personal, uplifting and dynamizing in a word, liberating.

The Confucian Tradition and Civil Renewal

The Confucian and Marxian Heritage and Civil society

Anton T. Cua108 traces to Vico109 attention to the unreflective cognitive consensus on common needs and to Shaftesbury110the affective sense of common partnership with others that all this entails. The result is the constitution of a community of memory whose members revere and commemorate the same saints and personages who have sacrificed to build or exemplify the community's self image. This results in a community of vision or self-understanding, as well as of hope and expectation. A cultural tradition, in this sense, is the context of the conscious life and striving of a person and the communities of which one is a member; it is life in its fullest meaning, as past and future, ground and aspiration.

In this light, Cua notes that, in the *Great Learning,* Chu Hsi stresses the importance of investigating the principles at great length, until one achieves "a wide and far-reaching penetration (*kuan-t'ung)*." Read as *Kuan-chuan,* this suggests an aesthetic grasp of the unique interconnection of the various components of the *tao* as the unique unifying perspective of the culture. This is not only a contemplative understanding, however; it implies active engagement in the conduct of life. If this be varied by subgroups structured in a pattern of subsidiarity, then the accumulation of corporate life experience, lived according to *li* or ritual propriety and according to *i* or sense of rightness, emerges from the life of a people as a whole. "For the adherents of the Confucian tradition, the tradition is an object of affection and reverence, largely because the tradition is perceived as an embodiment of wisdom (*chih*), which for Chu Hsi is a repository of insights available for personal and interpersonal appropriation, for coping with present problems and changing circumstances."111

The truly important battle at the present time is, then, not between, on the one hand, a chaotic liberalism in which the abstract laws of the marketplace dictate and tear at the lives of persons, peoples and nations or, on the other hand, a depersonalizing sense of community in which the dignity of the person is suppressed for an equally abstract utopia. A victory of either would spell disaster. The central battle is, rather, to enable peoples to draw on their heritage, constituted of personal and social assessments and free decisions, and elaborated through the ages by the varied communities as they work out their response to their concrete circumstances. That these circumstances are often shifting and difficult in the extreme is important, but it is of definite importance that this people's response be truly theirs in all their variety and of their society with all its interrelated sub-units. That is, that it be part of their history, of the way they have chosen to order and pattern their social life and in these terms to shape their free response to the good. This

is the character of authority in a civil society. It reflects and indeed is the freedom being exercised by a people in all the varied groupings in which they have chosen to live and to act.

Tradition and Renewal in Civil society

As an active process tradition transforms what is received, lives it in a creative manner and passes it on as a leaven for the future. Let us turn then from the cumulative meaning and value in tradition, its synchronic aspect, to its diachronic or particular meaning for each new time, receiving from the past, ordering the present and constructing the future. This is a matter, first of all, of taking time seriously, that is, of recognizing that reality includes authentic novelty. This contrasts to the perspective of Plato for whom the real is the ideal and unchangeable forms or ideas transcending matter and time, and of which physical things and temporal events are but shadows. It also goes beyond rationalism's search for clear and distinct knowledge of eternal and simple natures and their relations in terms of which all might be controlled, and beyond romanticism's attention to a primordial unchanging nature hidden in the dimly sensed past. *A fortiori*, it goes beyond method alone without content.

In contrast to all these, the notion of application112 is based upon an awareness that "reality is temporal and unfolding". This means that tradition, with its inherent authority or normative force, achieves its perfection in the temporal unfolding of reality. Secondly, it shows human persons and social groups, not as detached intellects, but as incarnate. Hence, they are enabled by and formative of, their changing social universe. Thirdly, in the area of socio-political values and action, it expresses directly the striving of persons and groups to realize their lives and the development of this striving into attitudes (*hexis*) and institutions. Hence, as distinct from the physical order, human action is a situation neither of law nor of lawlessness, but of human and, therefore, developing institutions and attitudes which do not determine and, hence, destroy human freedom, but regulate and promote its exercise.113 This is the heart of civil society for it shows how community and governance can come together.

Certain broad guidelines for the area of ethics and politics serve in the application of tradition as a guide for historical practice and vice-versa. The concrete exercise of human freedom as unique personal decisions made with others in the process of their social life through time constitutes a distinctive and ongoing process. Historicity means that responses to the good are made always in concrete and ever changing circumstances. Hence, the general principles of ethics and politics as a philosophic science of action cannot be purely theoretical knowledge or a simple accounting from the past. Instead, they must help people consciously exercise their freedom in concrete historical circumstances and groups which change and are renewed.

Here, an important distinction must be made from *techné* where action is governed by an idea as an exemplary cause that is fully determined and known by objective theoretical knowledge (*epistéme*). As in the case of an architect's blueprints, skill, such as that of the engineer, consists in knowing how to act according to that idea or plan; and, when it cannot be carried out perfectly, some parts of it are simply omitted in the execution. In contrast, civil society and its ethics and politics, though similar in the possession of a practical guide and its application to a particular task, differ in important ways. First, in moral action subjects and especially societies which are constituted by shared action toward a common end constitute them-selves, as much as they produce an object: agents are differentiated by their action, societies are formed or destroyed by their inner interaction. Hence, moral knowledge, as an understanding of the appropriateness of human action, cannot be fully determined independently of the societies in their situation and in action.

Secondly, adaptation by societies and social groups in their application of the law does not diminish, but rather corrects and perfects the law. In relation to a world which is less ordered, the laws, rules and regulations of groups are imperfect for they cannot contain in any explicit manner the adequate response to the concrete possibilities which arise in history. It is precisely here that the creative freedom of a people is located. It does not consist in arbitrariness, for Kant is right in saying that without law freedom has no meaning; nor does it consist in an automatic response determined by the historical situation, for then determinism and relativism would compete for the crown in undermining human freedom. Freedom consists, rather, in shaping the present according to the sense of what is just and good which we have from our cultural tradition, and in a way which manifests and indeed creates for the first time more of what justice and goodness mean.

The law then is not diminished by distinctive and discrete application to the varied parts of a complex civil society, but corrected and enriched. *Epoché* and equity do not diminish, but perfect the law; without them the law would be simply a mechanical replication doing the work not of justice, but of injustice. Ethics or politics is then not only knowledge of what is right in general but the search for what is right for this group or sub-group with its goal and in its situation. Adaptation of the means to the social group, whether occupational, religious or ethnic, is not then a matter of mere expediency; it is the essence of the search for a more perfect application of the law in the given situation. This is the fulfillment of moral knowledge.114 This takes us beyond the rigid rationalism of the civil society of the later Enlightenment and the too fluid moral sentiment of the earlier Enlightenment. It enables us to respond to the emerging sense of the identity of peoples and protect and promote this in a civil society marked by solidarity and subsidiarity.

In this as a social work the guiding principle is to maintain a Confucian harmony through time. The notion of application allows this tradition to provide guidance in facing new issues and developing new responses to changing times. With rising numbers and expectations economic development becomes an urgent need. But its very success could turn into a defeat if this were not oriented and applied with a pervasive but subtle and adaptive human governance sensitive to all forms of human comity and orienting all suavely to the social good in which the goal of civil society consists.

This will require new advances in science and economics, in education and psychology, in the humanities and social services, that is, across the full range of social civic life. All these dimensions, and many more, must spring to new life, but in a basic convergence and harmony. The values and virtues emerging from tradition applied according to freedom exercised in solidarity and subsidiarity can provide needed guidance along new and ever evolving paths. In this way the life of civil society can constitute a new birth of freedom.

Appendix: Some Recent Writing on Civil Society

In these circumstances there is a call for the redevelopment of civil society as a way to realize more perfectly the passionately held values of the cultural traditions, human rights and democratic processes. What is sought is a new stage overcoming and superseding the conflictual contraposition of these two so that their complementarity can emerge and the deep classical and contemporary concerns they reflect can be protected and promoted.

First there are works written from a notably individualist perspective such as Ernest Gellner's *Conditions of Liberty: Civil Society and Its Rivals* and Adam B. Seligman, *The Idea of Civil Society*. The former begins by writing off civil society out-of-hand as something "we" would not approve of, seemingly because it questions individualism and implies a stronger relation

between peoples after the pattern of segmented societies, but would appear to remain entrapped in an individualism as an ideology.

Seligman, after reviewing the modern history of the notion, concludes that civil society is not up to facing the challenges of our times. But he supposes that one remains encased within the confines of the Enlightenment as defined by the abstractive and reductivist steps of Descartes, Bacon and Locke (precisely as these were criticized by J.B. Vico). But then the critique of civil society becomes less a question of civil society itself than of the stricture of the Enlightenment context and points back to Vico's protocritique and to the need to recapture the roots of social life in the various cultural traditions.

An alternate approach by J. Cohen and Arato in their *Civil society and Political Theory* is based on the critical theory of Jürgen Habermas with neo-Marxist roots, which they attempt to enrich by elements of liberal theory from John Rawls. Their work is indicative of what can be done through a serious attempt to harvest and combine the best contributions of the two parties in the Cold War. The limitations of the work seem derived from their failure to question its Enlightenment presuppositions (or in Gadamer's sense, "prejudices") which generated the ideologies of individualism or communalism.

Hence, there is special interest in work which opens new paths by drawing upon the integral experience of human life as this has been reevaluated, applied and reaffirmed by successive generations, constituting thereby the cultural traditions of the various peoples. For this approach the work on hermeneutics by H.-G. Gadamer can be especially suggestive. He shows a way in which the cultural values of a people can be developed from their own experience and yet bear moral authority for them. He indicates the way in which over time the realities of person, solidarity and subsidiarity can emerge in concrete forms and in the social consciousness of a people. This can constitute a truly new epiphany of being through the evolution of a rich civil society in all its plurality and forms of participation.

The implications of this for civil society could be approached either from the individualist perspective of modern liberalism or from the more social orientation of the classical cultures.

Some particularly significant work of the first type has been initiated by Thomas Bridges in his *The Culture of Citizenship: Inventing Postmodern Civil Culture*.115 In chapter II he threads the needle of a way to proceed beyond liberal individualism while developing its achievements by noting the evolution in the thought of John Rawls from his *Theory of Justice* to his more recent *Political Liberalism (1993)*. Where the former, in true Enlightenment fashion, looked for the formal pattern of basic Hobbesian compromises of liberty to which all enlightened persons would be supposed to agree as the price of a just society, the latter work recognizes these to be not foreordained and necessary formal rules, but a political consensus achieved gradually and socially and subject to further development or even substitution by alternate patterns of exercising human freedom. This could be read as an abandonment of efforts to provide strong and permanent foundation for the dignity of the human person in favor of a more pragmatic or utilitarian view, but Bridges argues that it need not be so.

If the meaning of "political" in Rawls' more recent theory could be deepened to include not only the changing flow of arbitrary preferences, but the exercise of creative freedom with its existential content and import, then it could be part of the effort to move beyond the rationalist formalism of Rawls' *Theory of Justice* in order to take more serious account of the distinctively human exercise of freedom in society. That this is Rawls' conscious intent is far from clear, but the work of Bridges would seem to open the way to this interpretation and especially to the philosophical effort required in order to work it out in detail and to provide the social character to

the sense of person which appears lacking in Rawls. Perhaps the main interest here is that it provides a pathway by which the more individualist liberal side of the Cold War can transcend the limits which had previously stood in the way of a growth of civil society.

The way in which the more social orientation of the classical cultures can provide the needed resources for a renewal of civil society and hence how the cultural resources of the Andean peoples can be of decisive importance for their future and that of others is expertly analyzed in a recent article of Miguel Manzanera "Critica filosofica del neo-liberalismo" in *Yachay* (n. 18, 1994), 13-67. He draws upon the long line of investigations opened by the team of Professor Koch some half century ago and elaborated progressively by Juan Carlos Scannone and others over the years in the pages of *Stromata* and many other publications. Finding the essentially social and dynamic character of the sense of reality of the Andean peoples as expressed in the phrase "nosotros estamos", Professor Manzanera's critique of liberalism underlines the social resources of the Andean vision in contrast to the individualism of the liberal tradition.

At the beginning of this paper we recalled Vico's protocritique of the Enlightenment, not for its development of technical reason, but for what it consciously excluded or marginalized, namely, the cultural and historical dimensions of the lives of persons and peoples. It is not surprising then to see the convergence of subsequent problems along these very lines. The civil society of the Scots strung of sentiment was too weak a safety net to protect against the harsh invisible hand of the market place; the focus by the Kantian strain of liberalism upon universal and necessary prerequisites of moral reason without motivation or goal led inevitably in Hegel and Marx to the state as the only power capable of directing economic forces and passions and to the subordination or suppression of all other social forms. What was lacking was precisely: (a) the development of that pattern of values and virtues which constitutes a people's sense of the good life of the community (the common good), (b) the evolution of passionate commitment thereto, and (c) the personal comity or solidarity and the social structures of subsidiarity which enable a true mobilization of cooperative efforts to that end. All these are the contribution of culture in all its textured variety.

Finally, Juan Carlos Scannone has described two other characteristics of the extensive work being done in Latin America which reflect the challenge and opportunities for Latin America and which promise to be important to the efforts to redevelop civil society in other parts of the world.

On the one hand, he reports on the extensive interdisciplinary studies which have been carried on with regard to the relation of society and state. Where in Eastern Europe these have focused upon governments of the left, in Latin American recent experience has been with governments of the right. Each study requires the other; together they give much greater promise of authentic discovery regarding the proper role of civil society in interchange with the state.

On the other hand, the search for civil society is essentially an effort to enliven the proper competencies the people, to return to them their proper responsibilities and to engage their participation in the governance of the many sectors of social life: health, education, environment, etc. All of this can benefit richly from the experience of forming informal community organization by the poor in response to their concrete needs when marginalized by formal economic and political structures. Hernando de Soto's, *The Other Path: The In-visible Revolution in the Third World*, describes such organization in housing trade and transportation.

Professor John Kromkowski, as coordinator of the National Center for Urban Ethnic Affairs, has guided a major effort at reconstructing civil society in North America. His early studies were on José Carlos Mariátegui whose *Seven Interpretative Essays on Peruvian Reality* put the economic issue first and followed with the issues of ethnicity, land, education, religion,

regionalism and literature. Professor Kromkowski suggests a reordering which would not determine all by the economic or the political, and which would not suppose that human consciousness could be understood ideologically ahead of time. Rather, civil society can allow for a multifaceted engagement in the full range of issues each recognized in its distinctive, though not isolated, reality. This process of facing the many challenges of life constitutes a more organic and realistic exercise of human freedom. Gradually it constitutes a revolution in which the unique genius and freedom of a people progressively emerge and cumulatively over time constitute a culture.

As we move into the next millennium such an emergence of a civil society could constitute a revolution consisting not in violence and oppression, but a true liberation as new birth of freedom.

Notes

1. Adam B. Seligman, *The Idea of Civil society* (New York: Free Press, 1992), pp. 2-3.
2. Michael Walzer, "The Idea of Civil society", *Dissent* (1991), 293-304.
3. Charles Taylor, "Modes of Civil society", *Public Culture*, 3 (1990), 95-118.
4. Daniel Bell, "American Exceptionalism Revisited: The Role of Civil society", *The Public Interest*, 95 (1989), 38-56.
5. Vladimir Tismaneanu. *Reinventing Politics: Eastern Europe after Communism* (New York: Free Press, 1992).
6. Manfred Riedel, "In Search of a Civil Union: The Political Theme of European Democracy and Its Primordial Foundation in Greek Philosophy", *Graduate Faculty Philosophy Journal*, 10 (1983), 101-102.
7. Robert E. Wood, "The Phenomenologist", in George F. McLean, *Reading Philosophy for the XXIst Century* (Washington: University of America Press, 1989), p. 136.
8. H.G. Gadamer, *Truth and Method* (New York: Cross-roads, 1975), pp. 235, 332. G.F. McLean, *Tradition and Contempo-rary Life* (Madras: The University of Madras, 1986), chapter I.
9. G.F. McLean, *Plenitude and Participation: The Unity of Man in God* (Madras: The University of Madras, 1978), chapters I and II.
10. L. Levy-Bruhl, *How Natives Think* (New York: Washington Square, 1966), chapter II.
11. Clifford Geertz, *The Interpretation of Cultures* (New York: Basic Books, 1973), Chapter IV.
12. Werner Jaeger, *The Theology of the Early Greek Philosophers* (London: Oxford, 1967), Chapter I.
13. *Republic*, VI 509-527.
14. *Politics*, 263b.
15. Cfr. note 7 above.
16. *Politics*, I, 1, 1252a22.
17. *Politics*, III, 7.
18. *Politics*, III, 8.
19. *Nichomachean Ethics*, IX, 6, 1167b13.
20. *Politics*, I, 2, 1253a20-37.
21. John Mavone, "The Division of Parts of Society According to Plato and Aristotle", *Philosophical Studies*, 6 (1956), 113-122.
22. *Nichomachean Ethics*, VII, 9, 1159b25-1160a30.
23. *Ibid.*, V, 3.

24. *Metaphysics*, VII, I, 1028a29-b4.

25. Plotinus, *Enneads*, II 5 (25), chapter v.

26. Maurizio Flick and Zoltan Alszeghy, *Il Creatore, l' inizio della salvezza* (Firenze: Lib. Ed. Fiorentina, 1961), pp. 32-49.

27. *In X Libros Ethicorum ad Nichomacum*, I, II (*Opera*, XXI, part 2).

28. *Ibid.*

29. *Community of the Free*, trans. W. Trask (New York: Holt, 1947).

30. *A General Theory of Authority* (Notre Dame: University of Notre Dame Press, 1962).

31. Mortimer J. Adler, *The Idea of Freedom: A Dialectical Examination of the Conceptions of Freedom* (Garden City, New York: Doubleday, 1958), p. 187.

32. Seligman, pp. 36-41.

33. John Locke, *An Essay Concerning Human Understanding* (New York: Dover, 1959), Book II, chapter I, vol. I, 121-124.

34. David Hume, *An Enquiry Concerning Human Under-standing* (Chicago: Regnery, 1960).

35. Locke, *An Essay*, Book II.

36. *The Theory of Justice* (Cambridge: Harvard University Press, 1971).

37. *An Essay Concerning Human Understanding*, A.C. Fraser, ed. (New York: Dover, 1959), II, chapter 21, sec 27; vol. I, p. 329.

38. *Skeptical Essays* (London: Allen & Unwin, 1952), p. 169.

39. Adler, p. 187.

40. J.S. Mill, *On Liberty*, ch. 5, p. 15.

41. Adler, p. 193.

42. A. MacIntyre, "An Enquiry Concerning the Principles of Morals" in *Hume's Ethical Writings* (Notre Dame: University of Notre Dame Press, 1979), appendix I, p. 131.

43. *Two Treatises of Government* (Cambridge: University Press, 1960).

44. (Oxford: Clarendon Press, 1976).

45. (Edinburgh: Kincaid and Bell, 1767); (New York: Garland, 1971).

46. (Notre Dame, Ind.: University of Notre Dame Press, 1988).

47. *An Essay on the History of Civil society*. See Seligman, pp. 31-36.

48. (Cambridge, MA: Belknap Press of Harvard University, 1971).

49. (New York: Columbia University Press, 1993).

50. Adler, p. 253.

51. *Ibid.*, p. 257.

52. Immanuel Kant, *Critique of Pure Reason*, trans. N.K. Smith (London: Macmillan, 1929), A 112; cf. A 121.

53. *Ibid*., A 121.

54. Donald W. Crawford, *Kant's Aesthetic Theory* (Madison: University of Wisconsin, 1974), pp. 87-90.

55. Kant, *Critique of Pure Reason*, A 192-93.

56. Crawford, pp. 83-84.

57. Immanuel Kant, *Foundations of the Metaphysics of Morals*, trans. R.W. Beck (New York: Bobbs-Merrill, 1959), Part II, pp. 38-58 [421-441].

58. Plato, *Republic*, 519.

59. *Foundations*, III, p. 82 [463].

60. *The Theory of Communicative Action* vol. I and II, trans. Thomas McCarthy (Boston: Beacon, 1981 and 1987); cfr. R. Badillo, *The Emancipative Theory of Jürgen Habermas and*

Metaphysics (Washington: The Council for Research in Values and Philosophy, 1991), chapter IV.

61. Susan Meld Shell, *Rights of Reason* (Toronto: University of Toronto Press, 1980), p. 83.

62. *Phenomenology of the Spirit*, trans. A.V. Miller and G.N. Findlay (Oxford: Oxford University Press, 1977).

63. *Hegel's Philosophy of Right*, trans. T.M. Knox (Oxford: Oxford University Press, 1958), n. 183, p. 123.

64. *Ibid.*, n. 185, p. 123.

65. *Ibid.*, n. 187, p. 124.

66. L. Kolakowski, "The Myth of Human Self-Identity" in L. Kolakowski and S. Hampshire, eds., *The Socialist Idea: A Reappraisal* (New York: Basic, 1975).

67. *The Idea of a Civil society*, 199-206.

68. *Conditions of Liberty: Civil society and Its Rivals* (London: Penguin,1994); "The Civil and the Sacred" in *The Tanner Lectures on Human Values* (Salt Lake City: University of Utah Press), XII, 301-349.

69. J.L. Cohen and A. Arato, *Civil society and Political Theory* (Cambridge, Mass.: MIT, 1992).

70. Immanuel Kant, *Critique of Judgment*, trans. J.H. Bernard (New York: Hafner, 1968), pp. 205-339.

71. *Ibid*., pp. 37-200.

72. Immanuel Kant, *Critique of Pure Reason*, trans. N.K. Smith (London: Macmillan, 1929), A112, 121, 192-193. Donald J. Crawford, *Kant's Aesthetic Theory* (Madison: University of Wisconsin, 1974), pp. 83-84, 87-90.

73. See Kant's development and solution to the problem of the autonomy of taste, *Critique of Judgment*, nn. 57-58, pp. 182-192, where he treats the need for a concept; Crawford, pp. 63-66.

74. See the chapter by Wilhelm S. Wurzer "On the Art of Moral Imagination" in G. McLean, ed., *Moral Imagination and Character Development* (Washington: The Council for Research in Values and Philosophy, in preparation) for an elaboration of the essential notions of the beautiful, the sublime and taste in Kant's aesthetic theory.

75. Immanuel Kant, *First Introduction to the Critique of Judgment*, trans. J. Haden (New York: Bobbs-Merrill, 1965).

76. William James, *Pragmatism* (New York: Washington Square, 1963), Ch. I, pp. 3-40. For notes on the critical hermeneutics of J. Habermas see G. McLean, "Cultural Heritage, Social Critique and Future Construction" in *Culture, Human Rights and Peace in Central America*, R. Molina, T. Ready and G. McLean, eds. (Washington: Council for Research in Values, 1981), Ch. II. Critical distance is an essential element and requires analysis by the social sciences of the historical social structures as a basis for liberation from determination and dependence upon unjust interests. The concrete psycho- and socio-pathology deriving from such dependencies and the corresponding steps toward liberation are the subject of the chapters by J. Loiacono and H. Ferrand de Piazza in *The Social Context and Values: Perspectives of the Americas*, G. McLean and O. Pegoraro, eds. (Washington: Council for Research in Values and Philosophy, 1988), Chs. III and IV.

77. "The State and Civil society as Objects of Aesthetic Appreciation", *British Journal of Aesthetics*, 16 (1976), 237-242.

78. Edmund Burke, *Reflections* in *Works* (London: Bohn, 1954-57), II, 349.

79. *Ibid.*, II, 307.

80. *Correspondence (1844)*, *Works* IV, 465.

81. (Washington: The Council for Research in Values and Philosophy, 1994).

82. Karol Wojtyla, *The Acting Person* (Dordrecht: Reidel, 1979), pp. 48-50; "The Person: Subject and Community," *Review of Metaphysics*, 33 (1979-80), 273-308; and "The Task of Christian Philosophy Today," *Proceedings of the American Catholic Philo-sophical Association*, 53 (1979b), 3-4.

83. *Laches*, 198-201.

84. J.L. Mehta, *Martin Heidegger: The Way and the Vision* (Honolulu: University of Hawaii Press, 1976), pp. 90-91.

85. V. Mathieu, "Cultura" in *Enciclopedia Filosofica* (Firenze: Sansoni, 1967), II, 207-210; and Raymond Williams, "Culture and Civilization," *Encyclopedia of Philosophy* (New York: Macmillan, 1967), II, 273-276, and *Culture and Society*(London, 1958).

86. Tonnelat, "Kultur" in *Civilisation, le mot et l'idée* (Paris: Centre International de Synthese), II.

87. V. Mathieu, "Culture".

88. V. Mathieu, "Civilta," *ibid*., I: 1437-1439.

89. G.F. Klemm, *Allgemein Culturgeschicht der Menschheit* (Leipzig, 1843-52), x.

90. E.B. Tylor, *Primitive Culture* (London, 1871), VII, p. 7.

91. Clifford Geertz, *The Interpretation of Cultures* (London: Hutchinson, 1973), p. 5.

92. *Ibid.*, p. 10.

93. *Ibid.*, p. 13.

94. *Ibid.*, p. 85.

95. R. Carnap, *Vienna Manifesto*, trans. A. Blumberg in G. Kreyche and J. Mann, *Perspectives on Reality* (New York: Harcourt, Brace and World, 1966), p. 485.

96. H. G. Gadamer, *Truth and Method* (New York: Crossroads, 1975), 305-310.

97. R. Descartes, *Discourse on Method*, I.

98. Gadamer, pp. 305-310. *The Philosophical Works of Descartes*, tr. E. Haldare nd G.R.T. Ross (Cambridge: Cambridge University Press, 1975), I.

99. John Caputo, "A Phenomenology of Moral Sensibility: Moral Emotion," in George F. McLean, Frederick Ellrod, eds., *Philosophical Foundations for Moral Education and Character Development: Act and Agent* (Washington: The Council for Research in Values and Philosophy, 1992), pp. 199-222.

100. Gadamer, pp. 245-53.

101. *Ibid*. Gadamer emphasizes knowledge as the basis of tradition in contrast to those who would see it pejoratively as the result of arbitrary will. It is important to add to knowledge the free acts which, e.g., give birth to a nation and shape the attitudes and values of successive generations. As an example one might cite the continuing impact had by the Magna Carta through the Declaration of Independence upon life in North America, or of the Declaration of the Rights of Man on the national life of so many countries.

102. *Ibid*., p. 254.

103. *Ibid.*, p. 245.

104. *Ibid*., p. 258.

105. Edward Shils, *Tradition* (Chicago: University of Chicago Press, 1981), 12-13.

106. *Dimensions of Moral Creativity: Paradigms, Principles and Ideals* (University Park: Pennsylvania State University Press, 1978).

107. *After Virtue*, 29-30.

108. "The Idea of Confucian Tradition," *The Review of Metaphysics*, XLV (1992), 803-840.

109. Giambattista Vico, *The New Science*, trans. T. Bergin and M Fisch (Ithica: Cornell Univ. Press, 1988).

110. *Characteristics of Men, Manners, Opinions, Times*, ed. Robertson (Indianapolis: Bobbs-Merrill, 1964), vol. I, p. 72.

111. "Hsun Tsu and the Unity of Virtues," *Journal of Chinese Philosophy*, 14 (1978), 92-94.

112. *Ibid.*, pp. 281-286.

113. *Ibid*., pp. 278-279.

114. *Ibid*., pp. 281-286.

115. (Albany: New York University Press, 1994).

Discussion I

This chapter, "Philosophy and Civil society: Its Nature, Its Past and Its Future", is built upon the notion of freedom in order from that vantage point to uncover the basic nature and components of civil society and the need for its development in our times.

Freedom can be understood in a number of ways, related also to the epistemological context which extends or restricts the extent of the capacity for understanding and hence for implementing and appreciating freedom. Being concerned with civil society as a construction by people, freedom here is understood not as a negative "freedom from" (except as it applies to overcoming unwarranted and stifling restrictions), but as a positive "freedom for." This, however, must be further differentiated between the three levels unveiled in the analysis of the body of the writings of Western philosophers by the team of Professor Adler at the Institute for Philosophical Research. The first, notably in the positivist and liberal traditions, is a freedom to choose whatever one pleases; the second, typically in the Kantian tradition, is to choose as one ought; the third, in the Aristotelian tradition, is to build one's character in order to be able to attain one's proper goal.

The three are not mutually exclusive, but build one upon the other, the latter shaping and orienting the former. Thus, freedom is truly the power to choose, but as a human reality it should be exercised according to appropriate laws or rules, which indeed are applied with a view to the realization of the good life which befits human persons and communities. As social this is not only the good of the individual understood merely as autonomous in his or her actions, but of the person as a member of society. For one must choose responsibly in a manner proportionate to one's human dignity, and hence not only for one's individual welfare, but for that of the community/ communities in which one participates.

It should be noted further that, as one moves from the first level of freedom which is concerned with selecting between external realities, i.e., activities or objects, to the second and especially to the third level, the horizon changes to become a matter not of external objects, but of interior, properly human, subjectivity lived with reflective consciousness and commitment. This is Heidegger's *dasein*, the point at which being most properly emerges into time. Essential to this is the deployment of human imagination, generating a creativity which opens new possibilities for integrating the human with the physical world and building social relations between persons and peoples. These are conceived, evaluated, appreciated and evolved in the integral exercise of human freedom.

Thus, as one moves to this third and deeper sense of positive freedom, the horizon changes from that of an individual selecting among various objects which he or she then acquires and subjects to his or her will, to that of a social being emerging in terms of the minds and hearts of people engaged through time in opening and extending their life to other things and persons. This is the cooperative work of realizing oneself and one's world—especially one's social world with other persons—with unity and truth, goodness and beauty. Following freedom thus understood promises to open from within insight into the nature and components of civil society.

For this, however, an appropriate methodology is required. It has been customary, especially in the modern rationalist West, to contrast subject and object, and then sedulously to exclude the former in order to learn about the object. It is increasingly evident that the attempt to ignore the subject, even in a subject-object relation, distorts knowledge of the object as well. When, as regards civil society, the concern is to appreciate how persons can interrelate freely, especially in the third sense of freedom, it is necessary to focus upon the order of intentionality and of meaning. For this,

Husserl developed the method of eidetic reduction in order to follow, not the external given, but the internal convergence of the dynamism of being into consciousness, affective relation and commitment.

This, of course, is not all that is included in the making of a civil society. According to the pattern of the four causes the goal of human fulfillment guides freedom and indeed is the first of the causes. There are also the formal cause, namely the pattern or structure of the society, and the material cause or the components of social life. Those include not only persons and groups, but the material dimension of their lives and the world in which they are engaged. All of these are studied as objects by the various sciences, human and physical. In studying civil society this chapter looks especially to the efficient cause by which the general goal is sought and which shapes that particular pattern of human life called culture. This is created in and by the creative exercise of human freedom, by which the material causes are prepared and shaped according to the formal social structures freely and creatively elaborated by the exercise of human freedom.

To uncover this work of human freedom the phenomenological method can be used not only in the sense of Husserl to identify the nature of freedom, but in the sense of Heidegger to uncover its existential reality as the properly human mode of emerging into time and space, and in the sense of Gadamer who follows this as the emergence and contribution of the cultural context. This implies approaching freedom through its concrete exercise, which is always the actual experience of a person or, as here, a people. As free this must be exercised from within: each people must do this for itself. As a result each people can carry to the whole of humankind the unique contribution of its own discovery/creation, which by analogy can prove suggestive and be drawn upon by others.

In the West a special object for such a phenomenological approach is found among the Greeks at the point at which they developed a capacity for philosophical reflection and for articulating in proper terminology what already had been lived in the classic golden age of Pericles. The ability to analyze, order and articulate was developed classically by Socrates and Plato, and especially Aristotle. This was not without its restrictions, of which we are more conscious today and are now able to introduce proper correctives. Nevertheless, for Western experience the Greeks offer rich written and well-ordered materials with which to work.

The world in which they wrote may not have been as pluralist as today, though interaction and trade were intensive. Also, those considered citizens were often a minority due to the institution of slavery. It should be remembered, however, that in the modern West suffrage was extended and accorded only very gradually and reluctantly beyond landowners to workers, slaves and only in this century to women. This reflects the uneven pattern of such progress, which even now is being restricted with regard to immigrants, other ethnic groups.

What ancient Greece does provide, nevertheless, is a concrete example in which, with the structures in hand, there was developed very active participation by citizens in the public life of the city. It provides also a philosophical analysis of this in such works as the *Republic* and the *Laws* of Plato and the *Politics* of Aristotle, and the many Constitutions. These provide ready material for a phenomenological approach which can uncover the basic components of civil life. This is not to imply that these elements were not present in other cultures, or indeed in Greece prior to the fourth century. Each people must investigate its own heritage diachronically as well as synchronically. The hermeneutic methods for interpreting prehistoric and oral traditions are now undergoing active elaboration.

This chapter is topical in that it identified and asserted the importance of elements whose lack or deficiency have distorted recent social life. It is also analytic and hence distinguished the

specific components of civil society. Finally, being concerned also with social reconstruction it focuses on freedom as the efficient cause in this work. Each of these factors evoked helpful annotations, generally from more synthetic points of view.

Thus, it was noted that one could begin from the final cause or goal of such reconstruction. What would be a good society, what would be the nature of fulfillment which would satisfy human striving, asked those with an Indian background. Indeed, the final cause is the first of the causes in intention; it moves and guides all the others. Aristotle began his ethics in these terms, looking into what constitutes happiness as that which is sought by all. Work in terms of the final cause or goal will be important if the mind is to be open to the full range of goods and to avoid reductionism to, e.g., economic concern. But it must not overlook the dignity of the one who seeks these goods and the proportion thereto of the means by which they are sought, as can be the case in an utilitarian perspective. Further, one must integrate also the material cause by which provisions are set aside and employed, and the formal cause as the structure or disposition of these materials. All four causes are necessary; only a defective and unsatisfactory result will eventuate if any one is deficient.

In human life freedom holds a special place, for the human being is specially the one who lives consciously and responsibly. Moreover, freedom is essential to the final goal or human fulfillment, for only a situation in which freedom is exercised fully can fit the description of human fulfillment. Similarly, the realization of the material and formal causes must correspond to human freedom if the result is to be a truly human accomplishment which promotes human dignity. But the perspective of the chapter is especially that of the efficient cause, for its concern is to introduce the issue of how one can work to reconstruct civil society.

It was observed that if one distinguishes civil society from the political and economic order, these must not be considered antithetic or competing factors. Of course, in the aftermath of situations in which absolute power resided in the state or the economy and suppressed or excluded civil society, the development of civil society constitutes a break from such illegitimate absolutes. However, the intent and the result is not to inhibit, but to promote the proper functioning of both state and economy through the development of an active life by citizens in the groups in which they live and act. They bring their special experience and competency to the promotion of their dimension of human welfare.

Finally, reference was made often to the importance of culture, which was treated separately. It was noted, however, that culture should be within our ability to understand since it is something that human groups have made. Such understanding promises to take us beyond a passive state under the impact of culture, and to enable true freedom and responsibility. New developments in hermeneutics make possible such understanding so that one now can see how this culture is shaped through the work of the imagination and how this operates. One can see as well how, in reflecting the choice made through long generations, this constitutes a cumulative embodiment of the creative freedom of a people.

This points to a final dichotomy which appears in the history of civil society, namely, between affectivity at the individual level and universal rationality. When the exercise of rationality is situated within human life it becomes apparent that its direction is provided and its openness secured by its social, historical and cultural contexts in which all dimensions of human life, cognitive and effective, are included. How else explain the distinctive historical phases of the work of reason or how things most present and obvious, e.g., the extension of "full and equal" recognition to slaves and to women could remain unappreciated for so long? This implies then the need to integrate attention to affectivity and to culture in efforts to reconstruct civil society.

Discussion II

Should one attempt to provide a definition of civil society at the beginning of its investigation? Certainly if one knew exactly what one was looking for it would be much easier to identify and organize its components. And from an *a priori* grasp of its nature it would be relatively easy and secure to delineate its characteristics analytically.

On the other hand a prior definition would have to depend upon and reflect knowledge and hence outlooks possessed in the past. This would hold any work on civil society to patterns which, being from the past, would be relatively unsuited for the present and would stifle the human creativity needed to move ahead with the times.

But perhaps more deeply the call for a prior definition reflects more the problem than the solution. Modern times are characterized by the Enlightenment devotion to reason, as a radical reduction of human horizons to what is clear and distinct not to intellect or reason as such but to the human mind, that is, as existing in the body. Thus, it proceeds not merely in relation to the senses, as Aristotle noted, but was limited to sense knowledge. Thus Bacon would destroy what he called "idols" but which Vico noted were the accumulated wisdom of a people. Locke proceeded on the supposition of the mind as a blank tablet on which was written solely ideas from the sense and their various permutations. Descartes would put all under doubt except the indubitable idea of his own existence.

The result divided between the individualist empiricism of the great British philosophers or the more communal rationalist continental route typified by Kant, Hegel and Marx. In either case reason allowed for only a narrow range of evidence, sought to manage all either as atomic individuals or through universal and necessary laws, and rigorously rejected all else. We had not philosophies seeking a wisdom which would integrate all but ideologies bent rather on a reduction of the human spirit and the suppression of all but its chosen idea, namely ideologies. The 20th century was the natural culmination of the limitations of this approach. Attention to society developed rapidly into totalitarianism; attention to the particular person developed rapidly into individualism. These ideologies recombined in order to defend an Hegelian inspired fashion, only to divide immediately into the Cold War conflict between the two ideologies.

Now, following the collapse of Marxism it is possible to look back not simply to adopt the opposing ideology but to ask what was omitted in the Age of Enlightenment which led us to such a violent and bloody 20th century. This could be a negative process of critiquing and deconstructing the past, or it could be a positive process of reconstructing the future. Where both of these elements are required would focus rather on the latter and understand in that sense the broadly shared view that we are in a post-modern period.

If so, then it may be less promising to begin our work on civil society from a definition, which would be limited in content to past vision and in method to an ideological approach, but to reopen the question in a way that makes possible the rediscovery and integration of what was available but rejected in choosing the path of modernity. This corresponds to Heidegger’s notion that the real step forward is not a merely incremental advance along the path well trodden, but a return to factors which had been available but were consciously not included in concentrating upon the historic choice of the way of reason by Descartes and the characteristically rationalist Enlightenment of modern times.

This suggests the method of the present paper which returns rather to the freedom which marks human action as responsible and creative, to look for the characteristics of the exercise of freedom with regard to social life. This enables two subsequent steps with regard to civil society: The first is to follow its exercise in modern times in order to uncover what has been accomplished there. The second is to take the step backward to culture as the cumulative and integrative exercise of freedom and on that basis to attempt a preliminary sketch of a development of the notion of civil society for the 21st century.

This should integrate such painfully achieved advances of the modern period as the universal declarations of human rights, while freeing the sense of reality from that of a merely technical construct in which individuals are enclosed. In its place is a sense of an unfolding of human freedom as people interact in the various dimensions of their life. This will include and build upon the richness of the humanizing cultures which had previously been omitted and often suppressed and build upon that new way of living our freedom with other persons and groups in society.

This must transcend the economic order and the exercise of political power, but set their standards and direction precisely as humane engagements in the world. Just as we have learned that democracy means that it is important to have civilian control of military and state powers, so we have learned that it is essential that the economy be directed not by a hidden material hand but by a conscious human concern.

The relation then between civil society and the economic and political orders is a major issue to be worked out. In some places the urgent present task is to make room for civil society; in others it may be to revive consciousness of its existence and roles. Beyond both, however, a progressive humanization of life for the next century will depend upon the way in which this mobilization of the freedom of a people can pervade, transform and inspire all phases of social life.

Chapter II

Three Models of Civil Society in the Framing of the U.S. Republic: 1781-1789

Stephen Schneck

Evidencing the untidiness that is ever found in the interplay of theory and practice, the framing of the 1787 American constitution defies scholarly efforts at simple explanation. Nevertheless, what follows is a modest attempt to make sense of that complexity. The gist of the argument is that at the heart of the overlapping tensions and debates of the framing period lie three different models of civil society for republican government. The first of these, here called "Puritan,"1 envisions active public authority instructing citizen behavior. The second, here called "Agrarian," requires a potent private, local "lifestyle" that educates citizen behavior. The third model, here called the "Political Economy" model, anticipates that market-like operations in society will regulate citizen behavior.

Republicanism, Civil Society and Civic Virtue

The American framers, both those who would ultimately endorse the 1787 constitution and those who would oppose it, shared a profound appreciation for the dangers and fragility of republican government. From the perspective of the 1780s, history offered scant evidence of admirable and enduring republics. The Greek and Latin classics, that intellectual canon for the English-speaking world in the 18th century, offered at best a bitter lesson about the viability of republics. Historically, later republican experiments, from the Renaissance republics of Italian city-states to the confederal republics of Switzerland and the Low Countries, appeared only to confirm that bitter lesson from antiquity. Republics, history seemed to advise, hovered always on an edge between two chasms. On one side lay a slide into anarchy; on the other lay a slide into tyranny.

Recent events in the United States also were not reassuring. The period after the revolution was one of governmental tumult and confusion. A bare skeleton of republican government was established under the Articles of Confederation. But it was a hasty arrangement that served in large part only to heighten worries about the stability and endurance of republics.

Not surprisingly, considering their circumstances, the 1780s were years when American politicians took political theory seriously. They read John Locke and David Hume, John Stuart Mill, Adam Smith and Bernard Mandeville, Machiavelli and Montesquieu, Liberals like John Trenchard and tories like Bolingbroke, and French physiocrats like Quesnay. Moreover, they returned to their Greek and Latin classics, reading Aristotle and Tacitus, Herodotus and Cicero. The upshot of their study and of their political experiences was a consensus that republican government required a well-ordered civil society.

Their thinking in this vein was not profound. Where popular thinking today equates good government with democracy, such that the presumption is that more democracy means better government, the American framers thought differently. Good government was what was wanted. The Preamble to the 1787 constitution speaks to this, citing the need to "establish Justice, ensure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty." Good government, in other words, was some admixture of order that

secured and maximized liberty. Democratic institutions in the framers' thinking might serve as part of the formula for such "good government," but they might very well also be an obstacle to that end.

Some framers pointed to the historical development of limits to the power of the crown in a monarchy as illustrative of the problem. By the 1780s, of course, the French and English monarchs were con-strained by longstanding traditions and by established law in their use of power. The power of the crown could not be exercised arbitrarily; it was regulated and limited. Ostensibly the state was thus protected from tyranny. The history of republics and the reading of political theorists convinced the American framers that similar constraints were necessary upon the citizenry in a republic, if the republic itself was to avoid a slide into tyranny or anarchy. As with the monarchs before them, it was reasoned that republican citizens would need to be guided or constrained in the exercise of their sovereignty, so that this could be preserved and maximized.

Inherent in this, of course, was a problem for republics which was not so evident for more mixed forms of government, such as those of France and England. If citizens were sovereign, as republicanism demands, then on what ground of legitimacy was the sovereignty of citizens to be constrained? What was of interest was not so much what the American framers turned to for that legitimacy (a melange of higher law, natural law, natural rights, tradition and common-good arguments), but rather where this legitimacy was to be worked. To have it worked by the government, they realized, was contrary to republican principles themselves, according to which government must in large measure derive its legitimacy from the governed and serve as an agent for the citizenry.

Hence, they came to maintain that the sphere for working out necessary constraints on the sovereignty of citizens must be found in a public space that was somehow separate from government—i.e., "civil society." The American framers came to contend that the very nature of republican government demanded a foundation in a quasi-independent civil society. And, from ancient as well as from then contemporary writers like Montesquieu and Bolingbroke, the preponderance of argument for the framers was that this civil society operated for a republic by instructing citizens in "civic virtues" in order to constrain and guide them toward responsible exercise of their sovereignty.

The discussion of democracy in Aristotle's *Politics* was a common source for many framers' reflections concerning civil society, civic virtues and republican government. Aristotle's analysis began with a fundamental division between true governments and false governments along a line determined by the common good. In true governments, sovereigns governed in pursuit of this good. In false governments, sovereigns governed in pursuit of their own desires. The exterior forms of true and false governments may be the same. Monarchy, for example, was "true" because the single sovereign pursues the common good. In contrast if the single sovereign did not rule for the common good, then rule by a single sovereign was the false government Aristotle called "tyranny." A true republic (*politeia*) was government by the many sovereigns wherein each seeks to enact the common good. A false republic (*demokratia*), according to Aristotle, describes a participatory government where individual citizens pursue self-interest rather than the common good.

For Aristotle, a true republic stands forever on the verge of devolution into a false republic, and of all forms of government, he argued, republics are most prone to such decay. For when sovereignty resides in many individual citizens, opportunities are multiplied for the virus of self-interest to infect and spread, so that the common good is easily lost. Furthermore, because so many sovereigns are involved, a false republic is the most difficult form of government to bring back to the pursuit of the common good. A viable, true republic, Aristotle concluded, requires powerful

means to keep citizens focused on the common good and to weaken the centrifugal pull of individual interests. Aristotle's reasoning about the weakness and tendencies of republics seemed nearly self-evident to many of the framers. In the years immediately following the revolution, national and state politics witnessed the rise of increasingly narrow, privately directed interests and factions. The centrifugal pull and separation posed by such forces convinced many that devolution to anarchy was at hand. State legislatures, especially for the larger states, were embroiled in conflicting and competing efforts at private legislation. Cliques and cabals formed and reformed around everything from the disposition of former loyalist properties to land speculation in the western territories, and from the establishment of monopolies for trade to speculation in bank bonds. In the eyes of many framers, well-founded traditional limits to politics and even basic property rights were being imperiled by these so-called "anarchical" trends.

Moreover, some perceived not only anarchy, but also tyranny poised outside the statehouses. Potent political machines emerged in the mid-1780s around figures whom opponents called "demagogues." In New York, George Clinton was at the center of a well organized faction of upstate interests who had seized control of the legislature. John Hancock's organization in the Massachusetts legislature was already rooted in Boston's immigrant population, anticipating a pattern for American urban politics that would be perfected later in the 19th century. Patrick Henry in Virginia and Samuel Chase in Maryland became kingmakers for their states' politics by organizing small scale planters against each states' traditional elite—the old "first families" from the colonial era. The two supposed horrors of the devolution of republican government, anarchy and tyranny, thus, were perceived by many of the framers as already embryonic within American politics. If republicanism was to be saved, if it was to work and endure, it was thought, then civil society itself must be reconstituted with limits and guidance for the citizen sovereigns.

The Puritan Model

The most recognized recipe for the reconstitution of civil society emphasized the need for the citizenry to acquire various civic virtues. Taking their cue from sundry ancient authors and also especially from Montesquieu, framers understood these virtues from the Latin root of the word "virtue" itself. That is, civic virtues had a masculine and even somewhat martial ambience. Conjured were notions of steadfastness, courage, self-sacrifice, discipline, hard work, patriotism and Stoic endurance. At the heart of such civic virtues, however, was a curious and ancient understanding that joined a citizen's individual glory with *gloria in patria*. Contrary to many contemporary interpretations of 18th century American politics, the "liberalism" of the period is a far cry from the "Manchester liberalism" of the 19th century. Citizens should be self-reliant, for example, because dependency (effeminacy) was recognized as being at odds with civic virtues. Nevertheless, individual "manly" citizens were ultimately understandable only for the glory they derived in practicing civic virtues for the common good.

Where, however, was the source of such virtues to be found, and how were such virtues to be taught and enforced upon the citizenry? Or, to put the question more squarely in the context of present concerns, what sort of civil society was appropriate for acquiring these virtues that were thought so necessary for republican government? Sorting through the complexity of ideas and understandings abroad among 18th century Americans, a case can be made for two models of civil society—a puritan model and an agrarian model. As models, of course, these represent analytical ideals; they are simplifications of many complex and overlapping notions entertained by different framers.

The puritan model takes its name from the Puritan religion of colonial New England. In part, this reflects the model's geography; New Englanders like John Adams and Elbridge Gerry can be identified with the model. In a larger sense, however, there is also a fit between Puritanism itself and this model of civic society. Puritanism, an English Calvinist religion, rejected the Lutheran separation of the secular and the sacerdotal. As a result, in Puritan society there was no certain and unequivocal distinction between the role of the church and the role of the state. Likewise, in the terminology of this study, Puritanism did not recognize a separation between civic virtue and personal morality. The ostensible independence of civil society from government is also undercut in Puritan society by the ubiquitous presence of religious authority.

For the puritan model, then, the inculcation of civic virtue was a public affair. External, public authority was seen as necessary for the imposition of requisite virtue upon the citizenry. That authority may be in the guise of the government, or in the guise of the church, or even in the form of traditions and folkways, but its source ultimately was religious. Its means of inculcation derived in hierarchical fashion from this central authority. Indeed, lacking a sharp delimitation between a public and a private sphere, and lacking a similar distinction between the secular and the sacerdotal, almost no human activity would be beyond the purview of religious authority in the puritan model.2 As any human activity conceivably may impact the viability of the community, civic virtues may well be insinuated into each nook and cranny of human life.

Speaking to this model of civil society for republican government, Forrest McDonald refers to a letter from John Adams to Mercy Warren. For John Adams, whose *Defense of the Constitution of the United States* (1786) was enormously influential for the thought of the framing period, republican government required a civil society of:

> pure Religion or Austere Morals. Public Virtue cannot exist in a Nation without private (virture), and public Virtue is the only Foundation of Republics. There must be a positive Passion for the public good, the public Interest, Honor, Power and Glory, established in the hearts of the People, or there can be no Republican Government, nor any real liberty.

This same public passion, Adams maintained:

> must be Superior to all private Passions. Men must . . . be happy to sacrifice . . . their private Friendships and dearest Connections, when they stand in Competition with the Rights of Society.3

Adams represented a broad current in American thinking on these matters. Elbridge Gerry, who was the protege of John Adams, cousin Sam at the 1787 constitutional convention in Philadelphia, spoke there of the failure of civil society to provide the civic virtues needed by republicanism. He argued that "the evils we experience flow from an excess of democracy." "The people do not want virtue," he continued, "but are the dupes of pretended patriots."4 Similarly, the 1776 "revolutionary" Massachusetts legislature sought "that Piety and Virtue, which alone can secure the Freedom of any People, may be encouraged, and Vice and Immorality suppressed." To this end it called for a proclamation "commanding and enjoining it upon the good People of this Colony, that they lead Sober, Religious, and peaceable Lives, avoiding all Blasphemies, contempt of the Holy Scriptures, and of the Lord's day and all other Crimes and Misdemeanors. . . ."5

Although the cited examples stress religious behavior, it should be noted that what has been called here the puritan model of civil society need not be associated narrowly with religious or even moral virtues. In a contemporary reformulation of this model of civil society, the content of civic virtue might even be limited to formal or pluralistic virtues, such as tolerance, due process, privacy, or rule of law.

The model's distinguishing character is its integration of civil society with public authority, and its emphasis on enforced law, rather than education. The civil society perceived as necessary for republican government here would be a creature of organized public authority. In a vertical and largely external fashion, pervasive public authority would scrutinize, regulate, and discipline citizen behavior in keeping with recognized civic virtues. Such virtues would be "legislated" and enforced, rather than promoted, by public authority in consideration of the common good. The prescriptions of these virtues, obviously, would be a totalizing public enterprise from which no citizen was exempt.

The Agrarian Model

Like the puritan model, the agrarian model, too, would provide for an enduring and effective republican government by creating virtuous citizens. However, where the puritan model emphasizes law, a central and singular public authority, vertical hierarchy and enforcement of virtuous behavior, the agrarian model—in contrast—emphasizes education, local and plural authorities, horizontal pluralism and the development of virtuous character in the citizenry. Likewise, where the puritan model proffers external mechanisms to punish transgression, the agrarian model relies upon private, internal mechanisms to mold a citizen's heart. Much emphasis, too, as the name "agrarian" suggests, was placed by many of the American framers on a specific context or "lifestyle" for the working of these mechanisms. An agrarian life of self-sufficient small communities and self-sufficient small landholdings was held to be an ideal context for the civil society necessary for republican government.

What is meant by education here goes far beyond formal schooling, although schooling may well be one facet of the enterprise. Education refers to the myriad local means by which civic virtues are to be inculcated in this model of civil society. Families and homes in this landscape of self-sufficiency each would operate privately and independently to nurture appropriate civic virtues. Similarly, small communities and associations would be principal settings for the exercise of such virtues and would themselves reinforce the education of homes and families. Contrary to the puritan model, religion here is perceived more as a private affair and its role would be one of support and association for families, rather than instruction.

The most potent education in civic virtue, however, derives from the agrarian lifestyle itself. Acquiring and maintaining a self-sufficient life in small landholdings, many framers thought, demands the development of the key virtues for republican government: temperance, fortitude, frugality, courage, and industry. Moreover, the agrarian model, owing perhaps to its focus on self-sufficiency, values more highly virtues like tolerance and appreciates more the concerns of privacy than the puritan model. Yet, clearly the foremost virtue for the agrarian model was love of independence.

Drawing support from Locke and James Harrington, from Bolingbroke's radicalized Tory thought, and from Trenchard and Gordon's *Cato's Letters*, framers associated here with the agrarian model understood such independence in almost material terms. James Harrington's *Oceana*, for example, had argued that independence could be secured only by the ownership of

land. The possession, utilization and defense of property was, then, the measure of independence. Locke's *Second Treatise*, in some parallel with Harrington, sees property as the foundational right that secures and maintains all other rights (life and independence), and serves as the primary explanation for the origin of society. In the thinking of many framers property, especially land, secured self-sufficiency, which in turn was the condition for the education of those civic virtues necessary for republican government.

As the puritan model is oriented geographically toward the northern states and once Puritan New England, the agrarian model is oriented toward the American South. The Virginians, Thomas Jefferson and Patrick Henry, exemplify many aspects of this model. Jefferson, of course, proposes a republic of "yoeman farmers." Henry, most famous for his remarks on independence, makes something of a career contrasting the vices of "cities" (meaning Philadelphia and New York) with the virtues of agrarian, republican Virginia. John Taylor of Carolina, whose *Enquiry Into the Principles and Tendencies of Certain Public Measures* might be called an "arch-agrarian" tract, argues there for both strong local communities and independent landholdings. The thinking of another Virginian, George Mason, is reflected in the "Bill of Rights", wherein the independence of citizens and local communities is preserved against the centralized authority, even if need be by a right to bear arms. It would be a mistake, however, to see agrarianism as a model associated only with the American South. In the debates surrounding the ratification of the 1787 constitution, for example, what here is called agrarian thinking can be found widely among many of those who opposed the new constitution. Robert Yates and John Lansing, for example, both New York delegates to the Philadelphia convention, evidence a position much in keeping with the agrarian model.6

Notice the relative independence of civil society from public authority in the agrarian model. Indeed, there is something of a reversal in comparison with what was seen in the puritan model. For the puritan model, civil society was largely a creature of public authority, for the agrarian, it is the opposite. Authority flows from the many private contexts of civil society to authorize a subsequent public authority. In political terms, the state is much more a creature of civil society. Accordingly, public authority is perceived from the first in this model as inherently limited to a narrowly defined public arena. Unlike the singular and potentially totalizing authority of the puritan model, here authority is divided and limited.

Its reliance on internalities of education, however, rather than on the externalities of law for crafting virtuous citizens must be recognized as potentially troublesome. Public law is exterior to sensibility and can be considered objectively, assented to or resisted reflectively. For good and (likely) for ill, the molding of hearts and minds by education and lifestyle is much more difficult to bring to reflective appreciation, and thus is much more difficult to resist.

The Political Economy Model

Both the puritan model and the agrarian model of civil society overlap among those in opposition to the 1787 constitution. That is, adherents of these models can be associated with the so-called Anti-Federalists from the ratification debates of the years 1787-1789. In contrast, among those proponents of the new constitution, the so-called Federalists, a third model of civil society for republican government is evident: a political economy model. Chief among the Federalists associated with this model were Alexander Hamilton and especially James Madison.

Anti-Federalists like Luther Martin and Richard Henry Lee recognized the endemic potential for republics to slide into anarchy and or tyranny. To enable any vaguely republican government

to work, appealing to classical authors and Montesquieu, the Anti-Federalists emphasized that government must have its basis in intense communities. Such communities alone were capable of tempering the self-interestedness of citizens in order that the vision of the common good might be sustained. Perhaps more strongly committed to republican ideas than the Federalists, the Anti-Federalists saw a civil society of civic virtue as a necessary glue for republican government. Civic virtue educated and tamed the passions of individual citizens, rendering them fit to govern. As might be expected, unlike the Federalists, the Anti-Federalists tended to emphasize the importance of religion, of communal ties and of common values.

Madison and the Federalists feared the smothering effect of intense communities on liberty. For this reason, where the Anti-Federalists largely sought to constrain democracy internally by educating the hearts and souls of citizens through civic virtue, the Federalists sought to constrain democracy externally by placing limits on anarchical or tyrannical extremes of citizen behavior through laws supported by the coercive power of the central government. As one well-known scholar of the period puts it:

> It is no surprise that the framers rejected the classical case for the small state. Madison was hostile to the "spirit of locality" in general, not only in the states. Small communities afforded the individual less power, less mastery, and, hence, less liberty than do large states. Moreover, the small community lays hold of the affections of the individual and leads him to accept the very restrains on his interest and liberty that are inherent in smallness. The classics urged the small state in part because it might encourage the individual to limit and rule his private passions. Madison rejected such states because he rejected that sort of restraint. Small communities limit opportunities and meddle with the soul.7

There is an Hobbesian ambiance about such thinking. The Federalists judged that the political community was incapable of overcoming selfish passions and individual interests. The pursuit of such passions and interests would derive inevitably from the free choices of human beings possessed of liberty. For the Anti-Federalists' solution to work, Madison reasoned in Federalist 10, it would require a civic virtue that overwhelmed liberty itself—and that was too high a price, even for obtaining democracy. For Madison, "the first object of government" was preserving "the diversity of faculties among men."8The classic constraint of democracy that utilized a common good inculcated by civic virtue endangered this "first object."

Overt, lawlike constraints on the democratic spirit—enforced by the coercive power of government—were preferable to the tacit and subtle operation of civil societies of civic virtue. Laws and similar formal procedures are promulgated widely, are subject to deliberation and public review, and are thus objects exterior to the sensibilities and are able to be accepted or resisted in the minds and hearts of citizens. Exterior constraints, furthermore, create walls of an arena within which pluralism and citizen difference are granted "free" expression. Madison wanted exactly this.

At the heart of such reasoning is a pragmatic appreciation of pluralism and liberty. Anticipating the utilitarianism of the political economists and drawing from the same Scottish Enlightenment sources that inspired them, Madison wished to design a system of competing individual passions such that a transcendent political rationality would result. As he reasoned in a well-known phrase, "Ambition must be made to counteract ambition."9 From the interplay of many differing and conflicting individual interests and passions, checked only in the extreme by efficacious laws, results an harmonious calculus. Those same individualized passions that

otherwise may endanger a republic are regulated by their own competition such that the system itself is rational and ordered.

There is a kinship here, too, with the utilitarian notion of the free market of ideas. Good policy will out, thought Madison, from the interplay of free individuals each engaged in what Madison's confidant, Thomas Jefferson, called "the pursuit of happiness." The polity succeeds by promoting and protecting the diversity of interests and the liberty of individual citizens. Civic virtue is limited to rather insipid values like civility. Those undemocratic elements that preserve the democratic spirit itself, in Madison's case, have the character of public laws buttressed by the strong arm of a vigorous, but limited, government. Avoiding reliance on civic virtue, Madison believed, maximized the space necessary for the needed liberty.

Formed into a model of civil society (the political economy model), Madison's thinking stands in some contrast with the puritan and agrarian models. The basic premise is that republican government does not need virtuous citizens. Bernard Mandeville's *The Fable of the Bees* (1714) comes to mind here. The fable is a long allegory of a beehive in which everyone is motivated by powerful, self-interested passions and vices. Because of some unexplainable working of individuals' interactions, the general condition is one of prosperity. When a miracle occurs and the bees are liberated from their passions and self-interested vices—when they become virtuous—then prosperity ceases and disorder reigns. Put simply, Madison like Mandeville imagines that self-interested pursuits, even vices, in a countervailing system can lead to the virtuous civil society necessary for republican government.

The advantages of the political economy model of civil society are obvious. No proactive role for public authority is necessary or desirable, as had been the case for the puritan model. Unlike the agrarian model, ostensibly, citizens are not inculcated with substantive civic virtues by mechanisms of education.

Or, are they?

Contrary to Mandeville's thesis, the high prince of political economy, Adam Smith, in his *Wealth of Nations* (1776), argues that markets do inculcate certain "virtues." Indeed, the so-called "vices" of Mandeville's bees are in fact the "virtues" of political economy. On this basis, there is in Madison's position an irony in the contrast between the political economy model and the puritan and agrarian models.

Perhaps the model Madison promoted can foment a more thoroughgoing civic virtue than anything imagined by Aristotle or the Anti-Federalists. The "market" at stake in this, of course, goes far beyond economics. In Madison's own estimation it is a market of interests, of ideas, of values, of tastes, of fashions and so on. And, like all markets, the results of these forces are given normative value. Markets are "fair," the claim goes; they are "free," "natural," "harmonious," and even "ineluctable."10Such marketlike mechanisms weave a singular array of civic virtues that binds citizens' hearts and souls in the manner of agrarian model's "education," while demanding citizens' rational approval by invoking the normative claims made by all markets. The final fabric of this weave is a civic virtue that is scarcely resistible.

Conclusion

Madison's own fears of intense civic virtue return and bear upon the results of his own thinking at this point. His argument in the Federalist Papers was that a totalizing civic virtue would undercut the possibility of the rationality in politics required for legitimate republican government. It would also eliminate the range of difference and pluralism among the citizenry that he believed

to be the motor of civilization and of responsible politics. The famous tenth Federalist paper is illustrative. Madison did not wish to destroy factions; he wanted a permanent system of diverse countervailing factions designed to secure space for the differences among citizens that enabled and promoted liberty.

Sadly, the political economy model that he proposed to maintain such a system may work in a wholly opposite direction to create a monolithic and near totalizing civic virtue that imperils the very legitimacy Madison sought to preserve.

Summary

Type of Constraint

Puritan: The constraint or guidance placed on citizens is basically one of civic virtue. The virtues prized are what Max Weber would later call "protestant": temperance, frugality, industry, modesty and churchliness.

Agrarian: Also uses civic virtue. Virtues are somewhat different, emphasizing: self-sufficiency, fortitude, honor, patriotism. Industry is somewhat downplayed, while leisure is more valued. Modesty is somewhat downplayed, while *noblesse oblige* is much valued.

Political Economy: Ostensibly suspicious of civic virtue, the constraint here would be marketlike forces. Still, what are we to call the self-interest, passion, competitiveness and so forth needed by the model if not "virtues"?

Mechanism of Constraint

Puritan: Law and similar "external" mechanisms that regulate behavior and punish transgressions.

Agrarian: Education and lifestyle mold and discipline the hearts of citizens "internally".

Political Economy: Marketlike forces—the so-called "invisible hand"—derived from the free interplay and competition of diverse, narrow interests and passion.

Source of Authority

Puritan: The legitimacy of the order of civil society here emphasizes a source external to the political community itself: God, tradition, higher law, or a medieval conception of natural law. The flow of authority is downward, from some recognized representative of external authority like the church through the hierarchy of civil society.

Agrarian: Authority derives from popular sovereignty and is limited only by its associated rights. The flow is upward, from self-sufficient landholdings to local communities, and from communities to the larger state.

Political Economy: Authority derives from the "natural" laws of the marketplace. Civil society's structure, theoretically, is horizontal rather than vertical; there is no direction to the flow of authority.

Role of State vis-à-vis Civil Society

Puritan: The state is difficult to separate from civil society. This model envisions the state playing a continuing role in the working of civil society.

Agrarian: The state is lagely a limited creature of civil society. Still, the clear separation of state and civil society is valued here. Hence, the state ought not be an instrument for intervention in civil society.

Political Economy: The state performs the limited function of protecting, and possibly maintaining, the arena of competition that is civil society. Intervention in civil society by the state would be precluded.

Notes

1. The terminology "Puritan" and "Agrarian" are borrowed from Forrest McDonald's study *Novus Ordo Seclorum* (Lawrence: University of Kansas Press, 1987). It should be noted, however, that McDonald's use of the terms differs somewhat from the use employed here.

2. For a discussion of what is here called the puritan model elsewhere, see J. G. A. Pocock's book *The Machiavellian Moment*, pp. 231-33. See especially, too, Forrest McDonald's *Novus Ordo Seclorum*, pp. 66-96.

3. McDonald, p. 71-2.

4. The comments are from James Madison's notes from the convention, dated May 31, 1787. See *The Records of the Federal Convention of 1787*, ed. Max Farrand (Yale: New Haven, 1937), Vol. 1.

5. McDonald, p. 72

6. Consider Robert Yates' many essays and letters written in opposition to the 1787 constitution under the pen name "Brutus."

7. Wilson Carey McWilliams, "Democracy and the Citizen: Community Dignity, and the Crisis of Contemporary Politics in America," in *How Democratic is the Constitution?*, ed. Robert A Goldwin and William A. Schambra (Washington: AEI, 1980), p. 89.

8. Madison, *Federalist* 10.

9. Madison, *Federalist* 51.

10. Consider what the "free market of ideas" means for a religiously founded university. The university's religious concerns are increasingly pressured by the forces of the marketplace of ideas that is the academic environment for American universities. The truth and value of ideas are measured by their marketability. Religious truths are treated by the marketplace as on equal footing with any other notion, for markets hold nothing sacred save sales. If religious truths do not "sell", then they have no place. Obviously, there are tremendous pressures on the university to conform to the demands of the market.

Discussion

Historically, political progress had come with the development of restraints on the arbitrary power of the monarch through tradition, law and the balance of powers. When authority shifted to the people a key question was whence such restraint could come and how it could it be exercised? Three approaches were proposed which might be termed the (a) puritan, (b) agrarian, and (c) political economy models. The three were analyzed in terms of (1) the type of constraint placed on power, (2) the mechanism of constraint, (3) the source of authority, and (4) the role of the state vis-a-vis civil society.

The puritan model reviewed the restraint as imposed by institutions from above, such as the state or the church. In the debates following the American Revolution the Anti-Federalists favored the "agrarian" model in which authority moved upward from civic virtue fostered in the citizens by their culture in small local communities which therefore were preferred to a strong federal government. The Federalists, in contrast, promoted a political economy model focused upon maximizing self-interest and competitiveness as the driving forces of economic innovation and achievement; the constraining power was situated more remotely in a strong federal government. Over time, however, the market has proven to be a harsh disciplinarian, shaping human life by the hidden hand of the market and reducing human life according to predominantly economic concerns.

In the discussion the chapter was considered from a number of perspectives:

1. At one level the paper appeared as an analysis of three modes of introducing restraint upon power and thus provided a set of alternative approaches to governance. As analytic models there is no suggestion that in the future one needs to choose one against the others; indeed, from different points of view all seemed to have limitations and advantages.

2. Further, it was suggested that each of these elements evolves through time. For instance, the terms ‘political’ and ‘civic’ have long histories during which the meaning of political moved from that of a *polis* in which all participated to that of the state at some distance from the people. Conversely, *civitas* which originally had meant government came to stand rather for the citizens.

At present all three models have their adherents in different sectors of the populace; sometimes more than one model is joined in the same group. Thus the agrarian model of firmly grounded personal morality is notable among present conservatives, but they are not loath to call upon government action to protect and even enforce moral standards. Their real concern may be the economy, which they consider to be the real teacher of the important values.

3. It was noted that the political economy model, though propelled by greed, can, in the Providence of God (as noted Vico), generate good. Examples are the moral qualities of punctuality and precision, hard work and perseverance, parsimony and saving that must developed in a system built upon competition. Further the funds accumulated by greed were not simply hoarded, but in a few generations gave birth to great foundations such as Ford and Rockefeller which are able to take up pressing needs and explore new avenues of potential human progress.

On the other hand, it was noted that greed implies inordinate possessions and that these are acquired at the expense of others. Before accepting the political economy one needs to consider the inhumanly exploitive working conditions which were grievous enough to inspire not only the brutally suppressed strikes, but Marx’s world revolution. The parallels between slavery in the South and the life of factory workers in the North in the past are too many for comfort, not to mention the reductionist effects of this model on life in our times.

Three serious questions were raised regarding the applicability of the model. First, regarding the political economy approach it was noted that, as the resources of the world are limited, hardly bridled self-interest, competitiveness and consumption lead to the pro-gressive impoverishment and marginalization of peoples and nations. Hence, there is need for a horizontal or global perspective in order to be aware of the effects of self-interest, but there is need as well for a vertical perspective which takes account of the values and virtues by which people have come to find meaning in their lives.

Second, the agrarian model was questioned because it saw the restraints as external, coming from the community. But a more adequate sense of law, its generation and application would suggest that, especially in a modern society, to a great extent law reflects, embodies and codifies the values of a people and the cultural norms of interpersonal interaction. To eliminate this ability of a people to shape their social life would be to eviscerate their identity: the U.N. Charter on Human Rights terms this cultural genocide.

Third, it was questioned whether the puritan model calling upon religion should be considered to be an alienating appeal to an external power. God is not only transcendent, but is equally immanent; Tillich would say that God is the ground of my being, in whom I live and move and have my being. Hence, the turn to religion as a basis for social life would be better considered not as alienating, but as empowering.

All of the above raise questions at another level, namely, regarding the basic suppositions behind the set of models, and reflective of much of the thinking which has pervaded the public philosophy since the founding of the country. This would appear to be that of a citizenry constituted of single individuals (the philosophical heritage of English Nominalism) who are fallen and corrupt in their very nature (the theological heritage from Protestantism). The need for constraint was then not only an analogous application of the earlier experience of the reigning in of kings by the Magna Carta or the more recent experience of tyrants and demagogues in the emerging republics, but a view of human nature as isolated and conflictual.

For the puritan vision this grounding comes directly and forcibly from Calvin; for the political economy model it comes from Hobbes through Adam Smith and reflects the conviction that we are dealing not with human goodness, but with evil humans whom, like bullfighters, we must manipulate. For the agrarian model it reflects the pervasive sense of the fallen character of human freedom which, therefore, must be controlled from without. As an ideology this theology is culturally installed as the basic and unquestionable presupposition of public life in this tradition.

The paper’s analysis of the unacceptability of any one of the models suggests some integration of the positive elements of each. But for this another and more adequate basis is required.

The paper is hopeful in a number of ways. It brings to attention the central issue for a free people, namely, how can it exercise its freedom to provide the responsible self-direction needed in order to create and exercise a social life which is one of human dignity, achievement and fulfillment. The three models each emphasize one source for the effective directive power needed for the self-government of a democratic republic, and it is especially enlightening to see these being articulated in the context of this first modern attempt to create such a republic.

For a small agricultural community at what then was certainly the remote rim of the ancient civilizations the founding fathers did their homework amazingly well. Their positions divided appropriately along the natural lines of life so that their proposals reflected either the central government (the Federalists) making general laws or depending on the concrete tasks of daily life to create the virtues required in the local context (the Anti-Federalist) or the competition of interests in the "market" of ideas (the political economy model). This, in turn, was seen as working

to install the needed virtues either from without in the puritan model through the institutions of church or local government or from within in the agrarian model through the culture and heritage of a people.

All reflect real dimensions of our life; hence all are important and full of promise. It is important then to promote and draw upon them all, which implies overcoming the all too human temptation to focus more narrowly upon one to the exclusion of the others and thereby to create a lack of balance whereby what should have promoted human freedom becomes oppressive, freedom itself atrophies, and one is crushed.

Such would be the case, for instance, if in the so-called puritan model public opinion enforced by the state were to override the varied open sensibilities to what is just and charitable in the many particular instances of our life with family and neighbors. This could be true also if the inner sense of tradition were to stifle one's creativity in adapting this to present circumstances. Finally, this could be especially true if one's pursuit of self-interest were to be guided only by some minimal general regulations and to lack any the interior humane virtues which have been discovered through history and installed by family and community.

As in most things we need to overcome the insistent and narrowing focus which characterizes the modern rationalist mind, in which technical analysis and exclusion has supplanted synthesis and inclusion as an attitude toward life, and constructed systems are valued over integrated expressions of the cognitive, affective and active dimensions of human life with others.

Thus in the end, it is perhaps not so surprising when Professor Schneck's search for freedom of choice in society takes him through the three models only to find that the first two are not adequate and that the third, constructed explicitly in order to constitute a place of freedom, proves in the end to be yet more constrictive. For the third model seems to dissociate the exercise of freedom from its ontological roots so that it becomes only individual self-affirmation rather than seeing this, in turn, to be an exercise and manifestation of being. This makes absolute what is relative and thereby misses the essential relatedness which constitutes social life. Analytically, on the human level it dissociates what needs to be held together; it focuses upon freedom as individual rather than as personal which, while unique to each person, is also social as are persons themselves.

This may help to understand one of the queries, namely, how is it that from a situation in which the civil society was the primary context from which emerged the political order and the state, this latter took such a predominant role that either intentionally or unintentionally it so suppressed civil society that in many places it now needs to be reconstituted as human freedom is restored or revivified.

In this light a number of considerations were suggested regarding the relation of the economic and the political orders to civil society. First, as regards the capitalist economic order two dynamics were noted. One was the way in which the capital accumulated at harsh costs to generations of workers generally has not been squandered on personal luxury, but has been funneled into foundations for public works. Among these have been the foundation and/or support to prominent universities, which provide a critical source of insight needed for managing public affairs. This holds potential for generating a civil society much stronger and more creative than had been foreseen in Aristotle's topology of the political order. It also raises the question of the extent to which the university can join the task of the church as described in the puritan model.

On the other hand, it would appear that the action of the profit motive in the economic order has been less successful in distributing wealth. Statistics show the wealthy increasing their holdings while the poor hold a diminishing percentage of the wealth of a nation. This is

dangerously more true when one considers the limits of the world's resources and the disparity between rich and poor nations.

In this context as well as that of the previous paragraphs, it becomes essential that civil society keep alive the values of a people including justice and altruism and that these be able to shape the general pattern of economic life. This suggests the importance then of a global civil society and of the international NGOs, religious and civic organizations through which such values can be developed and expressed.

If it be true that a basic motivation in the economic order is not really profit and material possessions, but the self respect which these entail, then it need not be expected that only the profit motive can be operative and effective. Indeed, self-respect is too limited if it be restricted to the individual and to pride. Human persons are much more open and concerned: equality and justice are basic motivations as are care for those who are disadvantaged and benevolence for others, their accomplishment and welfare. All of these must be kept alive and fostered. Both the puritan and agrarian models are important for this, and even moreso the civil society which undergirds both.

It was suggested that in the federalist model the legal order expressed and promoted values exteriorly, while education did so from within. But it was added that laws, though they work from without, are themselves derived from within the hearts and minds, the sensibilities and commitments of a people. In this sense civil society, as the dimension in which the culture and traditions of a people are formed, transmitted, fostered and applied, becomes vital for the legal and political order for it is there that a people forms its sense of what is socially acceptable and that social authority is grounded in merit. Hence, we need to develop awareness and respect synchronically for the entire nation and world with all its peoples, and diachronically through the history peoples build themselves and for ever-larger communities.

Chapter III

Community, Coercion and Civil Society: Constructive Pluralism or the Servile State?

Charles Dechert

Social disintegration and disorganization have developed over several generations; can be resolved only by appropriate institutions, decisions, and political will consistently applied over several generations. Most children born in 1995 will be alive in 2065 and their lives will reflect not only the social, scientific and cultural achievements of the 20th century, but also its social pathologies, maladaptive decisions and dysfunctional institutions.

Social Strengths and the Life of Freedom

The United States emerged from World War II as the world leader; its altruism and generosity inspired and contributed to the reconstruction of Japan and a reconquered Europe. America's institutions demonstrated an extraordinary capacity for benevolent social planning in demobilization, in restoring and expanding the country's economic and scientific productivity, and in its level of popular well-being—educating, housing and constructively employing some 16 million veterans without serious economic or social disturbance. America's global cultural hegemony was increasingly exercised at the popular level by the media of mass communication, especially films, whose "demonstration effect" made American ways and well-being the envy of the world, an object of imitation. The effect was widened and deepened by the electronic media while U.S. Government-sponsored cultural policies emphasized academic exchanges, American Libraries abroad and inexpensive translated editions of political classics reflecting the American way. Even the Cold War would provide an object lesson and mode of comparing political and social ideologies and institutions, ways of life and expression that could only reflect favorably on America. Yet something went wrong.

Arnold Toynbee recognized that civilizations arise when creative governing minorities consistently make effective adjustive and adaptive decisions for the community, thus confirming their "legitimacy" and evoking popular assent to their leadership. Civilizations (and, indeed, communities at every level) begin to fail when their rulers or ruling class increasingly make inappropriate and maladaptive uses of social resources (including human talent, productive capacities, wealth and influence), or maladaptively program human interactions through ill-considered laws. The decision-makers become a "dominant minority," losing their "legitimacy" and increasingly relying on compulsion as society's projects produce undesired, undesirable, and often unforeseen (albeit usually foreseeable) negative consequences. In America recent references to government "enforcers" as "jack-booted thugs" suggest that for a significant number of Americans the process of "delegitimation" is well advanced. Quebec's referendum on separation from Canada suggests the process is well advanced there as well.

This century has been a laboratory proving Toynbee's insight at both the national and international levels. World War I marked the breakdown of the Enlightenment's secular liberal world order; domestically the moral anarchy of Germany's Weimar Republic failed and called forth a monster, Nazism. In the U.S.S.R. following World War Il and decades of moral, political and economic malaise, 70 years of the omnicompetent state and socialist planning had proved maladaptive and utterly dysfunctional by 1989. In America the fun and money-frenzied 1920s,

gangsterism and a maladaptive economy produced, by reaction, an ever-increasing concentration of power in a bureaucratic welfare state. This taxed heavily, minutely regulated ever more aspects of life, and massively redistributed the social product to gain popular political assent. The phenomenon was characteristic of both representative democracies and the revolu-tionary populist regimes of right and left in the 1930s and 40s. In America these trends continued after World War II, bringing on the Great Society characterized by extraordinary levels of poverty and welfare dependency, along with an ever-increasing level of federal regulation.

At the global level American institutions, political, economic and cultural, clearly had prevailed by the last decade of the 20th century; "democracy," the market economy, the English language and advanced American academic degrees, American popular culture, stars and personality types have uncontested place. After the draw in Korea, the debacle in Vietnam, and the disgrace in Lebanon and Somalia, the United States employed its logistic capabilities, advanced weapons technologies, intelligence, communications and control systems with startling military violence and effectiveness in the Kuwait/Iraq affair. But this was for very limited objectives and over a brief period of time; it was unable to effect a change of regime in Iraq.

Domestically, the United States' smooth transition from the depression of the 1930s and the global violence and disruption of World War II had created an unprecedented general level of health, nutrition and well-being. It provided a university education to so many returning veterans that older cultural discriminants of class lost much of their significance.

Social Weaknesses and the Servile State

By the 1960s, however, America had become sensitized to emerging domestic issues that required immediate, creative and effective responses:

a) a growing federal budget and financial burden on the citizens driven by the "cold war" and military expenditures,

b) a loss of scientific and technological élan reflected by sputnik and a series of Soviet firsts in space,

c) the invention and successful testing of "the pill" which, coupled with the control of syphilis and gonorrhea by antibiotics, and the coming of age of a cohort of permissively raised American "baby boomers", produced a sexual revolution,

d) a rising consciousness of, and sensitivity to, institutionalized social injustice: racial, ethnic and sexual discrimination, poverty, repressive public authorities, unequal opportunity, etc., and

e) increased awareness of issues of environmental quality, public safety, health and occupational hazards.

American public legislative responses reflected the nation's affluence and the conviction that virtually all problems can be solved by technological and institutional "fixes", fueled by public funds and a national public administration.

The demonetization of silver in the early 1960s separated paper fiat money and the public credit from any commodity standard and opened the way to a virtually unlimited expansion of public spending (increasingly in transfer payments redistributing the national product). This was fueled by the expansion of tax revenues on inflated nominal incomes subject to progressive income taxes and capital gains taxes on the nominal, inflated value of physical assets such as real estate.

Such inflation has produced a *Carpe diem* mentality; the U.S. now has one of the lowest levels of saving and investment in the world.1

When money and monetary values are mere constructs of law and political will, when the allocation of goods (including jobs, education, lucrative contracts, licenses, zoning changes, construction permits, etc.) is a function of partisan politics, friendship and simply the power to punish or retaliate, the bulk of mankind (prudently) responds passively. People become the objects of history, not its subjects—an alienated mass ripe for servile status.

Many of the core social issues of contemporary American society revolve around the sexual revolution and its effect on the family—the procreation, nurture and education of children. When coupling is casual and/or temporary there is little mutual love and confidence, little sense of parental responsibility. Fatherless boys are prone to violent criminality and in America take pride in seducing and abandoning young women, whose offspring are then fatherless. Widespread promiscuity and the legitimization of homosexuality tend to foster social diseases and induce (often voluntary) sterility. The capacity to delay or avoid childbearing joined by psychological pressure for personal affirmation brought about by the feminist movement and the need for two incomes in new families (inflation-induced housing costs have risen over 20 years at twice the rate of inflation) has resulted in fewer children in traditional family units; immigration, legal and illegal, makes up the slack in the work force, with corresponding effects on the nation's common language, culture and shared values. Employed mothers of young children in traditional families increasingly question the justice and legitimacy of a system that provides subsidized housing, food stamps, free medical care and cash subsidies for additional children to the unmarried and welfare dependent, while they are constrained to delay or limit their own families for economic and prudential reasons related to older but seemingly obsolete notions of personal and family responsibility.

Increasingly barbaric, even savage criminal behavior (frequently linked to the absence of male authority and discipline in "single parent families") is masked in the public arena by redefining behavioral standards, "defining deviance downward;" often by legalizing what had been criminal, e.g. "soft" drug use; or even making what had been criminal a constitutionally guaranteed "right" (in some cases to be pushed by the U.S. foreign policy establishment as a universal "human right"). Abortion is the most obvious example, though voluntary euthanasia is clearly on the agenda. As the Dutch experience shows, this rapidly degenerates into widespread medical manslaughter on the German pattern of the late 1930s, even without formal governmental encouragement.

As the quality of elementary and secondary public education declines in America and measured academic achievement at every level consistently falls below that of most other modern or modernizing nations, American public opinion is placated by changing test items and emphases and readjusting norms downward. As a consequence of the failures of primary and secondary education, much American higher education is now "remedial." The United States increasingly "imports" scientists and engineers, especially at the most advanced levels, and holds them in thrall through manipulation of their residency status. At these levels the tenor of American life is, after all, very high. In many universities American students in the sciences and engineering can barely understand their teachers, so diverse is the range of accents and the often idiosyncratic grammar and syntax of their foreign born and educated professors.

The recently passed "Schools to Work Careers Bill" envisages central planning for the formation and allocation of "human capital", combining the educational and career development decisions for most Americans in a national governmental mechanism that extends the range and power of population controls, already strongly conditioned by the (technically private) Educational

Testing Service. Technologies necessary to serve humanly desirable goals often have an equal potential to make possible and effective previously impossible levels of human control. The pursuit of desirable goals when determined by an inadequate or limited concept of man, or by ideological "correctness", or purely pragmatic and instrumental goal-seeking can convert technology from servant to master of men, and may make the servile state an operative reality.

Increasing social disorganization, widespread fear and the delegitimation of public authority, crime and the induced poverty of welfare dependency, incompetence in the workplace and the "dumbing down" of the bulk of the population, illegitimacy, marital breakdown, the loss of community, economic egotism coupled with public policies placing the burden of social experimentation and innovation on an ever smaller portion of the population living by traditional values, productive and morally supportive of proven institutions—all are leading to the social compulsion of a significant part of the work force, which Hilaire Belloc terms "the servile state."

There are legislative proposals to replace "welfare" with "work fare," compulsory salaried employment (if necessary, in the public sector) after a period of compulsory training in needed skills. Yearly a third of the young black men in the United States are in prison or under some form of judicial control: is penal servitude coming to replace chattel slavery on a "national plantation" where a prison bureaucracy takes the place of Simon Legree?2 Broken marriages subject men to state enforced exactions for alimony and child support: non-payment is being sanctioned in Texas by denial of all licenses: driving, business and professional. Nationwide application and enforcement of state decrees in this area have recently become a federal responsibility enforceable with penal servitude. DNA matching will permit the identification of the fathers of illegitimate children in single-parent families and the exaction of child support under threat of penal servitude or compulsory employment. Will the "litigious society" eventually produce damage awards payable by enforced labor? Increasing judicial use of compelled "community service" suggests that forced labor is congenial to the national ethos. Just as the dynamics of totalitarian state planning and sensed wartime needs resulted in compulsory military and agro-industrial labor service, so the dynamics of the long-term institutional resolution of the disorders and dysfunctionalities of advanced contemporary free societies may result in the servile state. A pattern of executive, legislative and judicial decisions, coupled with modern information-processing capabilities and the behavior-control capacities of the "therapeutic state" point in that direction!

In brief, the web of regulation and judicial discretion little different from arbitrary will enforcing social, ethnic, cultural or ideological prejudice, coupled with the palpable failure of civil order may well be creating, in the words of Belloc, "that arrangement of society in which so considerable a number of families and individuals are constrained by positive law to labor for the advantage of other families and individuals [or the collectivity] as to stamp the whole community with the mark of such labor. . . ."3

Since the beginning of this century, and before, there has been an ideological current favorable to limitless freedom, self-affirmation and self-realization without regard to other persons in the family or the larger society. The language of rights to the neglect or downplaying of obligation facilitates and justifies action careless of consequences. What is pleasurable or immediately gratifying is good: negative consequences may be dealt with separately and later. Edward Banfield has pointed out that a very short time horizon characterizes those prone to urban rioting and the behaviors associated with the culture of violence.

Often technology or an institutionalized social safety net can be called upon to avoid or mitigate the negative consequences of imprudence or malice: the unwanted child is aborted; the drunken husband or shrewish wife is divorced: the social disease is cured by antibiotics; the effects

of drug abuse are mitigated by welfare institutions. methadone treatment and supplemental income programs. The pimp and drug dealer shot "in the course of business" are provided unlimited access to the best medical technology in the trauma units of major municipal and university hospitals.

Nature, in the sense of intrinsically defined relations between human acts, individual and social, and their inherently likely outcomes may be consistently and persistently sidestepped. When sexual acts are conceptually and practically distinct from reproduction, the result is sex as recreation. Where there were two sexes, the last decade of the 20th century sees at least five genders: male, female, homosexual, bisexual and transsexual. The concept of "family" no longer implies children, but has become an amorphous, often temporary, sharing of life and affective expression, a notion increasingly receiving juridical recognition to the detriment of the traditional family. Martial's and Juvenal's writings suggest that the opportunistic violence and criminality of the slums and the moral disorders and cynicism of America's urban elites were not unknown to imperial Rome. As demographic decline, personal demoralization, external pressure and unacceptable bureaucratic exactions brought on the economic and social collapse of the late Empire, more and more persons accepted the social discipline and relative security of serfdom. Out of that matrix rose the Christian civilization of Europe.

Civil Society as Need and Possibility

No contemporary community has satisfactorily institutionalized a stable, open-ended, adequate and liberal response to the social challenges suggested above. Certainly the revival and survival of civil society requires solidarity at every level of community: family, neighborhood, city, region, nation, continent or cultural area, the whole human family as a global community. Are there individual human rights? Certainly, and they should be institutionalized, guaranteed and enforced as civil rights. But as Pope John Paul II emphasized in his address to the U.N. in October 1995, we must identify and enunciate the rights of communities and especially of nations united by a common language, culture, history, traditions and usually a core, contiguous geographic space—a homeland.

These many peoples differ in modal personality, range of talents and interests, values emphases, level of development—and must be cherished in their individuality and differences. They must be permitted to develop autonomously, yet in concert with an increasingly self-aware ecumenical culture and global community consciousness.

It is my thesis that a pluralistic world order is emerging and that, despite its present geo-political, economic and cultural dominance of the global scene, the United States is but one of a broad range of evolving social and cultural complexes. The future of civil society at the global level lies not in the predominance or domination of any single system, but in the emergence of institutionalized patterns of peaceful and equitable interaction that will render physical and moral violence between and among the many communities as components of the global system relatively limited, rare and less than globally catastrophic in their outcomes. World wars fought with weapons of mass destruction—atomic, biological and chemical—are too destructive to contemplate and their avoidance requires institutionalized safeguards whose operation is system-self-correcting, automatic and based upon the rationally pursued interests of the bulk of mankind. Malice, nihilism and willful destructiveness—though perhaps concomitants of human freedom—must be limited in scope and effect. In his thought experiments *On Escalation*, Herman Kahn could conceive of threats based on a capacity to destroy the galaxy. Clearly the action capabilities of men

and groups, including perhaps mankind as a whole, must be constrained in the interests and common welfare of ever larger communities.

But let us return to the United States and the American commonwealth as a civil society, one among many in the world, whose internal dynamics appear to me to be taking it into a trajectory whose natural conclusion will be the servile state.

This is the challenge. Can our decision-makers effectively respond to the forces of moral nihilism and social chaos, allocating resources and creating institutions to promote civic order, personal discipline and creativity in freedom, in brief the common good, of this national community as part of the human community? We make an act of faith that social justice is possible, that the good of persons and smaller communities is not only consistent with, but encompassed within, the global common welfare.

Notes

1. Circulated drafts of the American Bishops' "Letter on the Economy" (1986) accepted inflation as a legitimate device to support a "preferential option for the poor;" Pope John Paul Il in "Centesimus Annus" (1991) finally committed the Catholic Church to monetary stability.

2. The United States now has well over a million persons in its jails. Political objections to this emerging American "archipelago" of detention facilities are based largely on the costs of penitentiary space (about $60,000 per inmate), but someone will soon realize that abandoned military bases and federal wilderness areas provide cheap space.

3. Liberty Classics edition, 1977, p. 50.

Discussion

The paper ends with an act of faith that the problematic it describes is able to be solved, but the problematic is harsh indeed. Proceeding along the axis of loss of self-control especially before government determination of one's life the author amasses a formidable array of historical data and trends to illustrate the extent of the crisis. It moves from fiscal policy, to sexuality, to environment, to family, to violence in a set of illustration which it takes not as points of debate, but as symbols of a trend which cumulatively are overwhelming.

In one sense the paper illustrates social life understood as consisting only of the government whose actions are characterized by its coercive power. In that case all public social acts are coercive, and subject the individual to a position of enforced servitude.

This is reinforced if one assumes a radical libertarian individualism or the anarchism inherent in conservatism. Seen in this light, any social action is unjustly imposed upon one's individual freedom and possessions. Taken in conjunction with the coercive character of government action all related social provisions and actions are an unwarranted invasion of one's life and property; taxes become expropriations; efforts to bring the poor or the new immigrant into the mainstream of society and all of its benefits, such as employment and appropriate education are a prejudicial expropriation of those not in need of such services, though in fact these are enjoying the benefits of public good to the full.

Hence, the main body of the paper, while questioning directly the wisdom of public social policies and the strength of private morality, would seem at another level to illustrate the basic inadequacy of a radical individualism. In its terms the problem cited is truly insoluble; there can be only despair, not hope.

When then in its conclusion the paper speaks of hope and notes that individual rights are not enough, that the welfare of peoples and nations must be protected and promoted, it opens a new horizon. This is the reality that one is born in a community not as an oppressive force from without, but as an expression of the openness and transcendence which characterizes the human person from within. It points to the other, to service in and for the community, and to the importance of its enabling a decent level of life for all willing to work for it.

This suggests that, essentially and from within, life is social, and hence that—in contrast to both anarchism and conservatism—social provisions should be seen not as unwarranted impositions or servile oppression, but as appropriate expressions of what I deeply am as a human.

How can this be exercised? It was suggested that this begins in the family as built upon a mutual gift of love in marriage and procreation and upon the constant concern involved in raising a new generation. This is extended in the face-to-face interaction with the people of one's neighborhood. It constitutes a platform of friendship for one's daily life and constitutes an island of solidarity. Indeed the neighborhood is geographical, but similar personal interaction takes place in terms of one work, one's church, one's school etc., all of which constitute solidarities of people and hence communities. These solidarities are not subdivisions of the state with its coercive power, but expressions of the people.

Indeed, the companion principle of subsidiarity is meant to protect these solidarities and the creative interpersonal freedom they express from being invaded by the coercive power of the sate. Hence subsidiarity means that what can be determined adequately and carried out at a lower level should not be a matter for determination from above.

This pattern of participation by all, if solidarity and subsidiarity, is the essence of civil society.

There is, however, a mutuality between civil society and the state. The state reflects a compact regarding the civil life of a people which protects the freedoms they possess; it provides counts for adjudication in case of conflict and provides the powers of coercion required to assure public safety and essential cooperation in public works. Thus, the state secures the realm of private action and, by promoting civil society from without, promotes the common weal as the free accomplishment of a people.

Conversely, civil society provides the culture and ethos of a society. A culture is not a given, but is a creation of a people. It is built of their choices and the social inventions they construct and pioneer. From this, in the light of religion and history, evolves their sense of the dignity of the person and of appropriate concern for others, both singly and as a community. It is this sense that guides the state in the drafting and implementation of its laws.

Toynbee's prescription for a progressive civilization is that governing minorities make effective, adjustive and adaptive decisions for the community, thus confirming their "legitimacy" and evoking popular assent to their leadership. One cannot hope for this if a government be set over against individuals with no civil society in between or *a fortiori* if this government be seen in principle as an imposition on absolutized individuals. In this sense, civil society provides the rich human resources required not only for itself, but for government in the political order as well.

Chapter IV

The State, Development, and Civil Society: The Case of Algeria

Chaoura Bourouh

This paper is an attempt to understand the concept of civil society as applied to the Algerian experience of development and state-building. The thrust of my argument is that development should not be an exclusive responsibility of the state, and that civil society can play a vital role in the development of post-colonial countries.

The Notion of Civil Society in Non-Western Contexts

Civil society has been an ambiguous concept. This ambiguity stems, in my opinion, from its inconsistent definitions and from its questionable applicability to various historical situations. As a concept, civil society was first equated with the political order or the state per se. It was then relatively dissociated from the state, entailing some sort of reaction or opposition to government politics. Later it was detached from the state altogether to denote non-state associations.1 Some viewed it as market economy, others as voluntary organizations, still others saw it as both market and voluntary organizations.2

The common ground for these definitions, however, remains the fact that they are applied to the historical development of Western capitalist societies characterized, mainly, by democratic political institutions and free market. Another common ground is that civil society is viewed as the non-state sphere of life where people engage in free relationships and associations for their common benefit and thus for the benefit of society as a whole. The driving force of change, then, includes the state institutions (application of law, provision of security, etc.), the free market (profit-making), and local or national associations (realizing common goals).

This particular meaning of civil society makes it somewhat difficult to apply, as a concept, to other societies with different social and political conditions. In the former Eastern European communist countries, for example, the free market or free associations were almost totally absent: the social and economic life of society was subordinated to the state as part of a socialist strategy of development.

Given these particular situations, where can we look for a civil society? Perhaps nowhere. This is why scholars interested in the subject are now talking about the reemergence of civil society in Eastern Europe after the fall of the one party, communist rule.3 In other words, civil society reemerged in those societies when the economy and other social aspects of life were liberated from state control so that now the economy can be competitive and citizens can engage in free associations. This reasoning can be applied also to the social and political conditions of similar societies in Asia, Africa and Latin America. The experience of certain countries that were subjected to colonialism—where both democracy and the free market were not the dominant forces of change—has shown that the state tended to control not only the political life of society but also the economic, social, and even cultural and religious aspects of society. As a result, the sphere of civil society was reduced to a minimum.

The variations on the definitions of civil society and the different historical experiences of societies have led some to question the usefulness of the concept in the study of socio-political change in Africa. Thomas Callaghy expressed this idea in the following manner:

> Civil societies as particular definitions of a public sphere or realm and how these societies develop can be very different things and very difficult to study, much less explain. We need to focus on these definitions and the processes by which they emerge. This is a much more narrow conceptualization than is common in recent discussions of Africa, but even it makes me uneasy. Why not just study these definitions and their emergence and forgo the vague, often confusing, and ever-shifting concept of civil society? Study political transitions; study the emergence of new forms of associational life, changing political cultures, new social movements, new interactions between groups, new definitions of political space, and so on. Do we really need the "concept" of "civil society" to do this? Does it help us do these things better? I seriously doubt it.4

Despite the variations in the definitions of the concept of civil society and despite possible difficulties in applying it to different historical situations, I believe that it can be a useful concept in studying the case of Algeria, as a post-colonial country, and similar societies. The reason is simple. "Civil society," in my opinion, is a concept that can raise serious questions about the nature and extent of state authority, and the boundary that can be sought between state and non-state spheres of activity. In other words, the concept will help us question and understand not only the political structure of a given society, but also the sphere of economic and social life of that society. Therefore, it makes sense to speak of the reemergence of civil society in Eastern Europe, which means practically how much space should be left to non-state actors to be organized by their free will to attain a particular goal.

Civil society is a vital concept in the study of non-Western societies because it explicitly puts emphasis on the role of organized individuals in the life of their society, outside the predetermined official norms which at times can be abusive, conflictual or tyrannical in character, affecting negatively a normal course of development.

Consequently, and for the sake of this analysis, it will be significant to distinguish between three basic spheres of relations in a society: the political-administrative sphere, which is an exclusive domain of the state; the economic sphere, in which the state can play an important, but not an exclusive role; the civil society sphere, which is the organized group activities outside the economy and state control. This includes religious, educational and cultural institutions; local or national professional or other types of associations; and all other forms of social activities organized by the free will of individuals for the common good of people.

The theoretical argument which will guide my analysis of the Algerian case is as follows: In the course of the development of a particular society, the state attempts to extend its control into the economic and social life of society. As a result, civil society is subordinated to the state to help legitimize a certain development strategy. The continuity of this situation depends primarily on the state's ability to fulfill its promised goals, and on the role of civil society in attaining them. A particular crisis may limit the ability of the state to continue implementing development projects and delivering social services. The weakness of the state leads to the revival or reemergence of civil society institutions to surmount state control and to play a vital role in the course of change.

Historical Background

Algeria was subjected to French colonial rule from 1830 to 1962. During this period the French and other European settlers took over the most fertile land of the country and forced

Algerians to relocate in unproductive areas. The country was divided socially and politically into three parts: the colonial state, the European settler population and the indigenous Algerian population.

As the state and the backbone of the economy were in the hands of colonialists and settlers, the Algerian population presented a civil society in its own right. The most important institutions of that civil society were the Mosque and the Djamaa. The mosque was not only for prayer, but was a place of teaching the Quran. As an independent religious institution the mosque played an important role in the religious education of Algerians. The French took over the Habus, the land owned by the mosques, depriving them of their main source of income. As a result, the role of the mosque was substantially curtailed. The place of the mosque was revived in 1931 with the creation of the "Association of Muslim Scholars", headed by Ibn Badis. The association undertook the task of religious education and the professional training of youth. The Djamaa was an assembly of the inhabitants of the village that met to discuss important issues that concern the village. As the French wanted to extend their domination, they created what was known as "the Arab Bureau", which is an administrative agency in which native Algerians participated to act as intermediaries between the French administration and Algerian civil society. The most important features of the Algerian society during the colonial rule were the predominance of traditional agricultural and Bedouin (nomad population in the south) life with its specific culture and mode of social organization. This is what Hisham Sharabi calls "patriarchal society," which is basically the opposite form from modernity: "a system of values and social practices belonging to a determinant economy and culture."[5]

At the moment of independence, Algeria was in a state of chaos. Peasants in "regroupment camps" were returning to their homes, refugees were returning from Morocco and Tunisia. People migrated to urban areas to take over the homes and jobs of the departing colonialists and settlers. The departure of the latter left the country almost paralysed. In this chaotic situation a new state was born. What were the features of the new Algerian state and how did it deal with this new reality, i.e., how did it mobilize a predominantly traditional society for development and modernization to overcome the problems inherited from colonialism?

The State And Its Development Strategy

Theory

The leaders of the National Liberation Front (FLN), which became the single ruling political party after independence, met in Tripoli (Libya) in June 1962 and adopted a socialist political and economic platform for independent Algeria. This platform, known as the Tripoli Program, defined the ideological orientation of independent Algeria: "The armed struggle must be followed by the ideological combat, and the struggle for national independence must be followed by the people's democratic revolution . . . [which] is the conscious construction of the country within the framework of socialist principles and with the power in the hands of the people."[6] The program, however, did not specify those socialist principles, but only referred to "collective ownership of the principal means of production" and to "national planning." The program defined the tasks of the Algerian "democratic revolution" as follows:

- the agrarian revolution, which will aim at modernizing agriculture and redistributing the land according to the principle: "the land to those who work it",

- the nationalization of certain foreign businesses,
- industrialization, which will create a heavy industrial base to modernize agriculture and society as a whole.

While these tasks were to be carried out by the new Algerian state, the program expressed the need for both national and foreign capital to supplement the state's efforts in development. However, the program noted that "the state must not, by any means, create an industrial basis for the benefit of the local bourgeoisie as was the case in some countries."7

The choice of the socialist option, according to state officials, stemmed from the social and economic realities of Algerian society: nearly 90 percent of the population was rural, the urban population was poor and mostly unemployed, and only a fraction of the population had access to education during the colonial rule. This traditional society needed a mobilizing force to lead the process of development. The legitimacy of the state was, thus, established *de facto*.

The new Algerian state, which officially declared itself socialist, vowed to apply the principles of the Tripoli Program. The takeover by the workers and peasants of the abandoned European factories and farms, and the establishment of a self-management system in them, was interpreted by the Workers' Union and the leftist members of the government as a unique socialist experiment in the Third World. Some government officials stressed that Algeria had once and for all chosen a socialist path of development that stemmed from Algerian realities. President Ben Bella, declared in 1962, "We want an Algerian socialism born of our national experience, benefiting from the experience of socialist countries."8

The Congress of the Electric and Gas Federation held in December 1963 defined Algerian socialism as "self-management plus electrification."9 A government official in 1963 went as far as saying that "Algeria is one hundred percent socialist."10Yet, despite this enthusiastically pronounced socialism, it was relatively limited in practice. The self-management sector was controlled by the state through the appointment of directors as heads of the self-managed enterprises. In addition, the state developed its own industrial sector and controlled it through the appointed managers. The control, by the state, of the self-managed sector is seen here as a measure of control over the economy and civil society. The control over the latter is attained through preventing the creation of an independent workers' management system, and thus an autonomous workers' movement. In fact, the "General Union of Algerian Workers," (UGTA), which was created in 1956, attempted to be an autonomous organ. It encouraged the workers to take over the vacant European properties and to establish self-management.11 Fearing this challenge, it was subordinated to the FLN in 1963. All other supposedly "mass organizations" subsequently were annexed to the FLN to help the state implement its development programs.

On the religious front, the Islamic association *AL-Kiam* (Values), beginning in 1964 opposed state socialist policies and the drive to control Islam and the economy. Although it was suppressed, this movement continued to be active particularly in the mosques and on university campuses. The movement became the embryonic base of the Islamic Salvation Front (FIS), created in 1990.

Following the general guidelines of the Tripoli Program, after 1965 the Algerian state defined the strategy of development as the Agrarian Revolution, the Industrial Revolution and the Cultural Revolution. Development plans were set up to organize and carry on development projects.

The Agrarian Revolution: The first pillar of the Algerian development strategy had as its major purpose, "the modernization of methods and techniques of production on the basis of new modes of management " and the property system. Socially speaking, this meant the destruction of the old

property system (known as *khamassa*, similar to the feudal system) and surpassing the traditional forms of social and cultural organizations by introducing new modes of organization of society which were defined from above.

The Cultural Revolution: The second pillar of the development strategy had as a goal "the affirmation and consolidation of Algerian independence, elevation of the level of education and technical competence, and the adoption of a style of life which is in harmony with the principles of the Socialist Revolution."12

The Industrial Revolution: The third pillar of this strategy is seen as the driving force of the development of Algerian society: "Industrialization," according to the National Charter, "takes the significance and the dimension of a true revolution. It integrates into its objectives the profound mutation of man and the remodeling of society."13

At least three factors contributed to the formulation of such a strategy:

1. The dominant traditional agrarian economy was seen by the state as unable to undertake the task of development.
2. The dominance of the economic paradigm of development in the world which related development and progress to industrialization.
3. The dominant socialist ideology among the elites of the Algerian state who believed that Socialism ensures economic independence and progress.

The theoretical model of the Algerian development strategy was based on the economic development theory of Gerard Destanne De Bernis, a French economist, who contended that in order for Algeria to catch up with the already industrialized world, it had to engage in the development of heavy industry, which, in turn, would create light industry, modernize agriculture and provide employ-ment.14 This development strategy, according to De Bernis, could be financed by oil and gas revenues (98 percent of Algeria's exports). The model presented itself as "socially neutral" i.e., it emphasized only the economic content of development. This social neutrality meant neglecting the social and cultural conditions of Algerian society which led, as we will be shown later, to radical changes.

Implementation

This socialist development strategy was carried on through different state institutions:

The public sector. During the 60s and 70s, the state's direct involvement in economic development (the Industrial and Agricultural Revolutions) resulted in the formation of one of the largest state sectors in the Third World. This resulted from the following:

a. At the moment of independence, the state was the only institution capable of undertaking the task of development. The private sector was not strong enough to lead the development process.

b. The conviction of state officials that a strong public sector can protect the national economy from foreign competition and create the material basis for a transition to Socialism. The private sector remained limited and was subjected to certain regulations.

The state policies were carried on by four ministries: the ministry of heavy industry, the ministry of light industry, the ministry of agriculture and the ministry of commerce. These ministries created a huge bureaucracy which managed the public sector.

The party. The FLN was the ideological tool of the state. After completing its historical role of leading the armed struggle against French colonialism, it became, after independence, the political and ideological institution that defined the general guidelines of the Algerian state and society. It defined development in terms of transition to socialism, controlled the national labor union and all areas of social and cultural local activities. It even managed neighborhood and village activities. In short, it manipulated the concepts of solidarity and cooperation to monopolize the social and cultural life of the society.

Civil society institutions:

1. *Education*. With the nationalization of private schools in 1971, education became the sole responsibility of the state. The goal of the educational system was technical and ideological. The former aimed at forming the new generation of an educated and trained force that could carry on development in the future. The second aimed at forming a secular and modern mind that would undermine the role of both religion and traditional culture, both viewed as major obstacles to the construction of socialism. To realize that goal the educational programs included religious courses molded to accommodate state ideology.
2. *Religion*. The state controlled the religious life of the country through the Ministry of Religious Affairs. The latter controlled the mosques and religious property, trained and appointed Imams and prepared the weekly Friday sermon. The Imams became part of the public sector work force who contributed to legitimize state authority.
3. *Culture*. The cultural life of the Algerian society did not escape state control. A ministry of culture was created to organize the cultural life of the people within the framework of socialist ideology. Traditional cultural beliefs and practices were supplanted by an official "interpretation of culture."
4. *Associations*. The most important unions and associations, that were subordinated to the FLN and played an important role were: The Workers' Union (UGTA), the Student Union (UNEA), and The Women's Organization (UNFA).

The Workers Union (UGTA), the largest trade union in the country, was incorporated to the FLN in 1963. It firmly supported the state's socialist development programs and played a key role in rallying the workers behind state policies. It had great impact in preventing strikes and containing open opposition to the state. Despite the creation of smaller unions after 1989 (when the new constitution allowed the creation of independent associations and political parties), the UGTA remained a strong social force opposing the newly adopted liberal government policies.

The Student Union (UNEA) although it was created by the FLN, functioned as an autonomous organ. It was behind several student strikes and was very active in opposing some government policies. It was banned finally and replaced by the National Union of Algerian Youth (UNJA). The UNJA, controlled mainly by leftist elements, played a vital role in mobilizing students for voluntary services for the benefit of the Agrarian Revolution. It is important to note that the student movement was actually split into two tendencies: Pro-government, which supported the Agrarian Revolution and other socialist programs, and the religious student movement which opposed state socialist policies and demanded the establishment of an Islamic state. It was a continuation of the activities of the banned association *Al-Kiam* (Values). The religious student movement became extremely active after the death of President Boumedienne in 1978, the leader of the socialist

development strategy in Algeria. Two groups representing these two movements actually clashed at the University of Algiers in 1982.

The National Union of Algerian Women (UNFA) also played a significant role in organizing working women to support state policies. The UNFA was created by the FLN in 1965 as the number of working women was growing rapidly. Despite the fact that the rate of women in the work force (excluding agriculture) never exceeded 7 percent, the UNFA was an efficient mobilizing force in urban centers.

Challenge

The strategic goal behind the state's development strategy was to surpass traditional ethnic cultural differences, and mold society into a new unified national culture. Development was seen as a process of integrating various ethnic groups and social categories into a modern socio-political system. This strategy was financed and maintained by oil and gas revenues. When the oil prices fell drastically, beginning in 1986, development projects were affected by major cuts. Shortages appeared and unemployment rose. The population was becoming more and more frustrated as the standard of living fell and the state was unable to provide practical solutions.

In October 1988, thousands of people, mostly youths, descended into the streets, rioting, burning and destroying state property, such as buses, department stores, and government buildings: the symbols of state authority. A new constitution was adopted and a multi-party system emerged. As a result 40 thousand voluntary associations have appeared since February 1989, covering almost all aspects of the social and cultural life of society, domains which were reserved to the state until a few years earlier. The problems strengthened the religious movement which wanted to regain control over the mosques and to expand its influence to the educational sector. The religious movement was the only strong institution that could oppose effectively the tremendous strength of the state.

In view of this, one might ask: how did the state manage to control the economy and civil society for so long? and how and why was such control challenged? I am here using the term challenge deliberately to describe a situation in which the state, with all the upheavals that occurred since October 1988, still maintains a substantial control over the economy and civil society. As if it has built-in mechanisms of self-defense, the state, despite its apparent weakness, has resisted even the fiercest of all opposition movements, namely the Armed Islamic Group, GIA. There exist, in my opinion, two main sources of state legitimacy in the case of Algeria:

First, historical legitimacy: This was derived from the particular social conditions of the country and from the role of the elite in the liberation struggle against French colonialism. As stated earlier, at independence the Algerian population was mostly of peasant origin and the rate of literacy was very high. When independence was won, the elite that had led the struggle against colonialism became the legitimate holder of state authority. In the eyes of the population, the elite had another historical objective to achieve: development.

This historical legitimacy continued to play until now a significant role in acquiring key positions in government and other state institutions. All heads of state, for example, have served in the army or in the FLN during the liberation war. This type of legitimacy is what Perez-Diaz called "formal legitimacy", which is established by virtue of tradition, affective or value rational faith.15 This historical legitimacy may have served the state and party officials to subordinate civil society.

Second, technical legitimacy: This type of legitimacy is what Perez-Diaz called "substantive legitimacy," which refers to the state's ability to ensure the security of the people and to provide social and other services.16 In the case of Algeria, the technical or substantive legitimacy was attained by two important factors: the first is derived from the social conditions of the Algerian population which were defined above: the second is that the state had at its disposal enormous amounts of oil revenues which helped it engage in ambitious development plans and provide social services.

The ability of the state to carry on development projects and to provide various social services can ensure consent on the part of the population. This is why civil society institutions were so easily subordinated to the state. As long as the state gave privileges and provided free services, the state's legitimacy was not challenged. But state officials, for reasons that need a separate study, were using their positions to acquire wealth and maintain their privileges. The trend continued for so many years that it affected greatly the part of capital investment in development projects and the part allocated for social services. Hartmut Elsenhans, a German economist, describes this situation as follows:

> Algeria [is] determined by a new type of mode of production, the bureaucratic development society which is dominated by a state-class. This class is not capitalist because it appropriates surplus by politico-administrative means and allocates surplus not in function of profit rate differentials.17

According to Elsenhans, the state class consists of political "clans" that struggle between themselves to acquire a larger share of surplus. As a result, the part of surplus assigned to consumption tends to increase at the expense of the investment part of surplus.18

The radical fall of oil prices in 1986 resulted in an acute reduction of money allocated to development projects and to social services particularly health and housing. During that crisis, the state was unable to fulfill its promised objectives. The pressure and opposition intensified demanding political and economic reforms. The adoption of the new constitution in 1989 opened a wave of criticism of the shortcomings of government development policies.

The religious movement, which traditionally opposed the government, took advantage of the weakness of the state and of the disenchantment of the population, particularly the youth, to organize a very strong social base especially in the poor urban centers. This movement, vowing to establish an Islamic state, became even stronger when it was recognized as a political party. The private sector, especially in commerce, might have played a role in that by supporting the movement, probably for economic reasons, knowing that an Islamic state will cut taxes and promote private business. This movement gained momentum as it attacked the state and the party as corrupt institutions and vowed to establish a just system within the framework of Islamic law.

In conclusion, we can learn from the Algerian case that development cannot be reduced to economic growth; it is intrinsically social. This means that it must take into consideration the culture and religion of society (the most vital civil society institutions). Civil society should be encouraged, not controlled. Failing to do that may result in opposition and challenge to state authority by civil society. As Marshall Berman has noted: people "know how to think of, by and for themselves: they will demand a clear account of what their bosses and rulers are doing for them—and doing to them—and be ready to resist and rebel where they are getting nothing in return."19

Notes

1. Michael Bratton, "Civil Society and Political Transitions in Africa," in *Civil Society and the State in Africa*, ed. by John W. Harbeson, Donald Rothchild, and Naomi Chazan (Boulder, Colorado: Lynne Rienner Publishers, 1994): 53-55.

2. Victor M. Perez-Diaz, *The Return of Civil Society* (Cambridge: Harvard University Press, 1993).

3. John Gray, "From Postcommunism to Civil Society: the Reemergence of History and the Decline of Western Model,"*Social Philosophy & Policy* 10 (1993), 26-50.

4. Thomas M. Callaghy, "Civil Society, Democracy, and Economic Change in Africa: a Dissenting Opinion about Resurgent Societies," in *Civil Society and the State in Africa*, p. 236.

5. Hisham Sharabi, *New Patriarchy* (New York: Oxford University Press, 1988), p. 15.

6. "The Tripoli Program", p. 658.

7. *Ibid.*, p. 701.

8. Maria A. Macciocchi, "An Interview with Ben Bella," in *Man, State, and Society in Contemporary Maghreb*, ed. I. W. Zartman (New York: Praeger Publishers, 1973), p. 124.

9. Marc Raffinot and Pierre Jacquemot, *Le Capitalisme d'Etat Algerien* (Paris: Maspero, 1977), p. 67.

10. Raymond Vallin, "Muslim Socialism in Algeria," in *Man, State, and Society*, p. 50.

11. Gerard Chaliand, *L'Algerie est-Elle Socialiste?* (Paris: Maspero, 1964).

12. Slimane Madhar, *Tradition Contre Developpment* (Alger: ENAP, 1992), p. 126.

13. *Ibid.*, p. 128.

14. Francois Perroux, *L'Algerie de Demain* (Paris: PUF, 1962), p. 74.

15. Perez-Diaz, p. 59.

16. *Ibid*.

17. Hartmut Elsenhans, "Contradictions in the Algerian Development Process: the Reform of the Public Sector and the New Approach to the Private Sector in Industry," *The Maghreb Review*, 7 (1982), 70.

18. Hartmut Elsenhans, "Capitalisme d'Etat ou Societe Bureacratique de Developpement," *Etudes Internationales* 13, (1982), 31.

19. Sharabi, p. 19.

Discussion

1. One of the most interesting elements in the actual presentation of this chapter was Professor Bourouh's suggestion that the description of civil society as the realm between the state and the economy may be too static. It identifies their distinct realms, but does not describe their dynamic interaction. Thus division is between the official institutions of the state regulated by laws and enforced by the power of coercion; this is "the authority". The economy is seen as the profit-making sector: the free market. In between is placed all the rest: family, education, labor, all the free associations constituted of people by their own choice.

Professor Bourouh suggested a more dynamic conception visualized by concentric circles in which the state is the center. This is small in a democratic society. The second or surrounding circle is the economy which controls or limits the expansion of the state. This leaves a large space for the rest of society, called civil society.

In the case of Algeria, after colonial rule there was need to establish a political reality for the country. In the vacuum the elite had the mission of creating the state which in turn created and dominated the market.

To understand this it is necessary to remember that a socialist ideology was adopted, perhaps in part in reaction to the international capitalist character of the colonial rule, and with a view to restoring to the people ownership of the land and productive industries which had been exploited and/or developed by the colonists. Whatever the reason for which socialism was adopted, however, it induced the sense that the state needed to control the economy and hold much of industry and the large natural deposits of gas and oil in the name of the people. As a result the state, rather then being reined in by the economy expanded to absorb the economy, and then onward to absorb education, religion and culture in the service of this ideology.

Whatever be the case of Algeria, this helps to see civil society and its relation to the state and the economy in a dynamic fashion, and indicates how one can encroach upon and suppress the other. It illustrates also that each needs the other for their mutual benefit.

2. It is essential to consider different senses of development. In the case cited it was taken baldly as technical development in order to rebuild the country after colonial dislocations. All was directed then toward the development of agriculture and especially the petroleum industry of the country. To this education, religion and culture were bent by the state.

Another sense of development focuses upon empowerment of the self-expression of the people through science and culture, religion and the economy. In this light the focus of the government should be first of all on its people and their growth or formation (*bildung*). In the Algerian experience, given the poverty of the people, all was defined for them from above. There was a radical disregard for the people not with regard to their material well-being which was sought at all costs, but of their spiritual and cultural well-being as free and personal.

This points to the need for a new model built upon personal dignity and the freedom to develop one's personal and social capabilities. This points first to solidarity as a joining together in natural bonds of family and community, and in these unities seeking their appropriate and self-determined goals. Second, it points to subsidiarity, for this effort of a free people must come first from below where it is decentralized at the local level. This stresses the emergence of the forces of development from the freedom, creativity and cooperation of the people.

This contrasts strongly with a centralized theory in which all comes from above and the people are considered instruments to serve the project of the state. In order to avoid this a vibrant sense of civil society is needed.

Chapter V

Multiculturalism and the Bounds of Civil Society

William A. Barbieri

Preliminaries

The 1995 referendum on independence for Quebec, as alarming as it has been for many North Americans, is only a particularly conspicuous example of a contest enacted daily around the globe. A glance at the *New York Times* on any given day is likely to reveal a grab bag of stories involving the struggles of various social groups to redefine the shape of the societies in which they live. Often—for example, in South Africa, or Chechnya, or the former Yugoslavia—what is at issue are boundaries between societies. More often, however, it is boundaries *within* societies that are in dispute. These are the gradations of membership, the distinctions of status, the delineations of identity that divide the groups within a society and stamp the lives of those who belong to them.

Consider these cases: In Germany, a sizable immigrant minority seeks improved access to citizenship, state-supported bilingual education and protection from right wing, anti-immigrant violence. In Israel, Palestinian citizens of the Jewish state push for an equalization of state funds for Jewish and Arab communities, for affirmative action in hiring and government, and for cultural autonomy. In the U.S., the controversy of the week may concern hiring quotas, gerrymandering to favor minority candidates, the inclusiveness of the Western literary canon, the rites and rights of Native American religious groups, Afrocentric education, exclusively Hasidic school districts or a host of other topics.

These are all problems of multiculturalism: they are, that is, problems posed by the presence of cultural diversity within social and political orders that combine, usually uneasily, a commitment to individual equality with attempts to preserve a particular national identity. Multicultural issues typically pit against one another competing views on a distinctive set of concerns, involving the meaning of equal treatment, the fairness of compensation for past injustices, and the rights of groups to maintain their identities in the face of dominant majority cultures. They turn, in short, on questions of justice, and for this reason they demand the attention of those disciplines concerned with morality and ethics.

In addressing the problem of just arrangements for a multicultural society, we are right to focus on questions about equitable distribution, equal treatment, fair representation and the like.1 Often, however, we overlook a crucial, logically prior question—namely, who belongs to "society" in the first place? We neglect to ask: Distributions within what boundaries? Equality within which community? Representation for whom? The problem of multiculturalism—of justice in the political community—ineluctably thrusts us back upon the broader question of the justice of the political community. According to what criteria should the boundaries of community be demarcated? Who ought to count as a member, and in what ways? Of whose common good ought we to speak? On this deceptively obvious set of questions regarding what I propose we call structural or constitutive justice, the entire Western tradition of political thought surprisingly is strikingly reticent.

That who counted as an Athenian was not a particularly troubling question for someone like Aristotle is, perhaps, understandable given the cultural and geopolitical climate in which he lived and thought. That a Rawls or a Habermas does not come squarely to grips with this question, however, calls for some explanation. How do we establish who is eligible to join us in the original

position, or within which social context does the discourse of communicative action take place? It appears that ancient assumptions about the givenness, indeed the naturalness, of the body politic continue to assert themselves in contemporary theory, in the form of a largely uncritical acceptance of the institution of modern nation-state citizenship as the basis for defining the scope of distributive justice, civil rights, political equality and other important values characterizing the civil society.2

But our post-modern context makes it impossible to overlook that political communities do not simply grow on trees. They are rather, we could say products of a sort of genetic engineering in which collectivities are molded through the manipulation of borders, migration patterns, national identities, economic relations, fertility and a range of other parameters. Polities are, in short, shaped by people; not always in a coordinated fashion perhaps, but through purposive human action nonetheless. Moreover, this action is free.3 The ethical significance of this is immense, for it means that the outlines of societies, and the divisions within, fall within the sphere of moral responsibility. That the construction of social boundaries is not always carried out in an explicit or intentional manner is not in itself grounds for saying that we are not answerable for the results. The mistake we make in taking the shape of the society in which we find ourselves as necessary or given, and hence immune to moral criticism, is akin to the mistake we make if we fail to hold polluters accountable for the unforeseen environmental consequences of their actions. Where it is possible to expand our knowledge of our agency and its effects, we become negligent insofar as we fail to do so.

It is courting unnecessary ambiguity to say simply that "people" or "we" are the agents who constitute society. At present the human and social sciences remain somewhat impoverished when it comes to describing the exact nature of collective action or communal agency.5 Still, our knowledge of the subtle and less than subtle ways in which we structure our societies has been sharpened in recent decades by thinkers across a variety of disciplines in their work on nationalism, on the formation of racial and ethnic identity, on the construction of citizenship, and on many related topics.5 At the same time, critical work carried out in conjunction with social movements on behalf of women, workers, ethnic minorities, and other groups has developed insights into the webs of relations through which hierarchy and domination arise and are maintained.6As a result, we have at our disposal the tools for a rough under-standing of the social agency through which we shape ourselves as peoples, nations, lands, cultures and societies. And this is all that is required to ground an ethical inquiry into the formation of our political communities.

Constitutive Justice

Who belongs to the community? And in what ways? From the premise of our accountability for the shape of our polities flow the basic questions of constitutive justice, among which we may distinguish external and internal issues. The external issues ("Who belongs?") deal with the scope or outlines of communities: How are borders established? On what basis is membership awarded? How is migration handled? Is the size of the population regulated? and so on. Internal questions ("In what ways?") bear on the character or constitution—in two senses7—of the community: Do all belong equally? Who has a voice? How are power and resources distributed? Is belonging understood in individualistic or group-related terms? Where is the line between "public" and "private"? In societies that are not culturally homogeneous—and it is difficult to think of any that truly are—the internal dimension of constitutive justice often takes the form of the question of multiculturalism. Broadly speaking, this is the question of the extent to which the structure of a

political community should take account of cultural diversity. Ultimately, of course, the internal and external questions are two sides of the same coin.

If we understand civil society not as a "space" distinguished from the state and the economy within a given political community, but as a mode or set of roles accessible to all members, then the shape of civil society is a matter of both external and internal issues of constitutive justice. In the contemporary discourse of civil society, the external question of membership—of who belongs to the civil society—has been largely neglected. The internal question of multiculturalism, however, has been recognized as a burning issue of the day. In large part this is due to the way in which multiculturalist debates accentuate the tension between two important values for civil society, unity and equality. The aim of nurturing a cohesive national civil culture of a sort that can provide a basis for effective democratic politics often collides with the commitment of the modern civil society to egalitarianism and inclusiveness.8

There are several levels at which the ethical question of multiculturalism confronts us. In the first instance, we face a variety of applied normative issues. Some of these concern substantive matters—language rights, employment, education, cultural autonomy—while others are procedural in nature. Debates over these issues necessarily lead us to a theoretical level concerned with the definition of key terms such as culture, group rights, communal agency and oppression. Ultimately we must address those tantalizing meta-ethical questions having to do with the nature of equality, the ontological status of individuals and groups, and the problem of criteria for adjudicating among competing normative conceptions of community.

Where, then, should an analysis of the problem of multi-culturalism and constitutive justice begin? In my view, the most sensible place to start is with the context of discrimination, oppression and marginalization that gives rise in practice to demands for the recognition of diversity and group rights in modern societies. We should begin, in a word, with injustice.9

Injustice

As slavery, the Holocaust, ethnic cleansing and many like episodes have shown, injustice toward social groups is closely correlated with what might be termed "injustice"—the notion that moral claims to just and equal treatment are bounded by the confines of an ingroup. Injustice is premised on, first, the exclusion, and secondly the subordination of those who do not belong to the ingroup. It is fruitful to view the unjust treatment of groups in terms of three interrelated types of subordination, which I call ethno-national discrimination, socioeconomic inequality and formal disadvantage. These forms of subordination, it turns out, are bound up intimately with the basic processes through which modern political com-munities constitute themselves.

Ethno-national discrimination is fueled by the process of nation-building through which polities attempt to establish a unified communal identity. The standardization of language, the creation of national symbols and the writing of a collective history are some of the tools of choice here.10 Nation building depends heavily upon the enhancement of distinctions between a dominant cultural identity and other competing ones, and so it aims at cultivating a preference for members of its own group over outsiders, who become cast as the "other." We may call this phenomenon chauvinism, or—when, as often happens, it is linked with race—discrimination. In Germany, the word for it is "*Ausländerfeindlichkeit*," and foreign residents there may become acquainted with it in a variety of ways—in the attack on the train, in the refusal of admission to a nightclub, in the disproportionate likelihood of being charged with a crime, in the poor prospects of career advancement. Palestinian citizens of Israel experience in comparable ways their

exclusion from their country's (Jewish) national identity.11The United States, strictly speaking, is not in its composition a nation state but rather a nations state; even so, it is marked by an ongoing struggle to define a core "American" identity12—an identity ignorant of the rest of North and South America, an identity with a capacity for exclusion reflected in the phenomenon of hyphenated Americans, in the nativist politics of a Pat Buchanan or a David Duke, in markers of racial consciousness from Derrick Bell to *The Bell Curve*.

Socioeconomic inequality, while related to discrimination, is driven largely by the dynamic of state building—the consolidation of an integrated economic and administrative unit under the authority of a central political power. State building benefits from, perhaps even depends upon, the exploitation of some class of people viewed as not fully belonging to the society in question. Not incidentally, this role often is played by specific cultural minorities. Post-World War II German society has profited greatly from the existence of the so-called guestworkers who have filled the bottom rung of the social hierarchy in employment, education and housing. The same can be said of Israeli Palestinians, who, with their relatives from the territories, provide a vital source of cheap and mobile labor.13 Yet those communities are provided inferior social services—or ignored entirely—by the state. While the U.S. has a long history of subordinating different immigrant groups—witness the old N.I.N.A. signs—it is safe to say that non-immigrants—blacks and Native Americans—have most consistently occupied the bottom spot on the totem pole.

Formal disadvantaging of groups, finally, occurs in a systematic process of legal and political subordination accompanying what I have come to call, in distinction from nation and state building, civitas building. The category of citizenship carries with it the basis for making qualitative distinctions between the citizenry and other residents in a society. In Germany, the sizable minority of resident Turks, while indistinguishable from their German neighbors in most respects, are ineligible to vote and subject to a separate system of laws applying to "aliens." While members of the Palestinian minority in Israel, in contrast, enjoy citizenship, enough legal and political constraints exist to cause them to insist, with good reason, that they are second-class citizens.14 The U.S., meanwhile, entertains a range of anti-immigrant measures, such as California's Proposition 187, that would perpetuate the exclusion of the country's least privileged resident population.16

Discrimination, inequality and disadvantage work together to constrain and incapacitate certain groups in the civil society, to the benefit of others. If we accept, on democratic or other grounds, the proposition that the forms of subordination that result from these processes are unjust, we are faced with the question of how to alter the dynamics at issue. Responses to this challenge are necessarily informed by the types of agency involved in each process.16 Because ethno-national discrimination is fostered largely through discourse and symbolic action, combatting it is a subtle, complex and hazardous business, as the stigmatization of "political correctness" in the U.S. has amply illustrated.18 Socioeconomic inequality is likewise hard to address directly, for it is generated through extremely complicated and diffuse patterns of interaction. The most promising line of attack focuses on political and legislative strategies of inclusion; for politics is the arena of social agency *par excellence*, and through it the ethno-national and socioeconomic spheres may be influenced indirectly. Accordingly, the campaign against subordination finds its main arena in public policy debates and those aspects of the legislative process that may be brought to bear on the problems of multiculturalism.

Public Policy Debates

The status of minorities in contemporary Western societies is in large part determined, and hence may be revised, through political decisions on a range of issues all having to do with the structure of the political community.

Chief among these is the area of immigration and naturalization policy. States today are able to control both the size and the status of different groups within their territories by regulating admissions: to the territory, through immigration policy, and to full membership in the society through naturalization policy. For historical reasons, Israel and Germany both have laws which grant a right of immigration to members of the dominant national group who live abroad. Israel, indeed, relies upon immigration to maintain its Jewish majority. In Germany, many have argued, a less stringent naturalization policy would do much to ameliorate the subordination of the Turkish minority.18

A second crucial issue is the franchise: Who gets a voice? Germany excludes its non-citizen residents not only from national elections, but from local ones. Universal suffrage, meanwhile, only goes so far in ensuring fair representation, hence the ongoing dispute in the U.S. over redistricting plans that aim to build-in a measure of parity for minority groups.20

Of comparable significance are problems of distributive justice. How are we to counteract the deeply entrenched socio-economic subordination of groups? In order to counteract group-related inequalities in employment, education and housing a spectrum of compensatory strategies has arisen, ranging from the rather modest notion of affirmative action to the considerably more sweeping concept of quotas.20 While Germany and Israel have not yet warmed much to such measures, voices are growing in their support. In the U.S., of course, affirmative action had a well-established, though now controverted, record. The more ambitious approach to rectifying historic injustices embodied in the notion of quotas, on the other hand, has found the individualistic soil of the U.S. less than hospitable.

Civil rights legislation constitutes a fourth important venue for addressing constitutive injustice. Legal measures prohibiting discrimination based on an individual's membership in a minority group provide an influential means of opposing subordination. In this area the U.S. has an extensive body of civil rights laws. Germany, however, has been reluctant to follow the example of other European countries, such as the Netherlands, that have enacted anti-discrimination laws; in Israel the passage of civil rights guarantees has been bogged down in constitutional disputes over the relative significance of religious authority and democratic politics.

Another major area of contention concerns group rights in regard to language, education, cultural practices, religion and regional autonomy. For many, the heart of the issue of multiculturalism has to do with the protection of various aspects of group identity against either assimilation to a dominant identity or erosion at the hands of the culture of individualism.21 In Germany, Turkish residents seek the right to cultivate their language, to practice their religion on equal terms with Germans, and to revise curricula that instruct them in the history of their "Teutonic forefathers." Israel's Palestinians increasingly seek a sort of cultural autonomy which would grant them greater control in matters of education, language and culture.22 U.S. issues include, for example, bilingual teaching, Afrocentric education, tribal sovereignty and the rights of minority religious communities.

National symbols, finally, also provide a noteworthy locus for mediating belonging in a society. Whether central tools of nation-building, such as the flag or the national anthem, are inclusive of minorities or not is a common issue in discussions of multiculturalism.

Principles of Constitutive Justice

Debate on these concrete issues tends to elicit a range of attitudes toward the basic multiculturalist proposition that the constitution of society ought to give cultural diversity its due. These attitudes differ in their understandings of the proper scope of justice, in how inclusive they are, and in their understandings of equality.23 Most importantly, they differ on what is perhaps the most compelling issue raised by multiculturalism, namely, the nature of groups and group rights.24 The main competing positions on these issues may be linked with a set of distinct principles of constitutive justice.

The Closure Principle. This particularistic view holds that political communities should be organized in accordance with "natural" boundaries based on ethnic or blood ties, a shared history and a common ascriptive identity. In the West, this notion of an essential link between birth into a historical community and political membership has found influential exponents in Hooker, Coke and Filmer in the British common law tradition; Bodin and later Bossuet in France; and Herder and a whole succession of theorists of the nation in Germany. Advocates of closure generally assume a single group's historic right to a specific territory. Often, the community is conceived of as a single organic entity with a life of its own. Membership is determined by birth, and exchanging one's community is ruled out. The purpose of political life is to preserve the group, and great emphasis is placed upon homogeneity. Distinctive minorities, it follows, may and indeed should be removed. The closure principle lies behind the phenomenon of ethnic cleansing, behind the cry of "*Ausländer' raus!*" and behind the efforts of Jewish extremists to expel all Palestinians from *Eretz Israel*.25

The Culture Principle. A similarly particularistic but less exclusive view holds that the legitimate unit for political self-determination is a collectivity of persons united by a common culture and sense of mutual commitment. Historically, this idea, which harks back to the Greek *polis*, has had notable advocates in Burke and a long line of republican thinkers from Cicero to John Adams. In deemphasizing the significance of blood ties in favor of cultural assimilation, the culture principle assigns a basic value to individual choice and commitment.26 The political community, it is held, should consist of a group of like-minded members who band together to nurture their common identity and who reserve the right to accept or reject new members. Arguments for this view often combine an invocation of the right to self-preservation of the group with the claim that cultural homogeneity is a precondition for a viable democracy. Minority groups have a choice: assimilate, be excluded or leave. This continues to summarize the official line in Germany.

The Choice Principle. This view maintains that the individual's right to freedom of association should serve as the fundament of any political community. This perspective, while essentially modern and liberal in character, is grounded in a strain of thought on consent stretching back to the Sophists; it also has important roots in the work of Locke and Jefferson. Group identities are incidental in this view, and group rights are not recognized. Membership in society is contingent on each person's willingness to belong and to pay the requisite price in terms of commitment or allegiance.27 It follows from this that each should be able to choose not only which organization to belong to, but also the extent of his or her membership and participation. Hence, increases in rights and privileges may be attached to increasing costs in terms of time of residence, military

service or other contributions to society. Given that all people do not insist on full involvement in the communities in which they live, this view may lead to layered polities containing a variety of different levels of membership, in addition to multiple or divided memberships. Cultural diversity should be neither hindered nor encouraged. To a large extent, contemporary European societies, with their "guestworkers" and other permanent residents, reflect this model.

The Coexistence Principle. A fourth view proposes that the polity be shaped to fit those who live, work and participate over time in the life of a territorially defined community. Prominent in the historical pedigree of this notion are certain strains of Roman law, early modern formulations of the *jus gentium* by natural law jurists such as Vitoria and Grotius, and the ideological legacy of the French and American revolutions. This perspective emphasizes the importance of one's role as an integrated legal and economic actor in a functioning, structurally cohesive social entity. Such participants are held to constitute the political community and are regarded as its members, subject to their approval. Consequently, birth or long residence in the society, not membership in a racial or cultural group, is taken as the basis of belonging. No one cultural identity is thus accorded dominance; established subgroups are tolerated, perhaps even entitled to maintain their group identities on equal terms with one another. This view is presently embodied in some measure in states with *jus soli*citizenship policies such as the U.S. and Canada.

The Cosmopolis Principle. This approach to political organization insists that humans ought to be recognized as belonging ultimately to a single universal polity. Cosmopolitanism, typically associated with groups at the left end of the European political spectrum, can claim antecedents in, among others, the Stoics, Kant and Marx. All persons, it holds, have an inalienable right to political participation; hence they are entitled to be represented in any deliberations which affect them. In this radically democratic conception what is decisive in determining who counts are the bounds of the effects of political decisions. This perspective, in its logic, transcends the traditional state system, supporting the case for transnational forms of representation and the idea of a "global civil society."28 The attitude it embodies toward multiculturalism is one of active support; the right to cultural membership is on a par with the right to political membership, as is the right to migration. "Open borders" and minority protections are frequent commitments urged by cosmopolitans.29

Prospectus

How to adjudicate among these competing principles of constitutive justice remains an open question. One place a critical strategy may begin is with an assessment of the empirical claims brought in support of various normative stances with respect to the shape of political communities. For example, do democracies really require cultural homogeneity in order to function? If so, of what sort? On questions like these, experience must be our guide.

At the same time, the matter of the internal coherence of competing conceptions of community cannot be ignored. Can it make sense, for example, to insist that the boundaries of self-determining political units should be defined according to the freely disposed wills of individuals, when individuals tend so notoriously to disagree over affairs of politics? No less than other forms of moral discourse, arguments about constitutive justice may be required to answer to the canons of logic and reason.

Beyond this, it seems to me, the vying perspectives may be faulted insofar as their underlying conceptions of persons—their political anthropologies—are implausible or unconvincing. We are not the atomistic, autonomous individuals presupposed by the choice principle any more than we are the situated components of an organic group in the way assumed by the closure principle. We are rather, in different, constitutive ways, at once universal, communal and voluntaristic beings, and this is something that a convincing notion of constitutive justice will have to recognize. In my view, the widely endorsed notion of human rights may provide a basis for a compelling argument to the effect: (1) that political societies are obligated to grant full membership to their established residents both as individuals and as groups, and (2) that this will generally necessitate "multiculturalist" arrangements which acknowledge and protect certain group rights. But that is an argument for another day.

Notes

1. Iris Young, however, cogently notes the dangers involved in relying too heavily on a "distributive paradigm" in talking about justice (1990, 15-38).

2. A notable exception to this is Michael Walzer's work dealing with membership in the political community (1983, 31-63). For some criticisms of his view see Brown 1981. Robert Dahl also devotes some attention to the problem of criteria for inclusion in the polity (1989, 119-31).

3. This freedom must be understood, I would suggest, as of a contextual nature. For a theological understanding of the role of human agency in the making of society see Davis 1994.

4. Some promising stabs in this direction are Giddens 1984, Honneth and Joas 1988 and Gilbert 1992.

5. Anderson 1991, Gellner 1983, and Hobsbawm 1990 are influential treatments of nationalism; representative analyses of race and ethnicity and group identity are, respectively, Goldberg 1993, Barth 1969 and Tajfel 1981; on citizenship, see Tilly 1975 and Brubaker 1992.

6. The contributions of feminist theorists—e.g., Fraser 1989, Bartky 1990, Benhabib 1992—have been especially useful here. See also Foucault 1979 and Walzer 1993.

7. The thoughtful essays in Calvert 1991 are organized around Thomas Paine's proposition that "the constitution of the people, their character as citizens and as a society, is `antecedent' to the government formally established by a written constitution" (xi).

8. On the egalitarianism of the civil society see Cohen and Arato 1994, 18f. For an attempt to reconcile this tension see Habermas 1995.

9. On the matter of the epistemological priority of justice or injustice I tend to agree with those who see injustice as prior: our reasoning about justice is grounded in our experience of unjust treatment and not *vice versa* (cf. Wolgast 1987, Shklar 1986).

10. Levin *et al* 1993 gathers together a range of reflections on the significance of various aspects of nationhood. Critical perspectives on nationalism include Kristeva 1993 and Matustik 1993.

11. The Israeli Arabs' experience of "otherness" is examined in Dominguez 1989, 153-188. See also Kimmerling 1992.

12. Useful on this topic is Moore 1986. On the U.S. "culture wars" see Hunter 1991.

13. Portugali 1993.

14. For detailed analysis of legal discrimination against Israeli Palestinians see Kretzmer 1990 and Peled 1992.

15. Karst 1989 and Shklar 1991 are excellent surveys of the history of *civitas*-building in the U.S.

16. Smiley 1992 grapples with some of the problems involved in assessing moral responsibility in complex social interactions.

17. Cash 1995 presents an analysis of the manner in which ideological constructions of community have shaped the political conflict in Northern Ireland.

18. I make this case in a forthcoming book. See also, e.g., Cohn-Bendit 1993 and Schmalz-Jacobsen *et al* 1993.

19. An excellent treatment of this issue is Thernstrom 1987.

20. Fiss 1976 is an incisive source on the question of affirmative action as a collective right.

21. On the nature of group rights, Garet's Sartrean interpretation (1983) is particularly illuminating. Taylor *et al* 1992 and Kymlicka 1995 ably pose many of the theoretical issues surrounding the notion of group rights. Several essays addressing this issue in the Canadian context are collected in Baker 1994. See also Sanders 1991 and Mills 1994.

22. Ozacky-Lazar & Ghanem 1990, Bishara 1993.

23. On equality, see Turner 1986 and especially Rae 1989.

24. On group rights see May 1987 and Van Dyke 1985.

25. Reflections on modern manifestations of the logic of closure are collected in Ignatieff 1993.

26. According to Tamir 1992, this makes it possible to speak of a liberal nationalism.

27. A defense of the centrality of consent in matters of immigration and citizenship is provided by Schuck and Smith 1985.

28. Bauböck 1994 makes the case that transnational forms of membership are both increasingly feasible and morally desirable.

29. Carens 1987 treats the moral logic behind the idea of open borders. See also Beitz 1983.

References

Anderson, Benedict. *Imagined Communities*. Verso, 1991.

Baker, Judith, ed. *Group Rights*. Toronto, 1994.

Barbieri, William A. *Citizenship and Group Rights in Germany*. Duke, forthcoming.

Barth, Fredrik, ed. *Ethnic Groups and Boundaries: The Social Organization of Culture Difference*. Little, Brown & Co., 1969.

Bartky, Sandra Lee. *Femininity and Domination: Studies in the Phenomenology of Oppression*. Routledge, 1990.

Bauböck, Rainer. *Transnational Citizenship: Membership and Rights in International Migration*. Edward Elgar, 1994.

Beitz, Charles. "Cosmopolitan Ideals and National Sentiment," *The Journal of Philosophy*, 80 (1983), 90-95.

Benhabib, Seyla. *Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics*. Routledge, 1992.

Bishara, Azmi. "Al Shelat haMi'ut haFalestini b'Israel" ("On the Question of the Palestinian Minority in Israel"), *Teoria u'Bikoret*, 3 (1993), 7-20.

Brown, Peter G., and Henry Shue. *Boundaries: National Autonomy and Its Limits*. Rowman and Littlefield, 1981.

Brubaker, Rogers. *Citizenship and Nationhood in France and Germany*. Harvard, 1992.

Calvert, Robert E. *The Constitution of the People: Reflections on Citizens and Civil Society*. Kansas, 1991.

Carens, Joseph. "Aliens and Citizens: The Case for Open Borders," *The Review of Politics*, 49, No. 2 (1987), 251-73.

Cash, John D. "State, Civil Society, and the Political Subject in a Divided Society: Reimagining Political Relations in Northern Ireland." In Joseph A. Camilleri *et al*, eds., *The State in Transition: Reimagining Political Space*, pp. 105-124. Lynne Rienner Publishers, 1995.

Cohen, Jean, and Andrew Arato. *Civil Society and Political Theory*. MIT, 1994.

Cohn-Bendit, Daniel. *Heimat Babylon: Das Wagnis der multikulturellen Demokratie*. Hoffmann and Campe, 1993.

Dahl, Robert. *Democracy and Its Critics*. Yale, 1989.

Davis, Charles. *Religion and the Making of Society*. Cambridge, 1994.

Dominguez, Virginia R. *People as Subject, People as Object: Selfhood and Peoplehood in Contemporary Israel*. Wisconsin, 1989.

Fiss, Owen. "Groups and the Equal Protection Clause," *Philosophy and Public Affairs*, 5 (1976), 107-177.

Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. Vintage, 1979.

Fraser, Nancy. *Unruly Practices: Power, Discourse and Gender in Contemporary Social Theory*. Minnesota, 1989.

Garet, Ronald. "Communality and Existence: The Rights of Groups," *Southern California Law Review*, 54 (1983), 1001-75.

Gellner, Ernest. *Nations and Nationalism*. Blackwell, 1983.

Giddens, Anthony. *The Constitution of Society*. University of California, 1984.

Gilbert, Margaret. *On Social Facts*. Princeton, 1992.

Goldberg, David Theo. *Racist Culture: Philosophy and the Politics of Meaning*. Blackwell, 1993.

Habermas, Jürgen. "Citizenship and National Identity: Some Reflections on the Future of Europe." In Ronald Beiner, ed., *Theorizing Citizenship*. SUNY, 1995.

Hobsbawm, Eric J. *Nations and Nationalism since 1780*. Cambridge, 1990.

Honneth, Axel and Hans Joas. *Social Action and Human Nature*. Cambridge, 1988.

Hunter, James Davison. *Culture Wars: The Struggle to Define America*. Basic, 1991.

Ignatieff, Michael. *Blood and Belonging: Journeys into the New Nationalism*. Vintage, 1993.

Karst, Kenneth L. *Belonging to America: Equal Citizenship and the Constitution*. Yale, 1989.

Kimmerling, Baruch. "Sociology, Ideology, and Nation-Building: The Palestinians and Their Meaning in Israeli Sociology," *American Sociological Review*, 57 (1992), 446-60 .

Kretzmer, David. *The Legal Status of the Arabs in Israel*. Westview, 1990.

Kristeva, Julia. *Nations without Nationalism*. Columbia, 1993.

Kymlicka, Will. *Multicultural Citizenship*. Oxford, 1995.

Levin, Bernard, et al. *The Worth of Nations*. Boston University 1993.

Matustik, Martin J. *Postnational Identity*. Guilford Press, 1993.

May, Larry. *The Morality of Groups*. Notre Dame, 1987.

Mills, Claudia. "Multiculturalism and Cultural Authenticity," *Report from the Institute for Philosophy & Public Policy*, 14, No. 1/2 (1994), 1-5.

Moore, R. Laurence. *Religious Outsiders and the Making of Americans*. Oxford, 1986.

Ozacky-Lazar, Sarah, and Asa'd Ghanem. "Autonomy for the Arabs in Israel: An Initial Discussion." *Institute for Arabic Studies*, 1990.

Peled, Yoav. "Ethnic Democracy and the Legal Construction of Citizenship: Arab Citizens of the Jewish State,"*American Political Science Review*, 86, No. 2 (1992), 432-43.

Portugali, Juval. *Implicate Relations: Society and Space in the Israeli-Palestinian Conflict*. Kluwer, 1993.

Rae, Douglas et al. *Equalities*. Harvard, 1989.

Sanders, Douglas. "Collective Rights," *Human Rights Quarterly*, 13 (1991), 368-386.

Schmalz-Jacobsen, Cornelia et al. *Einwanderung--und dann? Perspektiven einer neuen Ausländerpolitik*. Knaur, 1993.

Schuck, Peter, and Rogers M. Smith. *Citizenship Without Consent: Illegal Aliens in the American Polity*. Yale, 1985.

Shklar, Judith. *American Citizenship: The Quest for Inclusion*. Harvard, 1991.

. "Injustice, Injury and Inequality," in Frank S. Lucash, ed., *Justice and Equality Here and Now*, pp. 13-33. Cornell, 1986.

Smiley, Marion. *Moral Responsibility and the Boundaries of Community*. Chicago, 1992.

Tajfel, Henri. *Human Groups and Social Categories: Studies in Social Psychology*. Cambridge, 1981.

Tamir, Yael. *Liberal Nationalism*. Princeton, 1992.

Taylor, Charles et al. *Multiculturalism and "The Politics of Recognition*". Princeton, 1992.

Thernstrom, Abigail. *Whose Votes Count: Affirmative Action and Minority Voting Rights*. Harvard, 1987.

Tilly, Charles, ed. *The Formation of National States in Western Europe*. Princeton, 1975.

Turner, Bryan S. *Equality*. Tavistock, 1986.

Van Dyke, Vernon. *Human Rights, Ethnicity, and Discrimination*. Greenwood, 1985.

Walzer, Michael. "Exclusion, Injustice, and the Democratic State," *Dissent*, 40 (1993), 55-64.

. *Spheres of Justice*. Basic, 1983.

Wolgast, Elizabeth H. *The Grammar of Justice*. Cornell, 1987.

Young, Iris Marion. *Justice and the Politics of Difference*. Princeton, 1990.

Discussion

Civil society raises a number of issues, among which one is: who is involved, who belongs?

It was suggested that it was sufficient to assure the human rights of the individual and that this could be done by universal legislation. On the other hand, it was noted that the individual is an abstraction from reality. In fact there are no simply single entities, but all are born in relation one to another: this is basic for all issues of civil society. Thus, the question of who belongs and of the belongingness—not individual rights—is the fundamental issue for civil society.

Further the assurance of individual human rights, while important, doteraction which is received by a person from his or her family and neighborhood and which enable a person to relate socially to others.

If this be the case, then there is in addition an issue of how minority cultural solidarities are to be included as units in the larger society. This is the analogue of the issue of individual human rights on the part of single individuals, namely, how can the identity of rights of a cultural group or solidarity be recognized. This is not to deny that there is an issue of the rights of an individual vis-a-via especially a strong central government or a strong group identity. But this is but one issue, and the one to which an individualist culture tends to be sensitive, while at the same time being characteristically insensitive to the identity and rights of groups.

What is basic here is a sensitivity not merely to the individual as an atom counterpoised to all others, but to the individual as a unique person who as such is not simply self-inclosed but is open and related to others. This reflects a deeper metaphysical attitude regarding reality as basically a unity, and whose diversity is derivative. Hence, this diversity in its many modes reflects a unity of origin and of direction; its members are essentially, not accidentally, interrelated. In this light one's identity is not exclusive of others ,but more fundamentally is participational in a unity, and hence is solidary with others.

The great manifestation of this cannot then be legal definitions which purposively abstract from the actual exercise and expression of this free interpersonal action, but is rather in the very exercise of social life. Hence, an approach to these issues needs to be existential, beginning from the conscious and caring practice of social solidarity. Related theory must arise from this and can then proceed to theoretical clarification. Moreover, such theory must return to practice in order to have concern for the reality of human beings in the self-transcendence and solidarity which characterize the reality of persons.

In doing this one naturally is dealing in terms of the cultural solidarities in which human life is lived. This directs attention in turn to the transcultural and intercultural interchange in which values are lived not only with others who share them, but with others whose value pattern differs.

Further, as these groupings are different they are also unequal. Hence the theory of subsidiarity becomes essential for enabling and promoting the exercise of personal life in society. This is not something which takes place without the participation of peoples; it must rather be their major and distinctive accomplishment, namely, the achievement of constructing a society in which all can participate and human life can be lived to the fullest. This is the task of civil society.

Chapter VI
Quantitative and Qualitative Growth in Industrial Global Society

Mario Laserna

The present Essay consists of three parts: Part I attempts to construct the historical and conceptual scenario in which the notion of Civil Society plays a dominant role. Part II "What is Meant by Qualitative Growth?" and Part III "Challenges Confronting Industrial Global Society" treat two of the factors constitutive of the institutional content of Civil Society as an event in the last half of this millennium, from the Renaissance down to the present problems of global society while issue from the termination of the Cold War. These two factors are presented as:

Historical and Conceptual Constituents of Civil Society

Defining the Thematic Scope

The first question in need of clarification is: What do we mean by a crisis in Civil Society? Only then can the nature of the alleged crisis affecting it be defined with sufficient precision to consider its origins as well as the possibility and desirability of putting an end to the crisis. Chapter I "Philosophy and Civil Society: Its Nature, Its Past And Its Future" shows Civil Society to be a theme so complex and to cover such a long stretch of humankind's intellectual history that different judgments as to its value and meaning can be drawn. The historical context, that is, the broader, general field of modern society is so difficult and complex because among other reasons, the social elements that are now disrupting it did not originate outside it, but are a direct product of its own institutional life. That being the case the conclusion to be drawn, and which every day finds more acceptance, is that, while the Enlightenment indeed abolished in the name of humanitarian social progress certain institutions considered too immersed in a myth ridden past and did change certain behavior paradigms, it also indulged in wishful thinking regarding the in-built perfectibility of its own principles and eventually became over confident and too optimistic regarding its ability to maintain itself as the final stage of history. The truth is that the seeds of its own downfall were there to be seen by anyone not blind to the dialectics of the *corsi e ricorsi* of Vico's view of history.1 Such un-warranted—and, with the benefit of hindsight, naive—optimism with regard to the unmixed benefits accruing to humankind as a result of science, technology and its logical sequence, the industrial revolution, originate in a combination of the ideas of a hidden, all powerful and benevolent hand guiding history; of the fundamental goodness and perfectibility of human nature; and, last but not least, of an unlimited abundance of resources in Nature eager to satisfy human willfulness, greed and power as the Lord of Creation. The purely material elements of our planet affecting the foundations of social life constituted the theme of an analysis, *Can We Survive Technology?* (1955)2 by the great scientist John von Neumann, the basic ideas of which will be presented in Part III of the present chapter.

Today, within the new global context which we experience and from our specific vantage point, the model of Civil Society receives new meaning. It is like the experience undergone by living entirely in one's own family house and, suddenly, realizing that one is also part of a whole town. Each person within his own Commonweal can perceive the origins, the present conflicts and the eventual future forms Civil Society is bound to take; each one of us can study his or her familiar habitat and learn how to evaluate the different factors acting upon it. Nevertheless, this does not

mean that general conclusions cannot be reached on the basis of one's particular experiences, for we are talking about a specific manner of community life on the part of human beings in our age. Consequently, in spite of the variety of forms, there exist also common elements of content. The main ones being that it is composed of human beings; secondly, that it takes place on the planet earth; and third, that is has to do with communities each of which have undergone a particular historical development serving as the base for the common global development we have entered since the end of the Cold War. Specific problems arise from the present globality of our coexistence which were not present when each nation and region carried on a more or less autonomous existence. Consequently, the first question is what has driven us toward the present day global horizon, and does that exercise a pervasive influence on the crisis? Is the change of dimension from a tribal to a global perspective a factor determining the crisis, or is existence merely undergoing a process of enlargement?

Chapter I above notes many reasons now being cited for the present convergence of attention to Civil Society, namely: a) that it can expand the actual participation of citizens; b) that it expresses an achieved synthesis of different values in the search for the good life, and c) that it is the cutting edge of the search for freedom in the modern world.

Civil Society and Humanistic Values

These reasons indicate that Civil Society is a realm of broad and properly human association concerned with the general welfare, rather than specifically with the economic or political order. Hence, values relating to the quality of human life occupy here a higher ranking than other values, viz. economic, religious or technological. If so then we are advancing towards reestablishing what is meant by Civil Society on the basis of a new order of values conditioned by historical circumstance. Consequently, we should attempt to reconstruct the historical events under which those human values of free and responsible participation in the search for the good life have attained their acceptance in order to grasp what is threatening them in our post Cold War era and to evaluate their chances of survival. As we behave according to our perspective of the world in which we live, this problem becomes one of how we acquire a *Weltans-chauung* which validates a specific set of values. Do we simply discover it by a process in which the mind is a tabularasa upon which sensible or value realities impinge, filling it with ideas which reflect the world; or is it a matter not of perceiving, but of constructing? If the constructive alternative accords more with the way the cognitive relation between Mind and *Weltanschauung* takes place then Civil Society inevitably is a function of historical circumstance.

The predominantly positivist and empiricist interpretation of the scientific revolution had attributed to a passive Mind the capacity to construct our view of the physical and moral Cosmos as a mirror image of reality, so that the subjective relation between perception and the ensuing reality became accepted as transmitting an objective reality. However, an examination of the role played by any animal's sensorial apparatus in the construction of its specific view of reality cannot be ignored. The resulting attribution (in the case of the human animal) of a constructive role in our vision of reality to the active direction of Mind becomes a matter of common sense and epistemic coherence; further, it alone makes *scientia* possible. Civil Society and the human values associated with it represent, historically, a spin-off from this capacity to know nature and our place in it. Hence, as sensorial beings the world we live in is our own construction according to some specific perspective initially determined by the genetic structure of the human species. Each animal organism constructs its world as perceived through its sense organs, and adopts a preferred

behavior according to the information processed. Thus a value is attached to certain socially sanctioned forms of behavior resulting not only in an institutional feeling of tribal identity, but in one of greater personal security.

Whether we feel secure or threatened, our response to what is offered or denied by perceived reality, and hence our behavioral values, are related closely to individual and collective survival. Consequently, an institution that enhances personal security and well-being gains a permanent and paradigmatic statute among the values supporting its life-style. As the world is perceived sensorially and information is processed with a view to behavior appropriate to one's goals, tribal identity and the survival of law and order are considered to be of supreme value (note Socrates' preference for law, above even his own life). At this point the human animal becomes something different from other animals. No doubt, one behaves according to the needs of survival, but one chooses not only the objects perceived, but the manner of reacting to them, even with regard to the requirements for survival; in this, the human acts as an animal. This is not a question of seeing man in the animal, but, on the contrary, of seeing the animal in man. Such behavior implies a knowledge in which the input and the ensuing behavior constitute a closed unit. But are we to compare this input-behaviour reaction with the knowledge through the geometry of Thales or the Science of Galileo? If so, we should say that animals also act upon knowledge where the organism triggers responses to the signals received from an outside which is not its own creation, but a fact or world in which it is placed.

The relation between input and the ensuing or triggered behavior is genetically conditioned. It is in this sense that Descartes says animals are machines, in as much as they are determined in their interactions. Note that this is not like the mechanical action of a toy which is steered only through its inner mechanism, and lacks a survival priority. However, when cultural values play a role in the reaction there exists a certain freedom of choice on the part of the subject; the condition for overcoming a deterministic animal behavior is the intermediation of a culture. That intermediation and its prescriptions are what we call the values of the specific cultural and historical entity to which we belong.

It has been the purpose of the above discussion to show that values are a function of the preferences governing the survival behavior in each tribe. This implies the following conclusions: the manner of reaction in homosapiens is channelled by specific forms of behavior which are characteristic of each community. We call values the characteristic forms of behavior which are specific to each community, which define the identity of that social group and which are specific to the historical period of tribal life within which a particular individual acts. Among these forms of behaviour language holds a priority, for in learning a language there is developed the basic mental operation of creating meaning through the use of sounds" or visible objects (written communication), without which little advance in cognition is possible. It is not that some specific behavior pattern would not ensue from specific sensorial input patterns, but that the rationality of truth and of freedom of choice has operative existence only as a function of our linguistic capacity taken in a broad sense. Whenever such capacity is absent humans are seriously impaired and remain at the thought level of animal reaction. In human beings the instinctive behaviour we share with animals receives a rational dignity originating in the elective exercise of our linguistic capacity.

The Hobbesian View of Tribal Existence.

That each tribe has its own forms of satisfying the demands which the organism places on its members is a basic principle in the Hobbesian concept of the State (or of whoever exercises the sovereign power relating to *The Matter, Form and Power of a Commonwealth, Ecclesiastical and Civil,* as the subtitle to *Leviathan* reads).3 There, in the brief introduction justifying man's creation of this "Artificial Animal . . . of greater stature and strength than the Natural, for whose protection and defence it was intended" a remarkable statement relating to the unity of human nature appears: "*Nosce te ipsum,* Read thy self. . . . (teaches us) that for the similitude of the thoughts and passions of one man, to the thoughts and passions of another whosever looks into himself . . . he shall thereby read what are the thoughts and passions of all other men, upon the like occasions." However, as Hobbes' purpose is to point out the need of the Sovereign to understand the unity of human nature, expressed within the variety of local social values, he makes clear:

> I say the similitude of passions, which are the same in all men, desire, fear, hope, etc., not the similitude of the objects of the passions which are the things desired, feared, hoped, etc.; for these the constitution individual, and particular education do so vary. . . . And though by men's actions we sometimes discover their designs, yet to do it without comparing them with our own, and distinguish the circumstances by which the case may become to be altered is to decipher without a key and be for the most part deceived.

This Hobbesian insight in his Leviathan suggests for our own day the possibility of a universality of insight (encoded in local forms and values) into the structure of human behavior. Only through such an insight can Civil Society become a science in the meaning which the XVIIth century gave to that term. What is important in the Hobbesian position is that individual behavior should be looked upon as a particular way (because of the constitution individual and particular education) of expressing a universal trait in human behavior. It is then a question of finding the form common to local variations, and of disclosing (by means of the key to deciphering) the hidden filogenetic structures channelling individual behavior. Such a capacity for deciphering demands a great deal of training and objectivity in order to overcome the tendency to attribute absolute value to one's tribal cultural identity. Providing such a cultural dictionary for translating values from one tribe's cultural currency into the currency of another could become a major task of cultural anthropology. The lack of such a dictionary produces the ethno-centric tendency prevalent among members of XXth century Western culture, which has led to an alienation from non-european ethnic traditions and even to misunderstanding and falsely evaluating European behavioral patterns and values of scarcely two generations ago. An example of deciphering, i.e., of gaining insight into the universal significance of a local value that provides the right to tribal membership, is the case reported by Alexander von Humboldt from his travels along the Orinoco where not sharing a language subjects one to becoming an object of cannibalism. There a shared language is a condition for the right to stay alive. Whether having such a life-saving passport originates in speech, race, religion, social class, age-group, level of instruction, family name, or some other criteria for group-membership is a secondary matter, in comparison to the sanction for not having the correct passport.

Coexistence of Animal and Rational Nature

Despite a quantitative mutation separating them from animals in their confrontation with their environment, humans do not shed or contradict their animal nature as such, just as a tree develops trunk, branches and fruits without losing its roots. Rather, based on their animal roots, humans develop a more complex and creative side to their nature. A change of paradigm regarding behavior, including what can be learnt, takes place. However, an incommensurable distance separates the animal and the human, which distance originates in the use of language in confronting space-time events. Though no key to deciphering *natura* in a different way from that of animals is given to the human organism, yet already at the Darwinian level of survival behavior homosapiens develops, in the course of time, another strategy. The strategy developed is not one of adaptation to nature, of finding an adequate niche, but of transforming nature in order to meet human needs. True, if man is nothing but a creation of nature, it is nature as a whole which has experienced in the chain of being an incommensurable mutation. But then the question arises, is inert matter by itself capable of experiencing such a mutation?

Universal history may be viewed as the story of homosapiens adapting nature to its needs, local history being the scenario in which the specific local conditions of the human confrontation with nature is acted out. That after slow development the innovations constituting the sequence of adaptation techniques, which we call technology, acquires considerable rapidity is part of the history of mankind: no animal species exhibits such a record of dominating nature. It is in the process of developing a strategy for adapting local nature that the social values identifying each tribal group become important for controlling individual behavior, under a unique centralized authority representing the group identity. The aristocracy exercising authority defines the values which provide access to tribal membership. Such is Vico's explanation in his *Nuova Scienza*.4 ln a primitive society the control of behavior furnishes an explanation which spans every reality of tribal life. That is the advantage of a mythical explanation: it satisfies man's thirst for knowledge.

As part of such a process Civil Society can be defined within the modern scenario in which the rational, quantitative ways of adapting nature to human purpose determine the values regulating individual and tribal conduct. Such a special form of Civil Society has emerged in the last five millennia of recorded historical process which established the conditions of possibility of Civil Society. The question is whether as a result of the accelerated increase in knowledge taking place in the last four centuries a change in the paradigm for Civil Society is now called for. Nature as defined in prehomeric times no longer exists. Homosapiens has developed his creative powers and ambitions beyond what he himself thought possible in the century of Galileo, Descartes and Newton. Acting in an entirely new scenario, his confrontation is not with nature as a force outside himself, but with his own power to subjugate Nature.

Conclusions

A model of the origin of Civil Society as a process of liberation appears in western Civilization tied to the possibility of manipulating universal nature ta serve human wishes. In the political arena such liberation meant abolishing a series of prohibitions imposed by local traditions, prohibitions which themselves were duly rooted: i) in the process of adapting nature, and ii) in the vision of human needs for whose satisfaction it was taking place. With the emergence of a universal science, one casting its cognitive net beyond the micro- to the meso- and macro-cosmos and thus spanning all space-time phenomena, the behaviour-paradigm imposed by local values loses its rationality.

The new values regulating Civil Society must originate in the scenario of universal science. Such became the basic thought model of the Enlightenment and its humanism.

However, such universal values were difficult to define not only in a negative sense, that is, as not founded on local prejudice. Moreover, a new order capable establishing a peaceful coexistence between values and individual conduct became problematic. As Marxism was to denounce the dynamics behind humanity's transition from the realm of necessity to the realm of freedom, new forces (capitalism) emerged eager to control and to draw all sorts of benefits from the process of adapting nature to human needs. The alleged liberation proclaimed by the French Revolution opened the gates to new forms of servitude exercised through the mass-media directing the individual to select consumer goods according to the power interests of those controlling the market economy. For, once a very high degree of control of nature through science is attainable, the powers controlling the market economy tell people with what and how each individual should be satisfied.5Traditional nature providing for variety as depicted by Montesquieu has disappeared; now the institutional nature of science and technology confronts individual and collective human survival and well-being.

The reactions of a genetically conditioned individual as to his priorities and the tempo at which changes in consumerism should occur have, nevertheless, made themselves felt: this time not through Fascism and Marxism-Leninism, but through less politically articulate behavior. That is, namely, through the breakdown of the sense of solidarity and institutional family values around which Civil Society was organized; through such bizarre behavior as drug use and the antics associated with the different varieties of sexual liberation; and last, but not least, through a longing for those all-embracing and stable authorities common to fundamentalist movements.

What Is Meant by Qualitative Growth?

The Historical Context of the Confrontation: *Quantity vs Quality*

The starting point for our answer to the question: What is the meaning of qualitative growth? is to define the terminological and historical meaning of the problem under consideration. Such a historical-contextual reference finds its most significant features within Western Industrial society, its stages of development and the ideological-philosophical conflicts in its present stage as a planetary model intimately related to the deterioration of our biosphere. However, ecology is not the only area of standards of high consumption. Alongside *perestroika* and its effects, along with the ending of the military and ideological Cold War, attention must be given to the attempt at reconciling basic socialist ideals with the efficiency of a free-market economy. Last but not least, a major problem closely linked with all major problems of the post-war period is the unresolved and menacing north-south confrontation.

Any relevant answer to the problem of quality in economic development, with pretensions to thematic completeness, must in one way or another have reference to all such "areas of crisis". The simple and obvious reason for this is that, through different inroads and factors, they all originate in the predominance of merely quantitative criteria within which industrial society, as the socio-economic model developed over the last two hundred years. Consequently, we shall begin our treatment of the question by making more precise the conceptual terms of reference of our discussion.

As a guiding principle for our presentation we adopt, as point of reference for producing a confrontation with mere quantitative growth, the principles and ideas behind the eco-social-

market-economy model, ESME. This model originates in an ever growing awareness on the part of political leaders of the major industrialized nations of the deficiencies detected in the traditional model which was dominated by considerations related exclusively to the operation of the law of supply and demand, without regard for the social and ecological consequences or for regulating the price of consumer goods and services. A quick and preliminary glance at the conclusions of our study may be helpful in guiding the reader in the stages and aims of our argumentation.

Confronted with the question of quality vs quantity in economic growth we shall now apply the analytical method current in philosophical reflection. It consists in decomposing a complex concept of an object, a process or an event into its component parts in order to gain insight into its different elements, their mutual interdependence, their causal origin, and the part each one contributes to the total phenomena. The analytic method applies both to organic, holistic phenomena as well as to purely mechanical ones. Consequently, the fact that one talks about the "addition of elements" does not preclude that the totality is more than the mechanical sum of its parts. The notion of holistic totality has become very familiar in analyzing certain phenomena through Gestalt Psychology and related areas of scientific inquiry.

In order to apply the analytic method let us assume ESME is a historical reality of our time representing a model of economic growth with in-built qualitative parameters, and also combining the efficiency of the market economy with two basic humanist principles definitory of quality: the social consequences of different manners of production and consumption, and the reference to the care and quality of the biosphere. The relevant question in order fully to grasp the revolutionary character of ESME is: why did we have to undergo three socio-political revolutionary upheavals of 1789, 1917 and 1989 (end of Yalta), with all their physical and social consequences, in order to arrive at the notion of ESME and its pretended applicability on a planetary scale? What is the existent relation between the technological, social, cultural-historical and political elements constitutive of this concept? And, as a consequence of answering the historical and ideological questions, how does this model relate to the quantity versus quality polemic? For the topic of this essay, we insist, it is important to refer the problem, "What does qualitative growth mean?" to ESME in order to infuse the historical dimension. Without this we would run the risk of proposing another mathematical model and of side-stepping the challenge proposed, namely, to define in historical terms the issue of quantitative vs qualitative growth. Hence, we wish to define what is understood by qualitative growth directly within the context of historical references so as to make it clear why ESME represents a model of economic activity aimed at growth, yet one within which quality becomes a major concern. It is then a question of demonstrating that such a problem, namely, quantity vs quality, coincides with the emergence within Western society of the industrial and technological process leading to what may be called the post-industrial age.

The historical upheavals associated with Marxism and Fascism may, in retrospect, be seen as ideological attempts to infuse quality elements, however controversial, into the industrial techno-logical society—the latest post-ideological stage in such an attempt being the ecological movement. Why it was so difficult to think in terms of quality, why it demanded such traumatic events of which we have not yet seen the end, remains an open question. Undoubtedly this has to do with a concept of nature and of human beings which dominated the thought categories of the industrial revolution in its initial stages. In other words, neither the concept of nature, nor that of man, nor of the biosphere are given through the empirical perception of objects and processes leading to, and operating within, the industrial revolution. This is clearly seen when the Eco- and Social element are attached to the market economy in order to inject quality dimensions. In the course of our analysis we shall attempt to show that one-sided conceptual difficulties arose in our

thinking regarding the industrial process and that this provided disinformation misguiding its history in regard to man and nature. But first let us look at some observations presented by Gunnar Myrdal in his *Against the Current*, Chapter 5 (Problems of World Poverty, 12) pertaining to the use of economic models.6

Thinking in Models: the Non-Economic Variables

It should be noted that thinking in models has the advantage of permitting the consideration of functions with several variables, plus subjecting the functions and their operation to tests of logical coherence. However, the internal coherence of a model, although a necessary condition, is far from providing a sufficient warrant of applicability—as Marxist-Leninist economic philosophy has realized of late. So one should have recourse to the varieties of historical experience and inquire on which explicit or non-explicit variable and boundary conditions does the success of a development plan depend upon. The remarks of Myrdal point to the need to become aware of local history and circumstance when he says: "Every scientific approach must be simplifying. . . . But it is not permissible to abstract from conditions that are crucially important in the society under study." An analysis in "economic" terms (quantity), abstracting from the existing social organization (quality)—that is, predominantly institutions and attitudes, but, as we noted, many other things too—may be detrimental to underdeveloped countries. The historical humanist element is *a fortiori* more important when considering global economics in a world which day by day becomes more interdependent. At this global level non-economic factors, because of their transnational aspects, become increasingly meaningful for both north and south. For the purpose of fully grasping the complexities of such interdependence it is useful to apprehend how Myrdal concludes his argumentation: "Indeed, it is not even possible to define clearly what should be meant by `economic' problems or `economic' factors in underdeveloped countries without plunging deeply into the non-economic determinants that are so important there. From a logical point of view, the only tenable demarcation that is logically tenable when building our models is between relevant and less-relevant factors."7 Despite the fact that Myrdal is referring to regional economics, the difficulty at any stage of development of separating economic from non-economic factors seems to be inherent to economic thinking.

However, it is quite probable that sophisticated planners do not totally exclude social variables. They usually do something much worse: they think on the basis of implicit or hidden ones currently in-built into their own home-experience as if they were part and parcel of filogenetic human nature. Such a necessary differentiation between explicit and hidden variables leads to the conclusion that in reality modernization in Western societies has been the result of the presence of historical factors classified as non-economic, for example, the role in modern European history of international warfare with its demand for national unity, social discipline with in-built consensus, stable leadership, physical vigor, technological inventiveness and related factors. Consequently, when attempting to breach the gap separating modern industrial societies from in-built underdevelopment it is at the planner's own risk that he or she ignore the soil which nourishes the roots of the tree from which the golden fruit of modernization is to be plucked. This is to indulge in in-built wishful-thinking, a feature which Simon Bolivar prophetically saw as the greatest threat to the well-being of the Republics emerging in Latin-America in the early XIXth century. Of this attitude Dante, referring to some political goals of his contemporaries, politely remarked: "They want the sweetness, without the iron." For this reason, ending the Cold War was a prerequisite for

liberating human energies and critical imagination, thereby making it possible to transfer them from tribal to eco-global thinking.

The problem with the social variables is not simply that they are ignored within the individualistic model of present day GNP economics, as happens with the two major variables: the social nature of man and his dependence on the equilibrium of nature. In relation to North-South relations the problem is that the social variables of the North implicitly, but effectively, condition the applicability of the model to other societies; in other words, they constitute significant implicit limitations through applying ethno-centric criteria. Consequently, as with the Constitutions devised by Professor Duverger for African countries after decolonization, they are doomed to failure. Almost two centuries ago Simon Bolivar referred to such attempts at applying Euro-centered Constitutions to multi-ethnic and tropical America as "republicas areas" (castles in the air)—an expression equally applicable to many present day economic development plans dominated by quantitative growth criteria. The macondian figure of Bolivar, in essential outline aptly described and analyzed by Garcia-Marquez in *The General in His Laberynth*, represents a Caribbean attempt to affirm quality in the post revolutionary Latin-American political context. What all those repeated failures of Euro-centric good-intentions reveal is a state of mind, a structural tendency to objective disinformation similar to the one analyzed by Francis Bacon in his theory of the Idols of the Mind. In his time these idols were preventing the use of mathematical functions as a tool for understanding nature; in our times, however, the idol is the contrary. It is the over-valuation of mathematics, mere quantity, which has prevented us from understanding social and historical processes as a result of claiming an exclusive and dogmatic dominance of the scientific objectivity with regard to for quantitative growth phenomena.

Ecological Crisis and Objective Disinformation

In an age dominated by the mathematical and quantitative imagination it is indeed, at first sight, paradoxical that two major unexpected crises present themselves. One in the field of ecology, the other in the field of the relation of the individual to society or, as in the case of *perestroika*, of the relationship between the Public and the Private Sectors. These two major crises suggest, and may even express, the fact that some miscalculation has been operating for centuries within the historical process and that it is now time to begin to take notice of it through experiencing its effects. The following reflections include an explanation of what undetected phenomenon may exist at the root of such destabilizing miscalculation. They seem convergent with von Neumann's critique, *Can We Survive Technology?*, discussed below in Part.

From Sensorial Objects to Galilean Functions. The under-lying cause for such miscalculations may very well be that the brain of homosapiens is naturally wired to experience and reflects upon the conditions determining survival in the context of a world of objects—preindustrial society and inductive science—totally unaware that the objects with which he is familiar can exist only in reference to something which is not itself an object, namely, an equilibrium, a function resulting from a special and delicate balance of "natural" objects. In terms of functional relations the survival of such an equilibrium depends upon a system of checks and balances holding between those objects called Nature or the environment. Yet, man's Darwinian speech and thought capacity (Aristotelian syntax and sensorial qualities) is geared to objects and it is to such a world that he directs his actions and his daily-life calculations, not to the world of abstract, sophisticated mental constructs dealt with in Galilean science and called numerical

"functions". There exists, consequently, a certain type of in-built disinformation regarding the conditions of our survival issuing from the spontaneous associative ways our mind restricts its operations to commands issuing from the brain, yet mainly restricted to a world of non-Galilean objects. In the words of the filogenetically inspired critic of industrial society, Lionel Tiger:

> I want to learn more about how a particular species of primate coexists with a particular system of economy which it made, but which is different from the kind of economy which in the past made it . . . for an exuberant primate the problem is breathtaking. The political challenge is profoundly troubling. The whole situation is at the poetic extreme of any possible consciousness of evil. There must be an essential truth about the industrial system revealed by its ability and apparent readiness to destroy itself and everything else in a flash flood of nuclear fission. Since this flood would not be an act of nature but rather an act of our nature, what does this mean about our nature?8

We have evolved and survived in a world consisting of those physical, perceptible things, from which issue alarm signals prompting our philogenetic response to action. Only when the statistical equilibrium making up our environment changes abruptly do we realize that some impending danger worth looking into is going on. Yet, from the point of view of people accustomed to perceive and "think" reality in terms not of objects, but of the values which are "states of equilibrium", it is clear that tampering with nature in an arrogant and careless manner must end up altering in some serious way the equilibrium known under the collective appellation of biosphere.

Survival and Self-interest. Assuming that such crying "wolf" does take place, why do people not react to the cry? The answer to such a question is varied and shows the limitations of our mind in an objective way. It is not because of a will to deceive or deliberately to ignore the callings of an ecological Cassandra, but has to do more with the spontaneous—one might even call them filogenetic—ways in which the mind disinforms us through its routine—and, indeed, fragmentary—way of conceiving reality when acting as an instrument of Darwinian survival. This is true both when pursuing rudimentary and elementary individual forms of survival-behaviour and when acting within a frame of reference of shor-term self-interest, aiming at "immediate" profit without reference to long-term effects. In other terms when guided by spontaneous, instinctive impulses rather than rational calculation. In describing thus the situation one easily runs the risk of assuming a moralistic attitude in which personal interest is confronted with social responsibility. This is a misleading and not very profitable way of stating the ecological problem which deprives it of its main force, which is the rational necessity of self-survival. In other words, ecological behaviour must be viewed as a selfish way of assuring one's own profit, of maximizing one's benefit, a maxim valid for all human beings interested in self-preservation, in which sense it becomes a part of one's ethical duties towards one's own well-being. It ceases to be a form of altruism, of ethical idealism, as preached in many religions and becomes one of rational profit-calculation. In order to grasp that, one has simply to change the scenario in which such behaviour takes place. As when in order to eliminate juvenile delinquency and violence in a neighborhood one develops programs for changing the negative conditions of local daily life: lack of community-life, lack of education-recreation facilities, lack of job-opportunities appropriate to the ethnic standards of the respective social-group, etc. Eliminating local violence becomes not a noble

ethical ideal like saving a person from drowning by risking one's own life or attending the sick during an epidemic, but a rational means of providing for, and investing in, one's own self-preservation.

Following the idea of changing the scenario, what are the new circumstances and ideas, the functions and variables, that need to be adopted? If to get the right answer, as an elementary survey of the history of scientific thought teaches, one has to use the right vocabulary in order to formulae the right question, what, we must ask, has to be altered in the calculations for profit-making in order to make positive ecological behaviour not a moral-idealistic form of conduct, but one based on good old-fashioned self-interest, like choosing the right marriage-partner or raising healthy children? Is it then more a matter of right-knowledge than one of a noble and lofty mind bent on serving one's fellow human-beings at the cost of personal sacrifice and renunciation? Would one call personal sacrifice the willingness to pass the ball to another player in basket-ball if he is better placed to score? Or is passing the ball a rational act?

Conclusions

Let us now review the essential elements made visible through our argumentation regarding the problem of qualitative growth, as to both content and method.

1. We have used ESME as an economic model from which the concept of quality, in growth derives its historical-semantical cum humanism operative and anthropological meaning.

2. We have examined the difficulty of arriving at such a result due to the fact that the expression quality in contrast to quantity, normally is used as a generic term denoting sensorial elements of physical objects: color, taste, sound. Thus it represents a reaction of the human organism to the manner in which our sensibility is being affected by the world around us.

3. However, in geopolitics and the cultural sciences, quality, when applied to designate a specific property of, say, an economic model, is not a perceptible attribute. However, "lack of qualitative content" does designate the absence of certain features which render the model merely quantitative.

4. Yet, used within the context of models descriptive of the way intersubjective phenomena occur, quality has reference to feelings or passions which arise in the organisms of individuals acting within a given scenario related to consumption. Hence, the demand for quality is tied partly to feelings accompanying behaviour taking place within the economic sphere.

5. Quality is not comparable to a raw material, or time of execution, or a calculation of the labor required for a certain operation of industrial production. Accordingly, quality refers to whether an economic system includes or excludes variables considered social or cultural when planning and implementing growth-models. As a term of the meta-language, quality designates a reference to significant non-economic factors in the traditional sense of the term economic refereed to by, say, Gunner Myrdal.

6. The parameters or non-economic factors which belong or become essential to a non-quantitative model have to do with cultural, traditional, filo-genetic elements which define the identity of a social group, usually associated with the emotions and will to "defend our values". These are forms of conduct closely related to man's use of symbols associated with moral, religious, political and other institutions. The meaning of quality is, consequently, tied up with motivations and values, prompting individual behaviour within a system of cultural, psychological and ethical priorities. Not being a sense-data it is associated with spiritual values, and hence, with non-quantity.

7. Quality is definable, hence, only within the totality of the motivations of an individual, including his relationship to the social groups with which he identifies himself. In analogy to the equilibrium of the biosphere it is not an object, but a relation between objects. Yet, it is not an intellectual creation like the concepts of geometry, but a spontaneous act or condition of survival and life inherent in organic nature.

As we worked through the conceptual complexities of the quantity versus quality problem it became gradually clear that such a theme cannot be restricted to what is traditionally called economic theory. Economic activity abstracts from three facts regarding the human person: first, that as an evolved organism it maintains a constant interaction of consuming within his environment; second, that it is by nature a social being: it lives in organized communities each of which has a personal identity which inspires a "loyalty behaviour"; and third, that in dealing with the surrounding and under survival pressure it has developed a science and a technology which now, through their dynamics, threaten humankind's very survival as a species. Given these basic conditions it is clear that the effects of technology occur within a socio-political process to which the dictum of Gianbattista Vico applies: "History, technology and science is the creation of man. Consequently he can understand its process and exercise his power over it."9 From such a principle there follows a call for political will and adequate action (in some contrast to understanding science as an intellectual instrument of knowledge). It is to this process that Paul Feuerabend in his *Against Method* refers when he says "It is clear, then, that the idea of a fixed method or of a social surroundings. To those who look at the rich material provided by history, and who are not intent on impoverishing it in order to please their own instincts, their craving for intellectual security in the form of clarity, precision, `objectivity', `truth', it will become clear that there is only one principle that can be defended under all circumstances and in all stages of human development. It is the principle: anything goes. Such considerations, on the part of a distinguished philosopher and historian of science, implement the priority aim of his writing *Against Method*:

> I wanted to support people, not to advance knowledge. People all over the world have developed ways of surviving in partly dangerous, partly agreeable surroundings. The stories they told and the activities they engaged in enriched their lives, protected them and gave them meaning. The progress of knowledge and civilization—as the process of pushing Western ways and values into all corners of the globe is being called—destroyed these wonderful products of human ingenuity and compassion without a single glance in their direction. Progress of knowledge in many places meant the killing of minds.

From such reflections he concludes: "I am against ideologies that use the name of science for cultural murder." It seems that to clarify the meaning of growth in quality constitutes, indeed, a necessary step in protecting man against such murderous activity.

Challenges Confronting Industrial Global Society

Technology and Changing Life-Styles

A major and perplexing philosophical question confronting present day global society runs: how does technological change affect institutional stability, daily-life, individual values and the behaviour of present-day human beings? A first approach to an answer would be: in the measure

it affects the life-styles of its citizens. And such life-styles are determined, for better or worse, through the acquisition of new attitudes towards providing for a family through mental or physical work patterns, understanding the cosmos, society, law and government, and past and present historical life; in other words, as individuals and through the mere act of surviving, acquiring a cultural identity. However, in order to gain insight into the forces lending shape and substance to the processes inducing disruptive changes in one's cultural identity, frequently from one generation to the next, it is not enough to realize that in some fundamental matters such changes in life-style frequently do not originate in one's own beliefs or national traditions.

It should be clear that since the beginnings of the industrial revolution in the XVIII century, as a consequence of improved techniques of navigation coupled with European imperialistic policies and rivalries, willingly or unwillingly most human groups started to partake the life-style of a global society, having as its undisputed power-center Western Europe. Given the dynamics of the social and economic forces unleashed by the Industrial Revolution and prowling over continents and oceans, it is only natural to expect that after two-hundred years no human community, excepting small groups like the Old Christians or the descendents of the Moravians, would have any chance of exempting itself from humanity's "manifest industrial destiny", i.e., modern mass-consumption. Consequently, in a way similar to that in which changes in the quality of the biosphere do not remain restricted to certain portions of our planet, the effects on cultural identity issuing from science and technology admit of no geopolitical limitations as to where they are welcome, or where they are declared undesired trespassers. No effective barricades protecting against the amenities or discomforts of modern life is even thinkable. In conclusion, technology not only has unified the world by invading every spiritual or material cubic inch, it also has acquired the responsibility to run it. In principle technology and the groups that direct it are accountable for producing dangerous alterations in the equilibriums sustaining biological diversity and cultural pluralism. A conspicuous example of such alterations is an international trade and pricing system causing the destruction of extensive areas of the tropical rain forests. This is not so much a matter of sustainable development, as eurocentered ecologists imagine, as of sheer sustainable suicide through the use of industrial means (electric saws, chemical products, etc.). Present day societal existence, wherever it is geographically located, developed or underdeveloped, living in misery or in abundance, sooner or later becomes impregnated with the spirit and material expressions of industrial civilization, as seen in its three grand-children, true black-sheep of the human family: the ecological crisis, overpopulation. and technological unemployment.

The Children of Science and Technology. All of humanity has become, in fact or in hope, 'the children of science and technology', as when in the Christian tradition it was said that all were, 'Children of the One God'. Is it then that science and technology have substituted for divine Providence; does humankind pray or offer sacrifices to Science? Perhaps not, but it does pay it daily homage simply by adopting a life-style which has become a 'second nature' resulting from its omnipresence in the visible and invisible universe, as in those remote periods in history when humans lived in a cosmos enlivened and dominated by animistic forces and entities.

Another question related to the present 'state of global civilization' is: Why and how does technology change our life-styles? Is it not because we voluntarily accept it because through technological gadgets we experience a certain feeling of liberation or in the face of natural forces of becoming masters of our own destiny ? This may be partially true: and there is no question that for millennia technological innovation has been part and parcel of the achievements of homosapiens (domestication of animals; astronomical time-keeping). But the fact that we desire

it, accept it, profit from it, pray for it, in no way alters a deeper and more threatening verity, namely: Even if we didn't like it, there is nothing we could do about it. It imposes willy-nilly its own life-style. That chapter of modern biology concerned with the conditions determining filo-genetic behaviour tells us why the buildings we construct and the streets we walk through end up by determining those typical XXth century urban life-styles.

Our human animal nature is institutionally wired to the environment in a way which permits only a life-style determined by a daily give-and-take with our physical surroundings. Under the influence of industrial civilization every day these surroundings are to a higher degree man-made. External nature has been obliterated; it no longer determines the conditions of survival. In present-day industrial society the flight from a man-made environment to the silence and loneliness of the desert, as was practiced in late Roman times, is nothing but a 'lost cause', a longing of romantic and unrealistic imaginations. Perhaps acting under the self-evidence of such a reality and making of necessity a virtue, the Enlightenment proclaimed the inevitability of ever increasing progress and happiness for all of technology's children. Within the historical process a cosmic optimism arose that with a few additions and modifications, such as the claim that "Belief in a God is the consequence of an empty stomach or a repressed libido" became the scientific and dialectical *Weltanschauung* of the Marxist and/or psychoanalytic liberation. At this point of the argument one may recall Churchill's saying at the end of the Second World War regarding the reconstruction of Britain's bombed cities that we must be very careful with the buildings we are going to construct because in the end they will be the force constructing us. The expression distantly echoes the traditional theory of man's alienation from his own true self expounded by Marxism and the Mosaic Book of Genesis. Though biblical alienation is present at the beginning of the human adventure whereas Marxist alienation occurs in one of its phases, nonetheless, both require redemption and a saviour. Pursuing this principle of redemption, now that traditional theological and ideological forms of alienation have become somewhat obsolete, let us ask if there has not, like a Greeks*deus exmachina*, irrupted on the historical scene some secular substitute—one related to ecology or some variety of nuclear Holocaust, one originating in the technological process itself and its determining influence on the institutional life-style dominating the character of post-industrial global events.

Forecasting "a Rapidly Maturing Crisis"

In an article in *Fortune Magazine*, June, 1955, the mathematician and physicist John von Neumann anticipated a major crisis "attributable to the fact that the environment in which technological progress must occur has become both undersized and under-organized. . . . Indications of this appeared early and with dramatic force in the military sphere. By 1940 even the larger countries of continental Western Europe were inadequate as military units. . . . The advent of nuclear weapons merely climaxed the development. . . . As early as World War I it was observed that the admiral commanding the battle fleet could "lose the British Empire in one afternoon. . . . Soon existing nations will be as unstable in war as a nation the size of Manhattan Island would have been in a contest fought with the weapons of 1900." And as a conclusion he points to the fact that: "Such military instability has already found its political expression."

According to the non-ideological analysis of von Neumann's exceptionally penetrating, clear and well informed mind, the relation between space and technology's natural and uncontrolled advance presents geopolitical equilibria, institutions and techno-economic leadership with unmanageable problems encroaching on humanity's welfare and survival. The originality of the

theme does not lay in the thesis itself, but in pointing out the fact that the 'variables' causing the crisis not only cut across different political, societal and religious systems of societal life, but constitute the fountain from which industrial society itself springs into History. Hence, they are beyond ideology, beyond capitalist and socialist models, and beyond private and state ownership. The cold-war had to do with which of the superpowers is more capable in generating an efficient industrial-military establishment; until very recently (perhaps until the Rio de Janeiro Summit), most world leaders continued to think in terms of ideologies or competitive power-games. But the real crisis is inherent to industrial society and to the fact that the technological factors constituting the traditional military, energy and pollution equilibrium have become obsolete, with no formula in sight to restore it. Besides, as with every equilibrium, once the process starts to roll it snow-balls into chaos.

Contrary to most great scientists of our century, von Neumann was not politically naive, nor was he a worshiper of progress and of unfettered technological growth. Consequently, he was free from many obstacles that prevent seeing the dark clouds gathering on the historical horizon. Being well read, he viewed history with realism and pragmatism, aware that the limiting factors for survival depend on our planet's size and survival capital. Other favored themes of his imaginative analysis were automation and those processes affecting the biosphere which now-days we discuss under the heading of 'ecology'.10 In the *Fortune* article as early as 1955 he discusses 'controlled climate' and the fact that "the carbon dioxide released into the atmosphere by industry's burning of coal and oil, more than half of it during the last generation may have changed the atmosphere's composition sufficiently to account for a general warming of the world by about one degree Fahrenheit, . . . changes (that) would affect the level of the seas, and hence the habituality of the continental coastal shelves. . . . There is no need to detail what such things would mean to agriculture or, presumably, to future wars, or to the economy at any time.

The above warnings of a rapidly maturing crisis were not fruits of the over-heated imagination of some science-fiction writer, nor of some reckless journalist trying to make the headlines; they come from one of the greatest coolly reflective minds in post-Renaissance science. But, despite the uncontested authority of their author, they carried no influence in the public policies of any major nation. Only in the context of the arms-race between Washington and Moscow, and of the process that led to the ending of the cold-war did John von Neumann exercise a decisive influence on highly placed Government officials. In his view the best way to get the Russians to negotiate seriously at a peace-table was to have them clearly realize that they cannot finance an arms-race. In this he was not politically naive, a reactionary, a superpatriot or a war-monger as he was officially labeled by the leftist intelligentsia, but a realist longing for an understanding with those playing the world-supremacy game behind the Iron Curtain. The confirmation was provided thirty years after von Neumann died at Walter Reed Hospital of a deadly cancer, probably contracted while watching some nuclear explosion. The tearing down of the Berlin Wall represented the unequivocal and triumphant answer to a correct political game strategy based on his calculation of how to get the Russian to seriously negotiate for peace.

That von Neumann anticipated a major crisis shows that crisis-situations which originate in human meddling with the equilibria of our planet are difficult to cope with. The first step in arriving at a solution is to become aware: a) that the problem exists, b) that it originates in technology's effect on undersized and an under-organized planet, and c) that the destruction of the biosphere's life-promoting equilibrium concerns all present and future humanity. I recount here his predictions not only as a homage to the magnanimity and realistic humbleness of his spiritual values, but to show that major events impinging on the welfare of humanity can be anticipated.11 (See John von

Neumann: *The Scientific Genius Who Pioneered the Modern Computer, Game Theory, Nuclear Deterrence, and Much More* New York: Pantheon Books, 1992.)

Nevertheless, at his death he called for Father Anselm O.S.B. and expressed his wish to die and receive burial as a member of the Roman Catholic Church. I interpret this as reflection of skepticism and doubts on his part concerning how far science can be trusted to throw light on the great questions life puts to an informed and critical human beings.

Parliaments, Global Politics and Present Day Political Option

The present situation in Latin America must be considered in relation to the global context taking shape at the threshold of the third millennium. Political parties and Parliaments are held accountable for the welfare of society as far as it depends upon legal implementation to maintain survival and improve living conditions, or to prevent their deterioration within modern industrial society. For this reason information as to the forces shaping a life-style, plus a critical capacity for analyzing social process, become prerequisites for effective legal action. There seems to be no other vehicle for controlling the forces in modern history that menace societal existence.

The Cold War as a substitute for the insanity of a hot one, following the von Neumann analysis, exercised a negative effect on our capacity to become aware of the approaching crisis. It kept world attention focused on the Washington-Moscow confrontation and focused the major thought and energy of those two superpowers upon protecting not global, but their own, security. Since the rivalry was based on ideological models it blindfolded attention to the real objective planetary threats. When the Cold War ended people began to realize they had been misled as to where to look for future and imminent dangers. Consequently, after loosing precious time we feel threatened by the ecological crisis, the population explosion, massive migration movements, ethnic particularism and in-built technological unemployment. In relation to the changes brought about by industrial society most leading figures in Latin-American parliaments as well as the mass media show a lack of awareness or continue to think ideologically.

Apart from the emergence of a new power division based on competition for world markets, the following major features of post-industrial global society are escalating to a crisis scenario.

1. Where the classical Industrial Revolution substituted muscular work by energy-driven machines, thereby creating the proletariat and giving origin to the Marxist societal model based on class struggle, post-industrial society appears to have fused into one the XIXth century working and middle-classes.

2. At the lowest economic and cultural strata of society, in many countries throughout the world there has appeared an intense Lumpen for which there exists only a diminishing job supply: Demand far exceeds offer.

3. The computer revolution has eliminated not only the proletariat, but also a substantial percentage of the main body of the second level managerial class, viz., the secretarial work of gathering, processing and communicating information. Basically all the new managerial class does is economic analysis for the market and for profit and loss risk-taking.

4. It was generally believed that after the end of the Cold War, the Washington-Moscow confrontation would be replaced by a North-South one. However, the ‘invisible hand’ has decided otherwise: we are witnessing a multi-polar power struggle in which each geographical power establishment—there exist at least four—has extended its industrial-technical area of influence to

the developing countries in a selective way in order to pursue a multipolar Cold War 'by other means'.

5. A new form of the XVII-XIX century metropolicolonial scheme, adapted to the 'equilibrium' of global post-industrial society is emerging. The North-American Free Trade Association is quickly reaching to the Straits of Magellan and will control, for the next decades, trade in the Pacific Ocean. This means that Europe will be relegated to the role of an 'Atlantic Power'. How this 'new order' will evolve in terms of geopolitics and global peace is still an undecided question.

Since the proletariat has been absorbed into the life-styles of the middle class and the lower and middle levels of the middle class have been eliminated, the struggle is between power groups at the top, that is the remaining middle class, and the *Lumpen*. The middle class is caught between a new aristocracy and third world pressures. Its position is becoming one of institutional insecurity since the aristocracy is bent on power and profits; or better still: on profits as a means to power. It is a scenario in which cultural identities and religious motives, united with race and tradition, are quite visibly and dangerously active. The individual's struggle is for status within the new society. But this demands a security—not only economic, but cultural and moral—which for many people originates in the status attached to their employment. However, as market economy competition plus robots tend to diminish the space of employment we have become aware all over the world that not only poor or developing countries suffer from massive unemployment, but that modern industrial society was and continues to be conceived as a means to produce goods and services, not to provide employment. This fearsome reality is shaking the pillars and beliefs of both elites and masses the world over.

As a corollary to the above search after new forms of planetary equilibrium the political problem of individual countries, but not the answer to it, is clear. Does the managerial aristocracy competing for economic power and jet-status—something perfectly legalized through *Perestroika* since the debacle of Stalinist and *goulag* egalitarianism—have the information and the will to act with global historic perspectives? Or will they be guided exclusively by power-cum-profit motives? The question should be asked: Are these groups capable of preserving basic world peace and ecological survival, or are they too preoccupied with their own short term interests and fixations, as were the ideologists until *Perestroika*? The answer to these questions is not yet to be seen. However, through previous experience one aspect has become fairly clear given that human behavior tends to repeat itself, adapting its aims to new circumstances: profits and power are basic motivations. Classic profit making, i.e., before globality and *Perestroika*, discovered that getting more customers produced more profits *cum* power. Whereupon, to make of the proletariat a consumer by increasing its purchasing power became a guiding idea of any free-market economy. This was done recently with ecology and pollution control, making of them not so much a moral and civic minded issue—which undoubtedly they also are—but profit makers from a market-economy point of view. This resulted in a diminution of the votes favoring the political greens. In other words, profit making has shown its capacity to absorb certain threats to the top managerial establishment. It remains to be seen if the party of structural unemployed can also become allies of the market-cum-robot economy. If an harmonious coexistence between profit-making, mass production, a stable and clean biosphere and the craving for employment can be reached, such new equilibrium would constitute an appalling demonstration of how the Scottish invisible hand, the protestant equivalent to the Neapolitan and Catholic Divine Providence of Gian-Battist Vico, really manages to fulfill 'through the passions and vices of individual men its own divine purposes'. The

impending problem, at least theoretical, within global post industrial Civil Society may no longer be absolute poverty, but to share the available jobs with the jobless.

Summary of Presentation
Mario Laserna

The presentation focused on method and its importance as showing how to discuss and the limits of what we can see.

1. *Descartes* considered animals to be machines, not in the sense of mechanical self contained units, but in that they behave in a deterministic manner. *Homo sapiens,* in contrast, is not only (1) deterministic, but also (2) rational in the sense of being capable of choice and being social.

2. *Question*: how did *homo sapiens* get from determinism to rational choice? There is a close relation between deterministic matter and rational choice by spirit. The behavior of animals is programmed by their genetic constitution, which can be either filo-genetic (species) or ont-genetic (family); this is operative also in humans, who in addition free and social.

3. *Cultural Institutions*. If we try to explain distinctively human behavior (choice/freedom) simply by education all is reduced to will or voluntarism, which would be socially chaotic. Instead we should look to the cultural institutions which, as human creations, destroy any mere biological determinism. Thus, whereas when faced with food a mouse acts automatically due to the univocal relation between the stimulus and the action which it triggers, human beings are able to make a choice due to the cultural institutions interposed between the stimulus and the action trigger.

Without this people would lack freedom, would be reduced to mere individuals acting as separate atoms, and hence would not be able to form community.

4. *Values* reflect this inasmuch as we accept or modify the choices made by our predecessors, and hence create our identity in community. Persons have virtues (or strengths) if they accept and follow what is truly beneficial to life (i.e. values).

5. *Freedom*. How free are we to accept such cultural institutions? In reality there is little freedom here because such institutions are human inventions intended precisely to break down the animal determinism and to be free, that is, in order to express the "esprit" of which Descartes spoke as that which is most central and undeniable in the human subject.

Civil society expresses the fact that people are expected to act within a certain range of choices, for the cultural institutions embody the relations between the individual and society. This changes through history as progressively we develop different values due to the fact that humans must live in relation to the environment and are able to invent new ways of doing so. Whence this power? Greek myth recounts that Prometheus stole fire from Heaven; the Bible tells of this power being given by God to Adam and humankind, who then would be the lord of creation.

6. *Control*. Hence the big problem would appear to be that in applying our power in order to avoid acting automatically we shape our actions to only one goal, namely, that of controlling nature (Bacon and Hobbes), a happened initially in the rebellion in Eden. This is reflected in our destruction of liberal education and its being supplanted by an education directed toward technical control, which in turn soon developed the capacity to destroy nature and human-kind.

7. *Market*. In Christian civilization one must add also the reality of grace to act in a meaningful way. This is an addition in the cultural institution, but whence come its signals? In these days they come via the mass media, which, however, transmits only what is decided by the oligarchy who

own the media. The economy or market has broken the monopoly of the state, but now is supplanting the state, the family and all else in forming the citizen.

8. *Inevitably we are changing*. But we need to move more slowly in order to be able to absorb and direct change. Though the elders blame the young, it is the elders who have created the world in which the signals are perceived.

9. *Method*. We need a method in order, not to solve, but to understand the problems we face, namely, that we have turned to technology in order to control nature, but now find that the technology controls us via the media, which, in turn, is controlled by the capital market.

In the discussion, on the more superficial level of having a range of choices some saw culture as being particular and hence as limiting one's range of choices and freedom. In these terms one would look rather to abstract, universal and minimal norms. In these terms, too, one could hope that the profit motive of the market would assure that the media might respond to freedom by showing what people want. This takes freedom at its first level of simply being able to choose whatever one wants. But it does not attend to a second level of freedom according to which one chooses as one ought; nor does it attend to a third level of freedom which consists in the ability to make oneself in terms of the sense of human perfection as goal had in one's culture. Indeed the idea that interest and profit motive will suffice because they drive or attract persons to the real good of society seems too short sighted. The rampant corruption in high places which undermines progress in the political economic and social orders throughout the world, the exploitation of the poor and the weak, in daily labor and the cruder forms of direct violence and crime in the streets—all testify to the fact that individual advantage tends to focus on "short-term self interest, aiming at immediate profit without reference to long-term effect," but guided only by the law of the jungle. If today we have a problem, it is this.

The contribution of the paper in this regard is to point out that moral life is one that produces concrete goods and hence is the intelligent way to live. It stresses that in this the norm is not the simple quantitative accumulation of material or economic profit, but the quality of life as is extensively elaborated in Part II of this chapter. If so, however, the contrast is not between lofty ideals attained only by self renunciation, on the one hand, and "old-fashioned self-interest" whose vicious effects were listed above, on the other. Clearly, that would be a short term view of self interest. Rather, the contrast is between such selfish self interest and the kind of open and generous gift of self which the paper typifies by the example of choosing a good life partner to whom to give oneself in marriage and the raising of children. Ethics and morality do not consist in otherworldly ideas, but in the choice of goals appropriate to us as personal and social beings and the kinds of concrete actions which lead to their qualitative realization. The lofty ideals beyond daily affairs may echo the moralistic attitude of a Kant, but not the concrete concern for the poor of a Christ.

Philosophy can provide a method, but in addition there is need to apply this to life with others. To convince others, however, reason does not suffice; and it is a weakness of our times that we act as if it were. In fact, what is proper to human interrelationships is love as shared concern and care. Christian culture is especially marked by this sense of love as self sacrificing service of others. This is not separated from daily life, but is integrated into a wholistic vision of life with, and for, others in society.

This vision must recognize the fact of the distortion in the exercise of one's freedom. How should this be understood? It was suggested that what was symbolized by Adam and Eve's eating of the apple was in reality the human grasp for absolute power, which today is the effort to control

all via technological means. In this sense sin is not an external force which would constitute an excuse for avoiding one's responsibility, but is rooted properly one's own deficient sense of responsibility: Augustine held that sin was the only thing that humankind could claim as its own, as its responsibility.

It should be noted, however, that given the extent and "control" that evil can exercise in our lives the drama of human freedom may be greater and more far reaching than has thus far been recognized. It has often been said that evil can weaken the will in its drive toward human perfection. This is the dimension expressed by the notion of original sin, not merely as a particular action, but as a choice of evil which damages our conscious relation to the good in love.

If sin is what we can claim as totally our own and if this weakens our conscious openness to other—the love which binds us in a civil society—then we are in need of a gift that is gratuitous (or grace) in order to be able to realize civil society. In this light then religion is not merely one dimension among others in the multifaceted bonds of solidarity which constitute civil society. Instead, if there is need to see a subsidiarity between these bonds, its ground lies in our relation not only to the creative source by which all are originally constituted, but to the source of grace by which all are enabled to overcome human weakness in the exercise of the divine gift of human freedom, and thereby enabled to achieve a level of quality in social life and civil society.

Chapter VII

Hospitality, Community, and Literary Reading and Writing

Rosemary Winslow

On Wednesday afternoons I teach a creative writing class in a church basement that has been converted to a day shelter for homeless women. The church is located five blocks from the White House in Washington, D.C., and is at the edge of one of the corridors burned in the riots following the assassination of Martin Luther King, Jr. in 1968. Surrounding the century-old church are high-rise hotel, office, and apartment buildings and a mix of elegant Victorian mansions, middle-class townhouses and slums. At the moment, construction cranes arc into the sky in back of the church where a fifteen-million dollar structure is in a skeletal stage on the site of the former church parking lot. It will house the several day and night shelters and halfway houses now scattered at various nearby locations. These were opened because the church saw a need to provide refuge for the dispossessed who have found their way here without resources in their hometown, from other parts of the U. S., and from other countries. This is the community, an intersection of diverse individuals and subcommunities; at this place of intersection, those who have and those who do not have must work out a way to live together in the same location.

Hospitality is the foundational principle for the church com-munity to allow homeless persons to be reinterpreted not only as existing within society, but as bearing a gift of great value to the society. In the 1960s, the church responded to the need of the many people who slept nightly on its steps surrounded by drug and prostitution trade by opening its doors to shelter those regarded as the most invisible, misunderstood and unwanted in U. S. society. Drawing upon the concept of hospitality as understood and practiced in ancient Mediterranean cultures, which includes the old Testament Jewish culture, and combining it with more recent thinking (e.g., Marx, Buber, Herkel, King), the church chose to see itself as a place of hospitality, an oasis, a refuge for the traveler needing a place of safety and replenishment. In ancient hospitality practice, a person was obligated to open his home to the stranger, the unknown person, passing through. He had to provide a place to rest, food, clothing if needed, and entertainment. This usually included the telling of stories. The host provided these; the guest was a recipient, valued as a human being and a possible source of a gift to the host. Furthermore, the stranger retained his or her identity: he was not given a name or a label as are today's "homeless". They were welcomed, and could offer a story of who they were, but they were not obligated to do so. Their freedom to speak or not, to name and show themselves or not, was guaranteed by the rules of hospitality.

The church deepened this ancient practice by seeing the people who take shelter there as giving the church, and potentially the near community and the larger society, a valuable gift: the opportunity to change its values by refocusing toward reciprocity among the individuals constituting a society and away from fear, isolation, monetary gain, and the devaluing of human persons as objects for classification and use. Hospitality's host/guest rules establish a framework in which the rights and responsibilities of all individuals to life, family, property and truth can be met. As noted by James Kinneavy regarding the fundamental moral value in the world's major religions, the host/guest relationship is constantly shifting, with the giver also receiving and the receiver also giving; the value of reciprocity accrues to the community through the individual actions of its members as they relate in hospitality.

Language activity is at the center of any community's life; it is a major access route to understanding, and thus to the creation of community. With the diversity and change going on in

this location, language activity includes panhandling on the streets outside, sermons, grant proposals, news letters and stories, court documents, telephone calls, job, medical, and school applications, literacy courses, and day-to-day conversation both for pleasure and for getting things done. The work of reading and writing literature might seem to be a mere extra and often is so regarded in the larger culture. I want to argue that literature is a fundamental way of expanding and deepening selfhood as well as response and responsibility to others. I situate my discussion of the role of literary writing and reading within a specific community's context in order to explore ways that literature might function to draw from, and add to, the work of reconstructing community life within the vision of hospitality that guides the work.

The group of writers I meet with relates differently each week as the individuals explore their experience and honor each other's representations of experience. As they learn formal elements, they take what they find useful in shaping the ways they are and want to be. The work blends aesthetic, ethical, epistemological, and spiritual dimensions—major areas of human need and striving beyond the physical. This chapter will discuss first how literature involves all of these dimensions during the writing and reading of literary works. This phenomenological approach will give a view of the nature of literature as a powerful vehicle for human development, specifically for individuals in relation to others. Then it will address the question of how the use of literary writing and reading can deepen a hospitable community vision.

Literature, Ethics and Epistemology: A Fuller View of Human Life.

Moral philosopher Martha Nussbaum has argued for two decades that literature has a paramount place in ethics on the grounds that literature deals with human life as it is, not as thought about abstractly. As traditionally practiced, philosophy alone cannot deal with the complexity of actual life as lived for it works from concepts to particulars, whereas in life we have to select from the particulars of life in order to organize it and talk about it. Philosophy misses the messiness of human nature and activity. "Philosophy has often seen itself as a way of transcending the merely human, of giving the human being a new and more godlike set of activities and attachments. The alternative [of incorporating literature into philosophy] sees it as a way of being human and speaking humanly".1 As Nussbaum emphasizes, literature embodies the complexity and mixedness of human existence; its characters are shown amidst the intricacies of everyday experience, not as general problems and abstractions devoid of contexts and mitigating circumstances. Moral problems can be thought about in the contexts in which they occur so that a fuller account can be given of considerations that include social value, together with individual value and emotion, together with reason. As in life, resolutions may be difficult or unsatisfactory. Literary writing embodies a richly textured life, as does no other genre of discourse.

When we read and write literary texts, we create a fuller view of a human being, of ourselves and others. Russian linguist and literary theorist Mikhail Bakhtin wrote extensively from the 1920s through the 1970s on the problem of how the language of a people shapes its individuals into prescribed ways of thinking and being, and how literature provides a view and avenue for selection among available options to create a uniquely individual voice and identity within the larger cultural constructs. In life, he asserted, we do not attend to the whole of who a human being is, we define him or her in terms of our own needs to relate to him within the sphere of our own lived life. Our moral definitions are judgments (good, bad, kind, brutal, egotist, compassionate, etc.) which delimit our expectations of the person in relation to us. In aesthetic activity, on the other hand, we respond to the whole person.2 To extend Bakhtin's thinking, aesthetic activity requires a

distancing from an object, a letting be to regard it for what it is, and a concomitant creation of that object, that is, an interpretation of details and structures available in the text. If we look to literature for what is useful, for options on how to live our lives, it is not for an immediate practical purpose such as is required in everyday life, but a stepping back to regard the larger picture and to enter into a new picture or new ways of seeing and knowing life.

This stepping back is a critical effort in the development of self in community; one must separate oneself, see oneself as distinct, in order to know who one is before one can know who one is in relation to others. Bakhtin asserted that an "author's struggle to achieve a determinate and stable image of the hero is to a considerable extent a struggle with himself."3The hero constructed in modern literature is most often an image of an individual arising from the author's own struggle to give shape to his or her experience as bound in society, even if that place is on the margins of the society. The very activity of writing is a struggle for identity. It is the other side of the act of reading as a struggle to know the other more fully. Literary texts can be put to many uses, some of which grow out of the nature of the discourse and processes by which we make meaning in language. I am suggesting that we might use the inherent capacity of literary writing to open up understanding for the purpose of enhancing the being and functioning of persons.

Literature has an important role in human flourishing: it can lead persons into the deepest wells of their being and outward again to more responsive relations, for literature heightens the functions of language in these directions. Readers and writers of literary works must enter into a relationship of host/guest within themselves in order to make meaning in language. There is no other way for meaning to happen. When reading and writing is engaged in by members of a specific local community, the selves struggled for in the writing are offered to the community as gifts of knowledge of self-identity and experience. Readers are alternately host and guest, receiving the gift of the other, offering understanding and recognition of the fuller human being, and broadening and deepening their own epistemologies and knowledge of life and community, as they are led into each other's situated points of view.

To see this relationship we need first to understand how meaning is made in language from a situated point of view. Then we can examine how literature resituates language to a certain extent, allowing aesthetic distance and freedom.

Point of View and Situatedness in Language and the Individual in Community

In *Discourse. Consciousness. and Time*, Wallace Chafe examines a wealth of linguistic research and demonstrates how understanding happens in language during consciousness. In speaking of both disciplinary knowledge, including science and ordinary knowledge, Chafe defines understanding as "the ability, through imagination, to relate limited particular, concrete observations to larger, more encompassing, more stable schemes within which the particular experiences fit. The observations are called *data*, the schemes theories."4 To understand anything we must observe, sort, select and relate data to larger frameworks. The relations are theories, frameworks of seeing; more often we call them interpretations. We do not read with a one-to-one correspondence of word to meaning; rather we create meaning in conscious-ness from words and our prior schematic knowledge of how these relate to each other and to the world. As communicators share information, they lead each other progressively from shared, known information to new information, building up brick by brick a relationship that brings another into one's own perspective on the world—one's point of view and its epistemology.

Language is situated necessarily in time and space within a point of view. The point of view links individuals to each other by situating the reader within the speaker's spatio-temporal position. Chafe refers to two kinds of consciousness operating during language processing: an extroverted one (perceiving, acting, evaluating), turning out toward the hearer, and an introverted one (remembering, imagining), turning inward to one's own internal experience.5 The speaker shares progressively bit by bit information from the introverted consciousness that is selected during moment to moment shifts in consciousness; the point of view selects the material which necessarily is situated within it. If the point of view is not made clear to the reader, he or she has to do a good deal of guessing for lack of sufficient information for selecting appropriately from among his or her own frames of reference in order to make sense of the language. Meaning can be distorted, or may be impossible to make at all. The point of view arises from the extroverted consciousness and is critical to the linkage for communicating from person to person in otherwise grammatically well-formed sentences.6

Chafe explains how meaning is linked through point of view indicators and how it can go awry if the indicators are absent. He offers an analogy with vision, describing consciousness as existing in a constant state of flux from moment to moment. As in vision, a new idea is held in the center, in an active state, other information exists at the periphery of consciousness in a semi-active state, which background information is not in view and in an inactive state. During interpretation, a speaker/reader must access information through the peripheral range. If information is not brought into this range by the speaker, the reader must search for it, and may or may not be able to find it.7 Orientation in time and space thus helps the reader to bridge his own and the speaker's worlds. The process of making meaning is more difficult the farther from the center of consciousness the material lies. Thus, when speakers communicate, they lead the hearer into their ways of seeing the world, their points of view and their selections of data and frameworks.

Chafe illustrates how meaning-making operates within a point of view.8 Using research done by Haviland and Clark, he describes an experiment in which readers read pairs of sentences on a tachistoscope like these:

(1)a We got some beer out of the trunk. b The beer was warm. First sentence (1)a appeared on the screen. As soon as they had read it, they pressed a button and (1)b appeared in its place. When they understood the meaning of the second sentence, they pushed a different button. Test subjects required a mean time of 835 milliseconds to respond to the second of the pair.

In the next part of the experiment, subjects were shown a sentence that could be located in a context with (1)b, though not quite as readily: (2)a We checked the picnic supplies. Sentence (2)b was identical to (1)b: The beer was warm. Subjects took a mean time of 1,016 milliseconds to respond.

Yet another first sentence was given to the test subjects, this time one in which no context could be located: Andrew was especially fond of beer. This time the subjects took the longest time of all to respond. The sentence, The beer was warm, makes no sense following this third option because the bridges in data and frameworks to let the reader into the writer's point of view are missing.

Writing needs to be situated in time and place; the point of view, spatio-temporal indicators (chiefly deictics, pronouns, tenses, and articles) represent in language this positioning, linking two individuals in a dialogue in which they share points of view. In literary discourse, however, writing may be "resituated," expecting the reader to find his way into the text's point of view. The point

of view is present, but it is an imagined and constructed point of view, "resituated" because it is not geared to a specific reader. It may need to be read by progressively entering the writer's imagined world (the introverted consciousness) without direct participatory exchange. The responsibility of the reader to stand back and permit confusion for a time and to construct meaning from available data and his own schemes is assumed. The reader must get inside the text's point of view or it cannot be understood.

In terms of our model here, the reader plays host to the guest's story of his world, listening to the stranger and attempting to know through his eyes and language the world of which he speaks. The literary writer attends to the introverted consciousness to a greater degree than in other genres of language, thereby increasing attention to the word itself and lessening attention on the direct attempt to lead the reader through the bridges connecting the points of view. The reader is required to find the point of view the writer is presuming and to follow it. Thus, the reader must enter into the world imagined for him, as well as the one the writer has imagined from his own point of view. Of course, in all communication, the speaker imagines the point of view of hearer, for he must decide what information needs to be brought forward in terms of what the hearer already knows and what he must be given. But in literary writing, the author deliberately constructs a point of view that is an imagined reader who need not be real and located in an actual, specific context and point of view.

Wolfgang Wiser's theory of aesthetic response explains how literary texts lead their readers into new points of view by locating them within schemes and then leaving unfulfilled the expectations grounded in world views or literary forms. Readers encounter "gaps," or areas of negativity that result from hypotheses the reader builds up from textual data but that turn out to be wrong within the text's world. The text takes the reader up to the boundaries of his knowledge and ways of knowing the world, where the reader confronts the unexpected or the unknown. The text has the potential to lead the reader beyond the borders of his knowledge; he learns to open his perspective on human life to a wider view, to put himself inside the point of view the text requires of him in order to make sense of it and to learn what this point of view is like, and thereby to revise the schemes he brings to his understanding of the text. During this process he is constantly stepping back and forth between his own self and points of view and the points of view imagined in the text: he takes the role of both participants in a dialogue, constructing meaning from the text and holding it against his own points of view on reality. The reader steps inside as empathic ally, and outside as critic. This double process requires him to try to hold two often opposing viewpoints at the same time with a suspension of final judgment, that is decision about his acceptance or rejection of the represented world until the process of reading (interpretation) is completed.

The reader accomplishes interpretations with the same pitfalls described above from Chafe's work. Because the bridge of deictic indicators between participants is made between two represented, not actual, points of view, a failure of determinate meaning is more likely to occur. In addition, a writer often deliberately omits connectors in order to render the world strange, so that when meaning is arrived at by the reader it is clear that it is made not given. The gaps between details (data) and schemes (theories, frameworks for how a world works) are the places where the reader can best meet the text's world with his own. In the interstices, the space between the two, the places where they are separate and not fully known, the reader must construct his own bridges to meet the text's world and its points of view. The reader builds new relationships; he does not replicate the text's world or its meanings. His created meanings are meaningful from his own perspectives, though they reach out and seek to meet the other (the text) in the gaps around the places of intersection to which the reader is firmly bound. These intersections are locations shared

in time and space, and are thus potentials for shared understanding. They are as real as a physical building in that they exist in consciousness, but unlike a physical building, under-standing in language requires a starting point of empathy, a place of common understanding from which to try to understand more of the writer's position, knowledge and ways of knowing.9

Depending on the uses we make of texts, we may choose to increase the empathic stance, as Wayne Booth suggests in his model for reading as friendship. As empathy is one characteristic required for good moral reasoning, and hence for effective and humane action, literary reading can enhance the capacity for empathy. Empathy tries to see the other fully, yet sees the other as a distinct individual, human, flawed, suffering, and possessing value in virtue of being human. Empathy casts a bridge of understanding to the other and recognizes two individuals and the bridge. It seeks and finds a shared place, and does not confuse it with an identification in one's own biases and needs. It seeks a fuller knowing, adopting a passive stance so that the other may lead one into the different point of view of the speaker. This act of attention is itself a gift, one that is practiced in reading literature and that conveys, with all the knowledge gained from listening to and stepping for a time inside the others' point of view. This empathic stance is critical to community building among individuals, moreso the more diverse, the more unknown they are to each other.

The view I have developed here addresses several problems regarding the interpretation of literary texts. It avoids locating meaning totally in the individual reader, as Stanley Fish proposed in his essay, "Affective Stylistics" two decades ago.10 It avoids the pitfalls of Fish's later stance, in which he located meaning in interpretative communities of like-minded individuals who shared the same knowledge and ways of reading texts. In that theory, readers cannot learn new ways of reading, but must know them beforehand. Nor do I return a formalist/structuralist orientation in which meaning is located in language codes or individual poems, nor to intentional theories, such as E.D. Hirsch proposed in *Validity and Interpretation*.11 Rather, I follow Iser's theory in which readers learn to change their views through encountering the gaps in the literary text. Interpretations are constrained by what is possible in a language and in a text's world clues, but to some extent the reader can be led into certain other ways of knowing. However, readers must be willing to be so led, to participate in a stance of open attention and meaning making. Thus this view does not annihilate determinate meanings, as would deconstructivist approaches, nor the meanings a text might have accumulated in other times and places. Rather, it opens texts to reinterpretation by new communities by claiming that literary texts are not for a time and a place, but by their nature as dominantly non-participatory are open for use in other times and places than that in which they originated. Texts retain their vitality only if they are read and understood across time. Readers build bridges of meaning across time, which meanings are relationships between the world of the text and that of the reader. Recovering as much as possible of the text's meaning may mean going outside the text in order to understand better its language code, schemes and references. In recovery work, we come to understand the communities surrounding the text more fully. These meanings are nevertheless relational, as the researcher understands them from a vantage point of his own knowledge, which is not erased. Readers do not fully enter, or become, the text's world or characters. The understanding of the text's world is always in terms of the reader's present versions of the world; the recovery of the world of text expands the knowledge of one's own world.

Intersections, Gaps and Bridges: An Example of Relational Meaning-Making in a Hospitable Community

Let us return for a moment to the writing class. We gather to discuss the poems I bring and to write our own poems. At first they wrote about how beautiful the earth was, how wonderful spring, how beloved were certain friends and family members. These were "nice" subjects, idealized images they had learned somewhere belonged in poetry and in their heads. Maybe they wanted to believe these images were true, that they could exist somewhere like this, but there was little of themselves in these poems, including and most especially the point of view of their experience of the world. Soon they began to see that poems arose out of ways of observing and finding meaning in one's experience, and that views vary from writer to writer and from poem to poem. When they began to write in dramatic monologue, which has an imagined person as listening subject, they had to step into our own points of view. They could not fall back on general schemes learned elsewhere; they had to use schemes from within their more individual perspectives. This is the capacity of language use that Bakhtin saw in *The Dialogic Imagination*12 as the individual's creative use of schemes which are coded in language, in a free selection of elements of discourse to which the individual arrives as something unique, never before said. The individual's linguistic utterance simultaneously creates and defines the individual *qua* individual, for he has created his own language but is also part of the collective because he uses the discourses used by others.

But the way of using differs from person to person. In our poetry class, the choices made in selecting language and schemes began to arise more from the participants own perspectives of themselves and of their imagined addressees. Because it was not participatory discourse intended to accomplish something with the addressee, because the introverted (remembered and imagining) consciousness was foregrounded over the extroverted one, the self does not have to hide behind a "nice" exterior that would ease day-to-day relating. Because the poetry is read to the writing group, the expression of the fuller self-identity, experience and points of view revealed in the poetry receives the attention and acknowledgement of selfhood that bespeaks a community which values the fuller, subjective being of the individual. And because this giving-of-self in poems and receiving of others' selves as presented in the fuller experiential range of literature happens in a community, those in the community expand their ability to incorporate diverse perspectives without needing either consensus or resolution on points of disagreement.

I said above that the writer's struggle takes place within himself. Like the process of reading, it requires a searching out of the unknown places, their meeting with the known, and a resulting interpretation that is the meaning of those places at the point in time of the writing. At this point in time in their lives, these women are uprooted, struggling to survive and to redirect their lives. This is a huge task, as it is a reinterpretation of the self, a finding, struggling with, and naming of both wounded and strong places.

One of the women who sits with us reads and listens but does not write (not yet). She has a scar eight inches long starting in the middle of her neck, crossing her jaw, and branching onto her cheek nearly to her nose. It is a large and gnarled scar more than a quarter inch high and wide. It reminds me of the edges of those long, flat locust pods that I collect in the fall because they make good rattles. In thinking this, I connect something painful to something beautiful and treasured. I do not know what happened to her, but I know that it must have been brutal, a long deep cut followed by a lack of care. This wound was not sutured in a hospital emergency room, and the deeper wounds must not have been cared for either, else, why is she here? I know this about her, too, from the few sentences she has spoken: She is in pain, she thought poetry was supposed to

rhyme (does she still think so?), and she thinks she can't write poetry. And I know her name. It is the same as a large oil-rich city in the U. S., and I think of the irony of this identity of name and her location here in a shelter for the homeless in the capital of the richest country in the world.

Because I do not know her, but I want to, I must fall back on whatever connections I can make. These meanings are my meanings about her; they are my point of view, but I know this; they are part of who I am, not who she is. Encountering her has caused me to look again at the meanings of my own life, for in order to separate her from myself, in order to "read" this intersection with her, I can only explore my own experience and schemes.

In *Truth and Method* Hans-Georg Gadamer asserted that in reading "one must be aware of one's own bias, so that the text can present itself with all its otherness".13 As "reading" people, knowing them is analogous to reading texts and to reading one's own unknown places; the discovery of one's biases, one's perspectives, is preliminary to seeing an unknown perspective. One can not enter another perspective if one's own is still in the way.

So I go back to my own scar to explore, and I write a poem titled "Scars," which is about my own remembered experience of 42 years ago within the context of this new encounter of another person with a scar. The scar identifies us as the same—people who have suffered a brutal and uncared for wound. The rest is a gap, an unknown, a space not crossed. During the act of writing, I become aware that I am comparing the two scars. I dig into my own experience of being wounded, and discover biases toward wounding, toward myself and toward others. I discover a strength in being able to distance myself from the wounded place, and find in that distancing through writing that I have deepened a felt solidarity with one who has suffered a similar wound. It is a strength I did not have the last time I wrote about this place, and it is gained not because of the visible knowledge that there are others like me—I know this—but rather because of the new meaning of relatedness to an other that was created in the act of writing. I have offered myself the gift of knowing myself anew, freed from a previous bias that nothing good or beautiful could come out of this wound: freed from a bias that we are the same, those of us who have suffered this particular way. We are and we are not. My experience is mine, I can tell it in its detail, in its meaning for me.

After writing, I am surprised to find that I am more able to hear the complexity and individuality of her story, should she ever choose to tell it. I am more willing to wait, not so anxious to know, more willing to grant her right to privacy, her status as guest. I discover I know her less, because I have discovered I knew myself less than I had thought. Letting her stand as stranger, as unknown, the withdrawing of my labels and uses from her withdraws her status as object in my attention, she becomes more fully subject, more fully herself as I am more willing to see that I do not know her. Now I am more ready to see who she is. From a position of greater self-understanding and greater openness gained through writing in literary genres, writers are better prepared to receive the discovered represented selves in others' writing. They are better able to know them as individual beings and to acknowledge the separation. One woman expressed her learning of this in the beginning of a poem addressed to another woman by asserting the separation: "I am not you. Contrary to your belief and efforts to force me . . . to be you. But it's really not you that you want me to be . . . just someone else so you can be you." All those someone else passed down through generations, no one would ever take responsibility to pass back and stand alone. Another writer invites someone into herself, across a bridge metaphor of music:

"Come to me Like a symphony. Play me like a piano. Let your fingers feather I want to remember how you played Long, soft, and romantic. Your music can lull me. Come to me." The next poem she writes moves in the opposite direction, seeking a way to keep the pain caused by others from continuing to wound her. In this poem, she writes a letter to herself, "Dear, Don't

confuse your self again. Know the beginning from the end. These are things we have been Through before. Believe me girl when I say: `The past is the past, so let it Stay.' But remember: the hurt can come Back. Emotions like a dart board. Those people are like darts. It will be ok girl."

Don't take your feeling back. The first writer is more concerned with getting her meaning across than with form. A second, who has been in the group longer, is learning to discover meaning through developing her knowledge of form. The poetic form especially helps to construct the meaning of the first poem. A third writer can produce perfect iambic pentameter and rhyme. She is struggling to let go of form because it distracts her from getting at deeper meanings. She is trying to get to her experience without form getting in the way, to find a form that is her meaning instead of letting the concern for pattern take her away from her exploration of experience. She is succeeding, as the last portion of a poem addressed to her parents attests: "The happy feelings coming home from war Were seen as love and gave you hope to carry Life together as a proven thing that Waiting would have caused you both to see."

I sit back now your child in more distress
Than either one, as grown, could ever hear.
If all your love is all you show to me
The chance of living happy and with peace
Is something I can only dream of now
And later try to find another way.
The warmth of feeling someone next to me
Is soft and happy. Well, can I have a puppy?

Still another writer has discovered the need to attend, but to wait in gaps until a meaning occurs. The ending lines of one of her recent poems imagines a sheet of writing paper talking to her, and her responding:

"I'm empty, Fill me in"
be patient with me for soon
you will not be empty

What is the relation of formal literary elements and the work of discovering one's epistemological point of view on an experience? How does the intersection of formal options and options as to point of view result in gaps that are potentially productive of relations among individuals? I have already described how I see this occurring from my own experience. The unknown is a space for casting out lines of meaning, which are created bonds. When I compare a scar to a locust pod, I am engaging in aesthetic activity, seeing human beings in an objective status as people who have been cut deeply. The act of perceiving aesthetically was the impetus to both separation and connection; the act of writing aesthetically enabled me to extend the first thought into something richer and more complex in meaning, thereby deepening the meaning of the encounter.

The act of reading literature similarly requires the casting out of lines from the reader's knowledge to the text's data. The interpretation is consequently subjective, it is a relationship of reader to text, not something objective. Wiser explains how aesthetic response is guided by a text's data, which give clues to thematic meaning but do not explicitly connect these clues. The reader must construct meanings across the gaps between the clues. Readers are able to meet the text in

the understood clues, some of which are indications of schemes, and it is through these that the reader enters the text's world. Something not expected from the reader's schemes happens in the syntagmatic dimension of text, that is the combinatory axis, where words and schemes are linked in a coherent chain: one or more of the links are missing, or a segment of a different schema is substituted, and the expected elements and ordering are disrupted. In this rupture, the reader has to construct meaning by filling in the gaps with interpretations. Meanings are thus relational; they are connections between the text's world and the reader's world. The reader's world is changed by the encounter with the text, as he revises his schema and adds the new knowledge gained to his world view. Reading can elicit change in a reader's perspectives and knowledge to the extent that the reader is able to do the bridging, to make some sense across the gaps. As is clear from Chafe's work, if information is in the background, or is not present at all in the reader, meaning cannot be made at all. Peripheral and inactive information is more frequent in literature, as it enables the gaps that are characteristic of the literary discourse.

The primary dimension of selection and aesthetic activity is the paradigmatic, which involves the selection from among similar options for words and schemes. Roman Jakobson regarded these two axes, the paradigmatic and the syntagmatic, to be the two processes of language, the selecting, substituting one and the combining, ordering one, respectively. He recognized that the paradigmatic property becomes prominent in literature, most strongly so in poetry. With the combinatory property deemphasized in favor of the substitutive, the mind focuses on patterns of language and the play of language as language. The nature of literature as constructions vs. as reality is thus brought into view. In terms of community-building, the very high-lighting of language *qua* language enables readers and writers to see the constructed nature of language, and to see ways in which one's thinking about the world is a selection and ordering of internal and external data. Literary reading and writing can promote open minded attention, expanded epistemologies and flexible meaning-making. All of these are conducive to the work of creating free, peaceful and supportive communities. In terms of making meaning across gaps, the prominence of the paradigmatic property engages the selection process that is at the heart of point-of-view, epistemology and ethics. The data that accrue into patterns are foregrounded in virtue of their appearance as pattern. As Jakobson demonstrates, the play of language engaged by noticing a pattern distances the message from the text. We might say that the reader is distanced as well, because he notices the text as an object of attention for aesthetic play and participation vs. for practical use and participation. And because the patterns are paradigmatic, exemplifying rules governing the ordering and organizing of the world view, the reader must access the world view through the patterns, which are a bridge into another's epistemology. The reader shifts back and forth among his own and the text's points of view, bringing the reader's own paradigmatic process, with its principles and processes of selection, into the open. Lines of relational meaning are created, and it is clear to the reader that he is doing this. In non-literary communication, we do this, but usually we do not recognize or pay attention to the fact that we are doing so. Yet, such recognition and attention is a necessary facet of deepening interpersonal understanding.

Gaps will inevitably remain. If literary reading and writing drive knowledge of ourselves and our world past their present boundaries, it they also make us more keenly aware that there is ever more that we do not know beyond what has become known. And there are areas that can never be known or spoken: much must remain in silence and mystery. Because of literature's capacity to bring both identification and distantiation, we are able to learn to approach and embrace, as well as to retreat and let be. We can delineate ourselves, others and our relations, and we can know how partial is our knowledge, how great and open the possibility for further learning. Confronted by

the unknown, we find ourselves more humble, more human and more in awe of human beingness. Finally, on explorations into unknown territory, writing and reading our writing from within a community, are rest and replenishment for mind and spirit. They are gifts we offer and receive on these interior journeys.

This is a good place to be if one wishes to create with others a vital community.

Notes

1. Martha Nussbaum, *Love's Knowledge: Essays on Philosophy and Literature* (Oxford: Oxford University Press, 1990), p. 53.
2. Mikhail Bakhtin, *Art and Answerability: Early Philosophical Essays*, ed. by Michael Holquist and Vadim Liapunov and trans. by Vadim Liapunov (Austin, Texas: University of Texas Press, 1990), pp. 4-5.
3. *Ibid.*, p. 6.
4. Wallace Chafe, *Discourse, Consciousness, and Time: The Flow and Displacement of Conscious Experience in Speaking and Writing* (Chicago and London: The University of Chicago Press, 1994), p. 10.
5. *Ibid.*, p. 207.
6. *Ibid.*, p. 207.
7. *Ibid.*, pp. 72-73.
8. *Ibid.*, p. 170.
9. *Ibid.*, p. 132.
10. Stanley Fish "Affective Stylistics", in *Is There a Text in This Class?*
11. E.D. Hirsch, *Validity and Interpretation*.
12. Mikhail Bakhtin, *The Dialogic Imagination*.
13. Hans-Georg Gadamer, *Truth and Method*, *Truth and Method*, trans. by Joel Weinsheimer and Donald G. Marshall (New York: Continuum, 1993), p. 269.

Bibliography

Bakhtin, Mikhail. *Art and Answerability: Early Philosophical Essays*. Ed. by Michael Holquist and Vadim Liapunov. Trans. by Vadim Liapunov. Austin, Texas: University of Texas Press, 1990.

. *The Dialogic Imagination*.

Booth, Wayne. *The Company We Keep: An Ethics of Fiction*. Berkeley: University of California Press, 1988.

Chafe, Wallace. *Discourse, Consciousness, and Time: The Flow and Displacement of Conscious Experience in Speaking and Writing*. Chicago and London: The University of Chicago Press, 1994.

Gadamer, Hans-Georg. *Truth and Method*. Trans. by Joel Weinsheimer and Donald G. Marshall. New York: Continuum, 1993.

Hirsch, Edward D. *Validity in Interpretation*.

Wiser, Wolfgang. *The Act of Reading: A Theory of Aesthetic Response*. Baltimore and London: The Johns Hopkins University Press, 1978.

Jakobson, Roman. "Linguistics and Poetics." In *Essays on Language and Literature*. Eds. Seymour Chatman and Samuel R. Levi. Boston: Houghton Mifflin, 1967. 296-322.

Kinneavy, James. "Ethics and Rhetoric: Forging a Moral Language for Public Schools and Public Debate." Paper presented at The Catholic University of America, Washington, D.C., April 1994.

Nussbaum, Martha. *Love's Knowledge: Essays on Philosophy and Literature*. Oxford: Oxford University Press, 1990.

Ohmann, Richard. "Prolegomena to the Analysis of Prose Style. " *Essays in Stylistic Analysis*. Ed. Howard Babb. New York: Harcourt, Brace, Jovanovich, 1972, pp. 36-49.

Scholes, Robert. *Textual Power: Literary Theory and the Teaching of English*. New Haven and Yale: Yale University Press, 1985.

Discussion

In the history of literary studies in this century there has been a significant change in attitude with regard to the ethical and the moral. Earlier in the century this was central to the evaluation of a work of literature. Then there was an abandonment of concern for the morality of the piece and attention was devoted entirely to its aesthetic character—understood as not involved in morality. This was well enough if taken in the sense that the aesthetic was more than an issue of morality. Unfortunately, however, this was taken to mean that it was amoral.

The developing attention to the person in all dimensions of life, however, has tended to correct this. It is now recognized that the aesthetic concern for the beautiful and the ugly requires that the full humanity of those involved be recognized. This requires above all attention to the quality of the existential exercise of one's freedom, which involves the moral character of that exercise. Consequently, ethical concern is returning to literature and literary criticism once again, but in a new and more integrated manner.

On the part of the reader this personal dimension requires a pattern of empathy, a willingness to hear, and hence to listen to and discover the other. This is a key element of the solidarity required for civil society. Language is a key element in the bonding of peoples and at a deeper level embodies the broad attitudinal patterns of an entire culture. Hence those who share a language naturally tend to bond together in preference to relations with others who speak a different language.

This solidarity in language is subject to manipulation by those concerned with excluding various groups. Thus an appeal to the German language was made by the Nazis in their attempt to develop a racial ideology and to practice exclusion.

Beyond language, literature itself is a truly exceptional wisdom of the person and community. In contrast to an analytic syllogism which can only unfold what already is present in the premises, literature gives constant expression to the wealth of human life and culture. It summons up the riches of memory and expresses them in new ways through the exercise of the imagination. By imaging the ethical dimension it reflects moral life; by engaging the aesthetic dimension it gives expression to human affectivity. But it does this in a way which allows for the expression of wonder before the deep unsoundable mysterious character of human life lived in the context of transcendent meaning.

The creative character of literature express as not only meaning, but action and thereby exceeds what already can be conceptualized, adding that which can be suggested in gestures that convey a more integral and comprehensive human meaning and attitude. This has impressive reach, for it includes not only one's own life or that of one's own generation, but reaches back to earlier generations, to their struggles, to their concrete responses and to their antecedents and consequences.

Hence literature becomes a special window on reality. It includes the realities being addressed, but it unfolds them through the creative genius of the author and the multiple and varied sensibilities of each reader.

Chapter VIII

Rituals and Public Life: Their Role in the Process of Social Reconstruction

David N. Power

These notes are intended not as a full elaboration of the issues, but to help discussion about the place of ritual in public life and its impact on social identity and social value. They are more in the nature of talking points than of substantive proposals. They start with the fact that we all have some sense of the importance of ritual in human life, that is, of rituals that fit into the categories of the public, religious, familial and personal.

Despite this familiarity, sociologists and anthropologists cannot offer a clear and unquestionable definition of ritual. A working description can say that a ritual is a prescribed or established order of performing, bringing to bear on a given moment, and for a particular person or set of persons, a wider system of symbolic expression. Within this description, there is place for daily rituals, weekly rituals, annual rituals, or rituals befitting some occasion or some confluence of facts and needs. Family rituals, cultural rituals, civic rituals, religious rituals, or even mere personal rituals, all fit the description. Ritualized behaviors, such as one's customary breakfast time and diet or a family Sunday brunch, can fit, as well as formal rituals practiced in church or on public civic occasions. All have a role in ordering communal and personal life, meaning and values. Because of their wider connection to symbol systems, all these kinds of ritual embody beliefs and values, and can deeply affect social and personal relations. Where the practice of ritual fits, or where particular sorts of ritual enter into the process of social reconstruction, in which this seminar is interested, is the precise question here at issue.

Social Disintegration and Ritual Disintegration

A discussion on this point opens with a negative constitution. Talking about reconstruction of civic society is based on the supposition that we are in a period of social disintegration. It has been suggested that this is affected by the disintegration of the state, of economic bases, of religious bodies and of values. A factor in this social disintegration is the disintegration of ritual, in family, society and religious bodies.

On the other hand, while traditional rituals disintegrate, new ones seem to make their appearance, more reflective as they are of newborn common attitudes or more responsive to feelings of malaise. Examples can be given on a very mundane level. In the U.S. we often quote the disappearance of the family meal with its small rituals, while noting on the other hand the intense maintenance of the annual Thanksgiving reunion, involving considerable travel and expense. We realize in some vague way that the former is harmful to family life, while we wonder as to the reasons for the intensification of the latter during a period of frequent familial dysfunctionality.

Certain sets of repeated actions are not clearly labelled as such, yet work according to ritual patterns. The often-bemoaned effects of television on common interests and values has much to do with the ritual status of what is not openly named as ritual. Watching the shallow telecasting of the daily evening news with its illusions of depth and participation has for many become a daily ritual, shared with others, exercising perhaps a compensatory role for people who do not have the time to think things out but yet want to lay claim to having humane interests. Philosophers have

written books on sport as ritual, and in this vein it can be remarked that the vast audience for baseball and football games on television is as much a kind of ritual observance as it is a response to the thrill of rough encounter or motor dexterity.

Counter-ritual plays its own part in the face of the disintegration of common persuasions and values. Examples of this also are easy to observe. At the time of the Vietnam War the burning of the American flag was a successful counter-ritual, responding to the daily ceremonies of raising the flag, or saluting the flag. The presence of the MIA tents and their personnel at the Vietnam memorial is a counter-ritual that can be contrasted with the changing of the guard at the Tomb of the Unknown Soldier on the other side of the Potomac.

The more established rituals of public life and religion during periods of deep social and cultural change seem to fail or lose persuasiveness, and are in some respects replaced by others. The diminishing participation in religious rituals in some churches reflects either disaffection for what is ritualized, or the failure of the ritual to persuade. On the other hand, the rituals of the Nation of Islam draw a following because they hold out a promise of solidarity and of strength in solidarity, of brotherhood and of values of common identity and mutual concern. Various forms of Pentecostalism are also on the upsurge, not only in the U.S. but across the world.

Rather than seeing this disintegration and this counter-ritual as purely negative, one can look at the possibilities offered to unity within pluralism in a society whose culture is increasingly affected by media communication and the evolution of cyberspace. While many decry the deleterious impact of watching TV, for example, others have shown how it offers minorities the possibility of an interaction that keeps their own social sense of being and community alive. Those who have access to the programming of TV and radio stations, however poorly budgeted, are offered the possibility of counter-knowledge, of alternate ways to access and give expression to reality.

Ritual and Culture

The effect of culture has been noted, and the chapter of G. McLean has quite clearly invited interest in cultures as vehicles and retainers of values, to be brought into the public forum. In line with this, one needs to note the clear relation between maintaining ritual and upholding the beliefs, meanings and values of cultures. It is a potent factor in conserving feelings of solidarity, common belief and common value. These are affirmed and confirmed in shared ritual, either as something belonging to the fabric of the social, or as something held by a particular body over against what is recognized in the public domain, or as a possible set of beliefs and values that can be given voice in the public forum.

Through ritual, beliefs, values and human ordering are invested with the aura of the sacred, at least in the sense of asserting a foundation beyond ourselves for inalienable rights and common horizons. While, however, some philosophical approaches look for a common transcendent across rituals, the contribution of a study of ritual today, having gone through a period when it was given a surface unity through the influence of structuralism, now draws more attention to plurality. This attention to plurality is not simply a folkloric fascination with the variety of body postures, musical intonations and ritual substances, but detects a remarkable variety in world-views, belief-systems, and value-based communalities brought to light in ritual. As a result, in the interpretation of ritual studies, as in some theories of general hermeneutics, there is much attention to the sense of the "other" necessary to any kind of human interface in the structuring of society and the espousal of public norms and values. It is therefore a difficult question to ask what part the practice of ritual,

the inclination to ritual, and even the at times rather fractious or even subconscious adherence to ritual observances, play in fostering unity and in the reconstruction of social life.

Ritual in Democratic and Pluralistic Societies

In a pluralistic society, such as the U.S., there are few, though some highly significant, common, formally recognized, public rituals in which all participate. There are others that take hold for a while, but pass with time. There are also those that recur from time to time, in moments that seem to call for some public manifestation and are called together quite often by some charismatic leader who seems to have insight into the mood of the moment. There are likewise those, such as TV watching or sports events, whose reality as ritual tends to be masked, and for that reason are all the more effective since they masquerade as something else, such as an interest in current events, legitimate relaxation or pleasure in sports.

In democratic societies, especially with the growth of cultural and religious pluralism, the extent of sacred authority given to public officials is attenuated, but nonetheless remains present, even for those who profess atheism. They serve to affirm and confirm the authority of public actors and their action, such as legislators, judges, etc. Within a pluralism, rituals can affirm some common traditions and perspectives that carry a sacred authority. Even these rites, however, and their significance are challenged from time to time by counter-ritual, such as the burning of effigies, or the spilling of blood on weapons of destruction. They are also brought into some kind of relation with alternative rituals, such as the March of a Million Men or the cultural festivals that mark the annual urban calendar.

While ritual affirms authority, the democratic states of Europe and the United States allow the authority of the executive and the legislature to be open to the scrutiny of the legislature. This is to submit the sacred authority of office to the authority of reason and trial, where everything can potentially be subjected to scrutiny. There is nothing so sacred in society, be it Presidency, Constitution, common law, or legislation, that is free form the possible submission to scrutiny, trial, and alternative interpretation. The authority of the judiciary is more sacrosanct; courts of law, and the Supreme Court in particular, are invested with a notable aura of the sacred. Yet there is nothing decided by this high court that cannot in time be reversed, within the very terms of its points of reference.

Rituals of Division and Class

Ritual is one of the primary ways whereby a social group distinguishes between its members, distinguishes its members from others, and classifies persons and patterns of life. Religious ritual in a medieval town or village included all persons, but classified them according to hierarchy, both ecclesiastical and civic, so that each group and person learned patterns of general behaviour and value through ritual behaviour. Of Catholic ritual it could be said, "here comes everybody", but not all are classified in the same social grouping. Some of the recent liturgical changes in Catholic ritual have in fact been intended to change and rectify ecclesiastical and civic classifications that had become embedded in ritual practice, but now appear to us as distinctly unevangelical. Women are not to be kept, heads covered and silent, in some darkened corner of the church.

Role and social classifications are given weight in civic ritual as well. What is necessary to social order in this classification, and what is expressive of ideology or discrimination, is open to dispute. In a courtroom, the play of juridical language is intended both for the sake of judicial

clarity, and for the setting of the boundaries of clerisy in the field of law or forensic evidence. Nowadays, religious ritual risks falling prey to social classifications that are not inherent to it of its own nature. In the inner city parish or mosque or synagogue, there may still be a confluence of people from many walks of life and financial backgrounds. In the suburbs, this is not so, but the codification of neighborhoods is a subplot of the explicitly formulated and performed ritual. What kind of counter-ritual, then, can serve to break these social codes?

The Place of Religious Ritual

It is typical of religious ritual to affirm a source of authority beyond human experience, and to tie the authority of leaders, beliefs and values to this grounding. If the symbols used by these authorities give them absolute value, it is hard not to want to impose them upon others. Thus the two swords of authority attributed to medieval Popes, the religious, moral and political authority given to the Koran, the moral authority afforded the Bible in the Christian Coalition, are given a ritual affirmation that allows them great power and force among the members of the pertinent religious groups. Inevitably believers are anxious to have their views and persuasions accepted as core elements of public life and polity.

When religious bodies subscribe to a legitimate plurality in belief, religion, morality and social structure, the role of their rituals becomes more ambiguous and indeed undergoes change. There was a time when the reverence shown the Pope fitted a theory of church/state relations that professed the Catholic state the ideal state, or when it meant full assent to his moral teachings, ranging rather loosely over wide areas of human practice and behaviour. Of the present state of affairs, the large public papal ceremonies on the occasion of his visits are a good example of the power of religious ritual, even amid a measure of disagreement among practitioners. Those who attend in faith, and not out of curiosity, ritually expressed their faith in God and God's ways with humankind. They publicly professed, with the Pope, that this has to be a force in public life. As Catholics, they affirmed a strength and a oneness that goes beyond state boundaries and takes in a mass of humanity across the world. They did not, however, express a common front on how this is to be worked out in practice. Among themselves they were not one on how Christian faith affects all issues of moral value in life. At least some were ready to accept that some of these values have to be debated and shaped by debate, not only among Catholics or among Christians, but in other forums as well.

The tendency of strongly centralized and sacral bodies is to reinforce a particular religious perspective, giving rise to fundamentalist states, or to bodies within a state, such as the Christian Coalition, that want to give divine authority to certain options in a way that excludes the legitimacy of others. This is to allow such sacred symbols as the Koran, the Bible, or the Magisterium to have a prominent place in the ordering of society and the determination of its values. The tendency of the secularist state is to banish the religious from the public forum, even while it retains rites and symbols that invest some ideology and power structure with sacred authority.

For believers or disciples of a particular religious faith, it is questioned whether they can among themselves ritualize their beliefs and values and invest them with authority, yet allow them to become part of public discourse, certainly in order to be heard, but leaving these beliefs open to public debate.

In this regard, public witness and trial complement the role of ritual, both for the state and for the believer who opts to live in a multicultural and pluralistic society. Thus, Christians who take part in liturgy profess Christ as Divine Revelation and his Pasch as the sign of the advent of God's

rule. Their sacraments confirm this belief and their sense of sharing in divine life and truth. They wish what they profess to have an influence on the ways of the world, yet they know that it is counter to this truth itself to impose it on others.

What happens in this situation is threefold. First, their ritual performance, if its persuasiveness remains intact, demands a word of interpretation among believers themselves to determine the relevance of what they enact to public life. Second, this becomes a prophetic word when it is spoken openly as a challenge to all members of society to the values which believers reckon pertinent to the common good, even in a pluralistic society, e.g. for some Christians a word on the use of nuclear armament, for others a word on the values of being pro-life on issues of abortion. Third, they must needs allow this word be put to trial in the public forum of civil debate, in public campaigns for office and within courts of law.

In this process, believers do not attenuate the strength of their fundamental conviction, which they continue to affirm in liturgical rites. These convictions, however, are affected in two ways. First, it is recognized that others have legitimate convictions and values, and it can be only by public argument and democratic decision that one's own values can be reckoned within the sphere of the normative. Second, it is recognized that what is affirmed in rite as fundamental is open to change and interpretation in its consequences and applications. Hence, believers are themselves open to challenge, argument and persuasion in discussing how their beliefs are to operate in the public forum and for the good of human life.

Religion and Resistance

Religious ritual when practiced continues to carry the conviction of a higher power and authority, that remains at work even among bedeviled humanities. Believers carry the force of their convictions into public life, as well as their sense of the other and the claims of the other. Pope John Paul II has had much to say on Gospel and Culture, and on the power that the Gospel should be able to exercise at the heart of a culture. On the other hand, neither he nor many another religious leaders wish to see Christians take over the fabric of state or civic society in countries where human and religious liberties are respected.

Even while norms and values inherent to the religious tradition are left open to public debate and trial, religious bodies tend to generate forces of resistance. By reason of their own beliefs and values, they are often alert to what is arrogance and to what belittles the claims of the holy, the full claims of life or the claims to life of the excluded. Since an imposition of values is out of the question, the choice is that of being a prophetic voice and resorting to prophetic action. In police states, or in face of overt persecution, this requires courage, but it is readily enough worked out when is being resisted. The forms of resistance may also stand out when confronted by coercive forces.

In democratic societies, the prophetic is just as necessary, if less apparent or tangible in its forms. One cannot simply demonstrate, but to carry force it is necessary to submit to the rigors of public debate, and even to uphold the authority of a legislature or a judiciary whose decisions one resists. The religious voice does not fall silent, but it enters the forum of public debate and trial in order to have its effect.

By Way of Conclusion

The disintegration of ritual forms and participation is typical of a period of social and cultural change. Formal rituals tend to be replaced by distinctive patterns of behaviour that carry in a less formal way the power and the authority of the common or normative.

The process of social reconstruction after the disintegration of monolithic state and religious systems requires formal ritual, but this can be more varied, more suggestive of a plurality within unity. Ritual in this situation is necessarily complemented by considerable public debate and the readiness to have valued positions put on trial.

Religious rituals, however pluralistic they become, continue to have power in the social arena. It is no paradise for peoples to be devoid of religious belief and keen moral persuasion. Religious rituals express a specific sense of the transcendent or of the imminent, according to particular religious traditions. They are capable of generating persons of conviction, though they stand in need of development for this to be the case. Those who believe in the sacredness of these rituals, however, cannot impose their values on society. They have to be prophets in new ways, according to modalities that allow for public debate. There must be a readiness to accept that positions proposed, because rooted in the authority of faith, be set on trial to stand or fall by the judgment of others as to their public and common usefulness in integrating the social fabric.

Bibliography

Carey, James W., *Communication Culture. Essays on Media and Society*. London and New York: Routledge, 1992.

Fenn, Richard K., *Liturgies and Trials: The Secularization of Religious Language*. New York: Pilgrim Press, 1982.

Grimes, Ronald, *Ritual Criticism: Case Studies in Its Practice*. Columbia: University of South Carolina Press, 1990.

Kertzer, David J., *Ritual, Politics and Power*. New Haven: Yale University Press, 1988.

Discussion

At first sight, freedom of participation in a pluralistic civil society seems clearly to imply that all elements of content and procedure should be subject to public debate, and that people are bound only to what emerges as a majority agreement from such debate. It is necessary then to put on trial and subject to debate dearly and deeply held convictions if one wishes them to be part of public life in a pluralistic society.

This can be good with regard to the truths and convictions themselves, which otherwise might not be attended to. Indeed, the very fact of public debate exposes them to many who otherwise would not have heard of them. The example of the U.S. Catholic Bishops' letter on nuclear arms exemplifies how presenting a draft for public comment and debate introduced the moral dimension to what previously had been discussed only in terms of military and political power.

This has the advantage also of opening the public to new, and at times unexpected, dimensions of meaning and of opening a way for those concerned with human welfare to expose their concerns and to have the opportunity to try to convince others. This is against a forced privatization of certain realms such as the religious.

At the same time there are reasons to think the formula of open debate too simple. Some values have an absolute character, such as the oath of office. This is not a matter of debate which some can accept as binding and others not.

Beyond this there are the fundamental epistimological, meta-physical and religious issues. Contemporary skeptics would question the very possibility of truth and of the relation of the human mind thereto. This is radically to undermine the foundation of any meaningful debate. The same is true of the character of human will and hence of personal commitments.

Finally there is a distinctive absolute character to the religious foundations of being, truth and commitment. As absolute, this is necessary; indeed it is this absolute character which grounds the definitive force of oaths of office, law and the like upon which public trust is built.

Yet, respect for the freedom of the person extends as well to the religious sphere, so that Vatican II felt it important to state religious freedom as an essential human right not to be transgressed.

Ritual can be taken as a pattern of private or public behavior which sets a stable pattern of action and meaning for life. As human action it entails human knowledge and will, but as it does not formulate its rational content it is able to symbolize a breadth of content. It is not merely a matter of mind or heart but engages the whole person in conjunction with one's surroundings. The aesthetic dimension of ritual integrates all of these and allows for a richness of meaning which extends beyond rational analysis and expression.

This is true of civil rituals such as the honoring of unknown soldiers, and especially religious rituals which enable us to relate to that which, as absolute, transcends our ability to conceptualize this or express it in formal terms. This is essential for keeping open the transcendent character of the sacred depth of meaning—of life.

This points to a delicate area when juxtaposed to the requirement in a pluralist society of placing all under debate. What is a matter of debate is something which might or might not be, but such clearly is not absolute in character. Hence, there is a question of how societies which are pluralist in character—which relates particularly to how they regard the ultimate foundations of human life—can conceive religious freedom and open debate in this regard, and its expression in ritual. Some would proceed to say that any public expression of a religious motif is a prejudgment

of the religious issue. This implies a ban on all religious expression, but that is actively to suppress religion and to impose a secular state.

Thus, in opening the religious dimension of belief and ritual to debate it is important to avoid any suggestion that what is being discussed is anything but absolute. Further it is necessary to set a pluralistic context in which multiple cultural expressions of belief and religion are possible.

But it would seem that for civil society much more is needed and possible. Different nations have faced this issue in such a way as creatively to engage the various religious and voluntary solidarities in the work of hospitals and schools to the immerse benefit of their communities. This expresses a positive relation between the political and the civil society orders. It is a positive alternative to approaches which would insist on a least common demoninator which in fact promotes a secular attitude and leaves people unable openly to express their religious convictions and their social implication, and leave the social order bereft of its indispensable religious foundations.

Chapter IX

"The Family:" Obstacle or Embryo of Civil Society?

Paul Peachey

This paper addresses the place of the family in civil society. For reasons that I hope will become clear, it approaches as the problem in a circuitous manner, for in the process of modernization familial institutions undergo profound transformation. Only with reference to the processes of modernization can those changes be described and understood. Given the sweep and the reach of the transformations, conventionally known as modernization, strong doubts prevail as to whether the family can or should survive. Only if the grounds for such doubt are taken seriously can the resulting challenges be met. Modernization frees the family, and especially the conjugal union, from the societal burdens it was compelled to carry in premodern epochs. Though the conjugally-based "nuclear family" has prevailed in the modern era, the intrinsic significance of this union in its own right has yet to be articulated.1 Unless or until that is achieved, the future of the family—and of civil society, of which it is the embryo—will be bleak indeed.

If we here were successfully to name the "animal" (Genesis 2:19) now parading before us as "civil society," the place of this study in intellectual history would be secure. While civil society as the designation for the "animal" in question has been around for at least two centuries, and while its proper home is the sociological menagerie, one searches the manuals and dictionaries almost in vain for either that designation or its intended object. Of course, conceptual quandaries of this sort plague the social sciences generally, but in this instance the problem seems unusually acute.

The two members of this compound term, civil and society, emerged early in what we call Western history. That history, like a local railroad train, stopped at many stations enroute, taking additional freight aboard. Accordingly, each term took on layered meanings, further complicated by the conjoining of the two terms at later stations. Meanwhile the species to which our term refers itself was evolving and multiplying. Rather abruptly, over the past decade, there has been an upsurge of sightings of this "animal," but we have yet to agree on its features and its name. Different studies treat different important traits of the animal before us, offering definitions or paradigms reminiscent of the blind men’s encounter with the elephant. Allegories aside, David Little cited the liberal notion which, as a first approximation, views the vast region between the "individual" and the "state" as civil society. John Kromkowski drew a more precise boundary in delineating the neighborhood community. In citing these paradigms, neither speaker claimed to offer a full delineation or definition of civil society. In any event, the latter, the neighborhood community, presupposes the former, the region bounded on opposite sides, as it were, by the individual (citizen) and the state.

The Individual, the State and Civil Society

As conceptual first approximations—Herbert Blumer called them "sensitizing concepts"—distinctions between individual and state, and between these and "civil society," the less structured social sea on which they float, seems clear enough. All three are simply given or "there" in our experience, and conceptually are readily distinguishable. But as we all know, observation and practice immediately plunge us into fog. In modernized societies where is the boundary between the state, which in some form reaches into almost every nook and cranny of our life, and the non-state? On the other hand, as a paradigm, civil society seemingly posits freestanding individuals

acting autonomously in a state-free arena. Given the multiple role-masks we all wear, where or what is that free-standing individual? A century ago, Emile Durkheim, one of sociology's founding fathers, puzzled over the enigma: "Why does the individual, while becoming more autonomous, depend more on society? How can he be at once more individual and more solidary?"2

Much of what we call human history consists of the search and struggle for order, waged as a contest for the supremacy of one solidary group over another: we know the phenomenon as tribal or inter-tribal warfare. Later, the massing of men in battle array appears analogous to inter-tribal confrontations, mass against mass. Without multiple individual identities, negotiations, compromises, wider recombinations are scarcely possible. Even at more advanced stages, as the global wars of this century and the current Bosnian tragedy exemplify, solidary human configurations as such have limited inter-group conflict resolution capability.

What we call Western civilization is distinguished by the extent to which the "individual" replaces the solidary group as the social building block which dominated most of our history and pre-history. As early as 1861 in a seminal monograph, Henry Sumner Maine observed that in "progressive societies (we would say modern or modernizing) the Individual is steadily substituted for the Family, as the unit of which the civil laws take account."3 That substitution, though conceptually concise, is taking centuries if not millennia to achieve. Partly, no doubt, this is because through a secular process (going on from age to age) this substitution is constantly reenacted on a micro-scale, individual life-course by life-course.

In the Hebrew creation myth, to which I return below, the human emerges step by step, with the social endowment appearing as the final stage. However that came about, we know the human only as *zoon politikon* (Aristotle); more strictly, only in society is the humanity of this animal realized and sustained. But here comes the rub. Liberal society, in its substitution of the individual for the family, nonetheless presupposes and takes for granted the communal constitution of the individuals that comprise it, and hence their capacity for responsible collaborative action. But as I shall emphasize, the paradigm neither assumes responsibility, nor makes provision for creation of the necessary human "material" or agents. Indeed, the very mechanics of liberal society constantly jeopardize the generative processes that sustain the humanity it presupposes.

In the liberal paradigm, both the economy and the state presuppose, but also effect, the substitution of the individual for the family. Human configurations reduce to self-interested actions of self-sufficient individuals. In the market this occurs in exchanges between individuals, each exchanging for his or her own gain. The resulting interpersonal equilibrium is unintended, the working of what Adam Smith called the "invisible hand." Politically this view of the human is realized in the notion of citizenship on the political plane: one person, one vote; equality before the law; and the like. As indicated, these definitions of individuality are both presupposed and implemented by the dynamics of both the liberal democratic state and the market economy. This articulation of personal dignity and autonomy, seen in the context of the historical human saga, is a priceless achievement indeed. However, insofar as the twin processes, the polity and the market, undermine and do not provide for the communal matrix of personhood, the liberal revolution is incomplete. If that task is not completed, its authoritarian or totalitarian enemies may yet carry the day. This hiatus is the occasion for the question for civil society.4

The emergence of the private/public bifurcation in the birth of the ancient Greek *polis* was a decisive first step in the liberal odyssey. The *polis*, as Werner Jaeger points out, gives to the individual, "besides his private life a *bios politicos*. Now, every citizen belongs to two orders of existence; and there is a sharp distinction between what is his own (*idion*) and what is communal (*koinon*)."5 However, only men, and not all men, achieved that second, ennobling identity. Women

in any case were considered to be spiritually less endowed than men, and hence not qualified to appear in the political arena. Along with children and slaves they were excluded, confined to their own (idiotic) private, merely "vegetative" identity.

Turbulent centuries, indeed two millennia, followed. Here we pick up the thread of the liberal vision as it emerged from the 18th century onward. Henry Sumner Maine, as noted above, put his finger on the substitution of the individual for the family as the building block in the public domain. Individuals not only are the units from which social combination arises, but they are the agents that bring such combination about. Individuals endowed with certain inalienable qualities precede social arrangements. Sovereignty resides in the people,6 not in divinely-instituted or cosmically-anchored authorities above them. The polity with its machinery and the market-based economy give wings to the vision.

The Triumph of the Nuclear Family

Sociologically speaking, both states and economies consist of roles which human individuals enter, perform and leave, while corporate entities live on. The particular traits and initiatives of individual role incumbents impinge upon the flow of events, and indeed may result in particular successes or failures in that flow. Only rarely do such particularities effect fundamental modification. Apart from the provision of technical training, however, both economy and state simply take for granted the availability of the human material they require to "man" the roles by which they are constituted.

Historically, of course, families have been the "factories" of human beings. Indeed, as Maine's above formula implies, families were not only the elementary social units or building blocks, but also the embryo of society. The *oikos* or house, whence our term economy (housekeeping), was the basic unit of both production and consumption. Similarly, political rule was long seen as somehow an extension of family and household patriarchy. As economy and polity emerged into differentiated agencies with a life of their own, household and family domains shrank accordingly. The intellectual architects of our modern polities and economies, such as Hobbes, Locke and Rousseau, variously assailed "the family." Indeed, as Philip Abbott spells out, "dissatisfaction with the family is nearly universal in modern thought."7

The separation of home and work, that became modal in the U.S. early in the present century, was perhaps the biggest direct challenge of modernity to traditional familism.

Nonetheless, until midcentury, at least in the U.S., the place of the family in the modern scheme appeared relatively secure. Both conjugal and procreative impulses appeared deeply enough ingrained in the human condition that they continued to assert themselves, despite the shocks that modernity brought in its wake. Around 1950, Talcott Parsons, then informally the dean of American sociologists, could argue plausibly that the "nuclear family," namely the conjugal pair with their dependent children comprising an independent household and family unit, was a successful adaptation of the family to modern society. With many former functions ceded to an increasingly specialized society, the family became specialized as an emotional agency, socializing the young and stabilizing the adult. This unit, freed from more extended familial ties, was sufficiently mobile to accommodate the demands of the industrial economy, Parsons maintained. Internally, meanwhile, the nuclear family was shielded from the atomizing acid of the market by a wage system geared to the single earner household head. The system permitted the husband/father to play the necessary "instrumental" role in this self-sufficient unit, while the wife/mother performed the equally essential "expressive" role in the unit.8

Scarcely was the ink of the Parsonian studies dry before the explosion of the 1960s set in. Within 25 years the divorce rate doubled from one in four marriages to nearly every second. This irruption was paralleled by similar rises in extramarital births, teen pregnancies, single parent households and sexual promiscuity. Contraceptives had become widely available, divorce was legalized, and gays "came out of the closet." Above all it quickly became evident that the nuclear family, Parsonian style, tended to perpetuate the historical subordination of women in society. A White House Conference on the Family, convened in 1980, had to yield ground to conflicting family views, and was down-scaled accordingly. Since then the concept of "the family" as institution has been replaced by "families." A wide range of differing domestic arrangements have come to demand equal respect and standing with the conventional two-parent model.

The basic case against the family has been brought, as noted above, by exponents of societal modernization. Familial institutions, they maintain, are pre-modern vestiges. As irrational or pre-rational familial formations have yielded to rationally-constructed associations and agencies, they observe, the larger human potential has been vastly enhanced. Additionally, now that families have continued to shrink both numerically and functionally, new problems have emerged. These shrunken families are no longer able to carry the emotional freight once borne by larger family groups. Among the many sources of marital failure, critics argue, is the excessive emotional expectation of the spouses in families which now lack a wider matrix of communal support.

In August of 1992, James S. Coleman, in the annual presidential address to the 13,000 member *American Sociological Association*, presented a well-conceived, statistically-based trajectory of the "Great Transformation" of American society during the last two centuries, a transformation that calls for "The Rational Reconstruction of Society."9 "This transformation," he argued, "is characterized by the decline of primordial organizations based on the family as the central element of social organization and the replacement of these institutions by purposively constructed organizations." His closing example is the risk at which the child is placed today. Until recent times, Coleman argues, rewards of parenthood outweighed the costs. Today that situation is reversed; the costs exceed the benefits. The result is both a decline in fertility and an increase in neglected children. In fact, the state becomes the one remaining actor "with strong interest in maximizing a child's value to society, or minimizing its cost." The solution accordingly might be for the state to provide a "'bounty' on the head of each child in the system," in effect, to provide a reward to offset the cost of care for each child in order to guarantee the necessary personal care, whether by natural parents or some substitute. Effectively the state would become the guardian of every child.

We need only recall that the "bottom-line" rationale for "the family" has always been its procreative role in order to realize that what is being said here means the end of the family as we know it. Extrapolating from Coleman's data-based, statistical summary graphs one would be hard-pressed to challenge his conclusion: The trends appear irreversible indeed. Conceivably, of course, Coleman's "bounty" might "save" the family—couples, otherwise childless, might assume the burden of parenthood if thus subsidized—but once the ethos had assimilated Coleman's projection—today it has not, or not yet—it is unlikely that a bounty would stay the tide.

Significantly enough, many, if not most, family sociologists and practitioners are far less pessimistic about the family as institution than Coleman's graphs allow. Basically they are impressed by the historical resiliency of the family. Often they do not share the rosy illusions about the past family happiness and stability that informs many jeremiads concerning family decline today. And while the secular professions make only subdued reference to moral norms, to underscore family resilience is to steer inevitably toward ontological waters. We cannot in the end,

then, escape the question of whether the family is rooted ontologically beyond the reach of the "rational reconstruction" paradigm.

Short of that, however, we need to take into account the legacy of pragmatic induction that operates in everyday life, and informs responsible academic inquiry as well. The importance of that perspective or resource in a pluralistic context is underscored by James Q. Wilson's recent account of the operative "moral sense" in society. Wilson elucidates the persistence of basic moral sensibilities, arising from biological and cultural foundations in human experience from early childhood forward, the ostensibly morally neutral or amoral implications of scientific paradigms notwithstanding. The energies and dynamics of the common life are never fully captured by, or dependent upon, rationally constructed paradigms. Nor, on the other hand, does the acknowledgement or espousal of Wilson's argument prejudge, forestall or supplant ontological inquiry.10

The Family Axis Askew

Finally, before addressing directly the place of the family in civil society, let us turn briefly to the handicap of the arrested conjugal ethos that we inherit from antiquity. Family arrangements and forms, as we know, varied endlessly over the centuries, and do so to this day. While anthropologists report that pair-bonding appears in some form among all peoples, it is characteristically embedded, often indeed submerged, in larger familial configuration. The primitive struggle to survive—low life expectancy, high fertility and mortality rates, and the like—reinforced this tendency.

Social historians discern some parallels between families among nomadic hunting/gathering peoples and our mobile industrial societies, family groupings in both instances being smaller than the more extended forms that arise in sedentary agricultural societies. Institutions of property and exchange, of collaboration and power begin to emerge, primarily, at least initially, utilizing kinship ties. These early developments apparently reinforced the subordination of pair-bonding (marriage) to larger family or clan interests. Perpetuation and reinforcement of lineage interest became the guiding principle in all things, and especially in mate selection.

Despite the autonomous impulse implicit in the conjugal union, the rationale for marriage in the Western ethos historically has been primarily procreational. Marriage has been seen as the best means of human reproduction, to which it was thus treated as mere adjunct. By so much, its own innate *telos* is eclipsed, and with it the significance of the sexual dimorphism in human being. Despite inklings here and there to the contrary, Greek thinkers, given primitive constraints, defined women as spiritually inferior to and incapable of friendship with men, friendship being definitionally a relationship between equals.

Accordingly, Demosthenes (384-322 BCE), the famous Athenian statesman, could write matter-of-factly: "We have mistresses for our enjoyment, concubines to serve our person, and wives for bearing legitimate offspring."11 Marriage, devoid of a deeper interpersonal meaning, was simply a means to secure one's offspring and estate. Companionship and sexual pleasure were sought elsewhere. In this extremity, women became chattel, on the one hand, and playthings on the other, in both cases, objects rather than humans. The shadows of that distant past, reinforced by historical experiences during intervening times and places, doubtlessly linger even today.

The growth of society and the corresponding shrinking of the family that emerged in the modernization of the past two centuries meanwhile reversed the relation between the procreative and the conjugal axes within the family system. The family unit now begins and ends with the

conjugal union, while the earlier support of extended kinship has receded. Marriages are made and unmade by the partners directly, on the basis of personal interest and inter-personal affinity.

Along the way the symbolic legacy of Demosthenes had resurfaced in the cult of romantic but illicit and unfulfilled love, celebrated by wandering medieval minstrels. Once the differentiation of society reached the point at which the conjugal unit became both structurally autonomous and the axis of the family unit, the romantic ideal migrated to the conjugal unit. The conjugal ethos, still anemic from its tradition-based reproductive definition, was newly distorted by bloated romantic expectation. That expectation, though in part correcting for the older procreative skew of marital definition, introduced further instability into a unity already fragile. Family restabilization thus must begin with a fundamental reconstruction of the conjugal ethos. And while this essay moves on the plane suggested by Wilson, which I described above as "pragmatic induction" or the givenness of the moral experience, I draw on logic conveyed in Hebrew religious myth without the theological reasoning that a full treatment would require.

It Is Not Good for Adam to Be Alone

A look at a classic myth at this point can be helpful, namely the "rib story", the second of two creation myths in the Hebrew scriptures (Genesis 2:18-25; cf. also Plato's myth). Like many other ancient peoples, the Hebrews resorted to myth to account for mystery at the boundaries of human existence. The narrator in this instance recounts one such myth to decipher sexual dimorphism in the human enterprise. First a solitary, sexually-undifferentiated individual appears on the scene. Alone, however, that individual is incomplete. So the Creator constructs a second being, not *de novo,* but rather from the rib of the first being. The result is a sexually-differentiated and paired unity, equally human yet complementarily differentiated. Following this brief sketch, the narrator supplies an interpretation of the myth: "Therefore a man leaves his father and his mother and cleaves to his wife, and they become one flesh." Much later, another phrase is added: "What therefore God has joined together, let not man put asunder" (Mark 10:9).

Obviously we cannot here deal with the larger religious frame in which the story appears, nor with the diversity of family phenomena reported elsewhere in the Hebrew scriptures. As here the scope is far more limited, I suggest instead that we reflect inductively on the intent of the story as outlined by the narrator and on the logic of its setting. The procedure is similar to James Q. Wilson's treatment, cited above, of the workaday world. So we ask: what is the logic and setting of the myth, according to the narrator?

The context is cosmological. Following a summary reference to the creation of the world, the appearance of the human receives special note. Bare essentials, both cosmological and human, have been sketched, climaxing in the rib story. The "leaving" and "cleaving" formula, whereby the narrator interprets the myth, assumes both primordial and prototypical significance—the tie to father and mother is primordial, given in nature; the tie to the spouse is prototypical, the beginning of responsible freedom, of action beyond natural determinism. The natural unwilled bond of child to parent is transcended by the chosen, willed relationship of spouse to spouse. Since male and female, as monads, standing alone, are incomplete, the resulting union possesses "ontological" quality: each partner is completed in the other. That being the case, the bond is soluble only by death. This fact is recognized by a phrase in traditional marriage vows, now increasingly regarded as quaint, "till death do us part."

Here we reach the critical juncture in our discussion. In this elementary account of the conjugal union, there is no reference to procreation. Given the historical context, that absence is

striking, even startling. This fragment of the Genesis text is commonly dated at about 1000 BC, a time when kinship in its various forms was still the dominant social cohesive. Procreative exigencies still dominated the conjugal ethos and marriage was legitimated by its procreative outcome. Remarkably enough, the logic of this text flows in the opposite direction. Pair-bonding is to be cherished and respected for its own sake, prior to, and apart from, the issue of offspring. The focus is on the humanizing import of the conjugal union in its own right. Offspring is an effluent of the conjugal mystery rather than its essential *raison d'etre*. The consequence of this claim, of this reversal of priority, is colossal. Contrary to the traditional pre-occupation with the "blood tie" and biological descent, the "leaving" and "cleaving" dialectic in human development defines "the family." The spousal covenant, an agreement between strangers, supplants the bonds of nature, of biological descent. The vocation of parenthood is the eventual emancipation of the child from bondage to the necessities of nature-grounded kinship in preparation for personal participation in the world of responsible freedom. That long, often arduous process, is captured succinctly in the "leaving and cleaving" formula.

But there is more. The human species is introduced by this myth in a general cosmology. Inevitably the question arises: Why is there no further elaboration on the sociopolitical fate of the species, no further instruction regarding human aggregation? Here we can only infer and speculate. For example, are we to view the "leaving" and "cleaving" process as society in embryo? Can it be that this process, figuratively speaking, becomes the social protoplasm—the capacity to make and keep covenant—from which other, more complex social forms are subsequently fashioned?

A glance at the effect of divorce on the children of such marriages is suggestive at this point. Numerous studies in the U.S. in recent years underscore the long term, even lifelong, effects of parental divorce on children. Beyond the direct problems that are likely to result—disruption of family life, financial difficulties, loss of contact with one or the other parent and the like—such persons experience difficulties in establishing intimate and trusting relation-ships. Eventually, when they marry, their rate of divorce is disproportionately high (see, e.g., Beal).12

Why should this be? Particulars, of course, vary from case to case. If humanization of the human animal is the vocation of the family, first in the fulfillment of the spousal pair, and thereby in the socialization of the young, then divorce strikes at the very foundation of human existence. It is in the conjugal dialogue of the parents that the child is inducted into the covenanting processes whereby society continuously creates and recreates itself. When the parental dialogue fails, the child's induction into the covenantal world aborts. Thus human reality emerges, not originally in the socialization of the young which typically is viewed as the function or vocation of the family, but in the leaving and cleaving of the spouses from whose covenantal union the child, subsequently socialized to repeat the process, emerges.

Historically, when societies and polities collapsed as covenantal configurations, kinship, i. e., the blood tie, has taken up the slack or picked up the pieces, as it were. Such, for example, was the rise of feudalism in Europe following the 5th century collapse of the Roman empire. It would be presumptuous to predict the fate of modern and post-modern societies. Nonetheless it is instructive, at least in the American instance, to observe a certain resurgence of kinship-dependency in the face of the sharp increase of births to single mothers (roughly 25 percent of all births) and of broken marriages (nearly one out of two). With grandmothers or other next of kin "filling in," remnants of the "extended family" are being resurrected (or the state as nanny in the Coleman *chimera*). Correspondingly, as indicated at the outset of this paper, conjugality is rapidly disappearing from discourse about family-related problems.

The Family in Civil Society

On the basis of the conception of conjugality outlined here I shall argue that the germ of the *polis* is to be found in the conjugal union. Human action is intrinsically political. It entails free choice in a moral context and involves relations which means reflection, dialogue, negotiation and accountability rather than mere instinctual reflex. The family constellation and process in the life course evokes and nurtures the human potential of the biological organism.

In the "leaving and cleaving" process the family is at once indispensable and self-limiting. Population growth and social differentiation are reciprocal processes. Individual and group are inseparably dialectic; neither exists without the other. Beyond the conjugal family as given, human configurations are negotiable and emergent from the familial, indeed, in the first instance, from the conjugal, protoplasm.

The sphere we today call political affords the coercive moment that appears implicit in collective existence. In some religious thought, coercive necessity arises from human sinfulness. But the state as instrument of the political also in some measure embodies the common good of the population aggregate that it embraces. The greater and the more differentiated that population the more powerful the state, and hence also its potential oppressiveness. Much political discourse in the modern era turns on the effort to protect the populace and its activities from the power of the state.

In the American experience, the articulation of certain inalienable rights for the individual citizen that precede and transcend the claims of the state has been a major preoccupation. The logic of the conjugal and familial primordiality outlined above places these on the same level as inalienable individual "rights", yet—perhaps for good reason, given the additional difficulty—families are not even mentioned in the Constitution. In any case, as Maine long ago observed and as noted above, in modern societies the individual has been "substituted for the Family as the unit of which the laws take account." Thus, the family may be viewed as the anchor of the "third sector" juxtaposed to economy and state in the American, and presumably other modern societies.

Given the dendrite character of the two formally-structured sectors, economy and state, and the absence of such form in the third structure, boundaries are extremely difficult to articulate. Moreover those boundaries, however drawn, run diversely through the identities of all societal structures. The social reconstruction now challenging virtually all societies around the globe—challenges arising variously from the newly-achieved independence of many states, from the end of the Cold War, and from the rapid growth of global interdependencies—entails the urgency of opportunity and risk.

I end with two qualifications. First, the third sector or civil society, though family anchored, is far more vast than the family or families collectively. Indeed, if economy and state are dendrite, so is civil society. Only where personal autonomy and accountability transcend role definition, whether in economy or state, can a society or people thrive. The simple private-public conceptual category that presumably derives from the Greek differentiation between the *idiom* and the *koinon*, though seminally useful, is confusing as commonly employed. To call large corporations, no longer accountable to a single state, "private" and by implication in the same category as "family" is sheer obfuscation. Unless we find more adequate definition of the third sector (civil society) dynamism we will miss this "window of opportunity."

Second, what I have identified here is by no means to be mistaken for current "family values" sloganeering. Today that slogan is joined to a platform calling for the extension of free enterprise,

without the slightest awareness that the excessive self-interest propelling the liberal economy is a direct source of family instability.

A grasp of the profound significance of sexual dimorphism in human existence in the Genesis story, contrary to what superficially might seem to follow, can mollify the pall of bitterness that hangs over the discussion of issues of numerous, sex-related issues such as divorce, abortion, single parenthood and homosexuality, even as our moral comprehension is invigorated. To that end, the cold logic of Coleman's scalpel is a welcome aid.

Notes

1. Since this paper was written and presented I was alerted to an important document issued by The Council on Families in America, sponsored by the *Institute for American Values* (1841 Broadway, #211, New York, NY 10023) on *Marriage in America: A Report to the Nation* (March, 1995). Though triggered by the plight of children in American society today, in an unprecedented manner that statement identifies the failure of marriage as the critical variable in the family crisis ("America's divorce revolution has failed."), though without fully identifying the crux of the marriage problem. By contrast, the United Nations document that announced "The UN Year of the Family (1994)" managed to avoid the term "marriage" completely.

2. Emile Durkheim, *Division of Labor in Society* (New York: Free Press of Glencoe, 1964 [1893]), p. 37.

3. Henry Sumner Maine, *Ancient Law* (New York: Dorset Press, 1986 [1861]), p. 140.

4. In an important and welcome study, Alan Wolfe elaborates "civil society" (the moral arena) as the poorly articulated third sector presupposed yet threatened by the polity (centralization) and the economy (atomization), though without the necessary attention to marriage and family. *Whose Keeper? Social Science and Moral Obligation* (Berkeley: University of California Press, 1989).

5. Werner Jaeger, *Paideia: Ideals of Greek Culture* Vol. I. Tr. by Gilbert Highet (New York: Galaxy, 1965 [1933]), p. 111.

6. The felicitous phrase with which the Constitution of the United States begins ("WE THE PEOPLE . . .") reflects not merely the wisdom of the "founding fathers," but more particularly the combination of material and historical circumstances permitting a new political beginning. The "PEOPLE," i.e., society, precedes government or the state, both granting and withholding powers. A society that is "civil" is a society that is self-governing, politically mobilized, but which nonetheless retains its priority and supremacy. However, the processes of social life, though prior to, and transcending, the polity or "state," nonetheless depend upon the polity. Governments (polities) meanwhile possess their own life. Society is suspended perpetually between two dangers: no/not enough government, on the one hand, or governmental encroachment/too much government, on the other.

7. Philip Abbott, *The Family on Trial: Special Relationships Within Modern Political Thought* (University Park: Pennsylvania State University Press, 1981), p. 4. Much 19th century European socio-political thought was cast in dichotomous terms, such as *Gemeinschaft* (community) vs. *Gesellschaft* (society), the former representing the inherited solidarities of kinship and place ("bottom up"), the latter the rationally-constructed and superficial contacts in large scale organization ("top down"). Though such dichotomies are too crude for empirical use, they are profoundly sensitizing. The issues thus identified, however, quickly get lost in the civil society shuffle. Without *Gemeinschaft* elements, *buergerlich Gesellschaft* cannot survive.

8. Talcott Parsons with Robert F. Bales, *Family, Socialization and Interaction Process* (Glencoe, IL: Free Press, 1955).

9. Published under that title, *American Sociological Review*, 58 (February, 1993), 1-15.

10. James Q. Wilson, *The Moral Sense* (New York: Free Press, 1993).

11. Cited by James A. Brundage, *Law, Sex and Christian Society in Medieval Europe* (Chicago: University of Chicago Press, 1987), p. 13.

12. Edward W. Beal and Gloria Hochman, *Adult Children of Divorce: Breaking the Cycle and Finding Fulfillment in Love, Marriage, and Fulfillment* (New York: Delacorte Press, 1991).

Discussion

The chapter points to the conjugal union as the sacred center not only of the family but of all human compacts, and hence as the center of social life in all of its dimensions. This opens to the mystery on which the chapter of R. Khuri elaborates.

Externally, the family is under considerable pressure. Politically the family has been attacked as a competitor to materialist ideologies. In some after the Platonic mode this has led to efforts to raise the children largely away from the family in order to instill non-personal attitudes and values. In other cases the economic sector has encroached and largely devoured the family. From the need for the one salary of the father in the 30s, there developed the need for a second salary, that of the mother, after World War II. Now we begin to need a third salary, thereby rendering impossible the needed time together and unsupportable the costs of raising children. Hence, there now is need for a clearer conception of the distinct political, economic and civil sectors in order that no one (in particular, the family) be absorbed or suppressed, but rather promoted, by the others.

But underneath the struggle adequately to conceive the family and its bases their appear to be some deep problems. One is the sense of the family as a situation unwilled and hence of domination, slavery and oppression. This, it would seem, reflects a very superficial sense of freedom, the first in Adler's topology where freedom is but a choice between two alternatives, generally regarding external objectives or things. In this light there is no real sense of subjects but only of objects. The slave is such an object, but so correlatively is the master. It is a world of things, not of persons. It is unfortunate that modern theory, in order to achieve clarity and control, treated all in these terms, but it is tragic that this meant treating not only persons but the whole human race in such terms.

This flagrant reduction of human dignity led inevitably to a basic misconception of the struggle of humankind to live its true dignity. As a result the family, rather than being seen as the basic human and humanizing social center was misguidedly and tragically looked upon as a degrading situation, escape from which was the proper way to self-realization: one was urged to flee from the center of one's human dignity; public policies were constructed to favor this flight, and the economic forces which enforced this flight were left unchecked or even favored. Nothing could be more self-destructive, as the increasing fragility and violence of present human life illustrates.

What, after all, is the will but the dynamic character of being and life to hold to itself, to tend toward what is lacking to one's fulfillment and to enjoy this when it is achieved or possessed. The alternative is the decidedly unnatural and destructive act of suicide or self-destruction. We will life, not death. Hence, a child naturally loves his or her life and those who give it and sustain it. This is not unwilled; rather it is so definitively willed that it is beyond choice. It is the total concentration and free exercise of one's will, just as the desire of a parent to be with a child in danger is the most intense exercise of the parent's will. It has been most thoroughly misleading then for modern theory to consider that a child's life in the family is not free or that freedom is achieved by escaping therefrom, just as it is destructively misleading to suggest that parents are not free in their concern for their children and that they can become free only by abandoning their spouse and children. This is not uncommon, but if one is in search of the root of present social pathologies that is certainly the place to begin.

Second, it seems strange to separate conjugality from pro-creation. In biblical terms the command to cleave to one's spouse is certainly accompanied by the command to multiply and fill

the earth. This is not an unwanted result of the conjugal bond, but the expected, intended and explicitly commanded. There is behind this a basic philosophy and a rich theology. Observation of nature about us manifest this in the rich abundance and communication of life.

Moreover, reflection upon creation reveals that this was due not to any lack on the part of the absolute and all perfect source of all, but rather to the divine will to share life. This, in turn, tells us that being is not inert or self-enclosed, but outgoing and communicative. When the conjugal union is seen in these terms its procreativity is not only a reflection of human biology, but of the basically outgoing character of being itself and of human love in particular. It is not a matter of conjugality without procreativity; one bespeaks the other.

Thus this chapter is correct in focusing on the basic importance of conjugality, social-bonding and faithfulness. This is truly essential for the social character of the couple, as of the children who learn it from their parents. This is not only an interior or spiritual act of the heart, but is borne forth in the bodily procreation of children, whose very life is a continuation of the mutually conjugal entrusting by their parents of their lives one to another—till death do them part.

Finally, while much is being learned now about ways in which women have been left out of the public arena, is it right to take Demosthenes as an adequate statement of the human attitude toward women? Is not Gilgemesh, our oldest epoch, in fact one of our greatest love stories? Is not the Song of Songs an apogee whose languages is possible only through the human experience of love and reverence for women, and has not the devotion to the Blessed Virgin through long centuries of Christianity been the basis for the chivalrous and romantic sense that a man's task is to protect women even at the cost of his own life: women and children first.

These notions provide deep roots for the thesis of this chapter that all sociality, especially that of the less formal third or civil society sector, emerges from conjugality and its sharing of human love and life.

Chapter X
Neighborhoods
John Kromkowski

Neighborhoods are a strong determinant of the quality of American life. Families live and rear their children in a neighborhood setting. Youth are affected by the opportunities and influences they find in their neighborhoods. Older people treasure their neighborhood and look to it for the support they need for independent living. Persons of all ages, income groups, races and ethnicity want to live in neighborhoods that are safe and clean, contain decent, affordable housing and suitable community facilities, and offer opportunities for civic participation and self-determination.

A variety of public programs can contribute to achieving better neighborhoods, including community development, housing, youth employment, job training, education, economic development, crime prevention, health and social services. They should be carefully targeted according to relative need. Programs should be administered in a manner that fosters active and productive partnerships between public agencies and neighborhood organizations. Residents should be fully involved in planning, implementation and monitoring; appropriate neighborhood organizations should have opportunities to contract for direct operation of program components.

The private sector, both for profit and nonprofit, can make significant contributions to neighborhood life. It is particularly important that sufficient private capital flow to lower income neighborhoods to permit home ownership, housing rehabilitation, development of new enterprises and support of existing ones. This should be facilitated through a combination of regulations assuring fair treatment of all neighborhoods and selective tax measures offering extra incentives to invest in neighborhoods with the greatest needs. Strong private sector/neighborhood partnerships should also be encouraged.

Neighborhood residents need organizational capacity and sufficient resources in order to initiate self-help activities and participate as full partners with the public and private sectors. The experience of the past 20 years has shown that small amounts of federal funds have served as a fruitful catalyst in helping neighbor-hoods organize and carry out projects in response to unmet needs. Within their program spheres federal agencies should provide funding and technical assistance to neighborhood organizations. In addition, a new vehicle—such as a National Endowment for Neighborhoods—should be established to target federal funds to innovative activities initiated by neighborhood organizations.

In 1904 G.K. Chesterton published his first novel, *The Napoleon of Notting Hill*. It was a curious and prophetic book set in 1984 about a young man of the Notting Hill neighborhood of London who leads his people in defense of the neighborhood against a proposed highway that would cut it apart. Chesterton had a great love for particular places and, though a man of universal vision, his art and essay proclaimed that, "Empires wax and wane and never provide the kind of local democratic loyalty that men need."

Chesterton loved those particular places. "There stood a row of shops. At one end was a public house . . . somewhere a church . . . there was a grocer’s . . . a second hand bookstore . . . an old curiosity shop . . . shops supplying all the spiritual and bodily needs of men." By the turn of the century he came to understand that his "progressive" friends wanted to destroy the Notting Hills of the world in the name of modernity and human advancement. At that point Chesterton

discovered that he opposed these planners and idealists, and, as he said, "I drew my sword in defense of Notting Hill."

In the 80 years since Chesterton drew his rhetorical sword, the warning bells his art and insight sounded now resonate in the life end experience of neighborhood people. The neighborhood has not fared well in the United States or Britain. In fact, at the very time he was writing, the Progressive movement was readying its attack on ward government and neighborhood representation in city government in many American cities. As a result by 1920, in cities such us Detroit and Pittsburgh, the ward organization and the patronage system that supported it were replaced by city councils elected at large and by an extended civil service. The local political machine associated with bosses and immigrant and working-class politics disappeared in favor of a new, citywide, middle-class machine based on educational qualifications, civic clubs, trade associations, men's groups associated with prestigious mainline Protestant churches and blue ribbon commissions. Even in cities that were not "reformed," the increasing centralization and professionalization of city administration and services diminished the role of local and ethnic institutions.

After World War II, the infusion into the cities of state and federal monies with their accompanying guidelines covering high-way building, welfare and educational policy, industrial development and urban renewal destroyed local autonomy and initiative and completed the ruin of many neighborhoods. The growth of new suburban areas, fostered by some of the same politics, lured away many of the younger and more upwardly mobile of the neighborhood people. With the decline of the neighborhoods came the decline of the churches, schools, ethnic organizations, political clubs, shopping strips and entertainment centers that had tied them together and given them distinct identities. As a result, by the 60s many urban areas had been neglected, bulldozed, redlined and paved over into highways.

In addition to growing powerlessness and deterioration, neighborhoods faced demographic changes that altered their ethnic and racial composition, culture and social cohesion. This sometimes brought on and exacerbated conflict and competition for control of housing and local institutions. Moreover, racial and ethnic succession in urban neighborhoods was often poorly understood, misinterpreted and exaggerated by media and national leaders. Though neighborhood weakness still abounds, the struggle in defense of neighborhoods foreshadowed by Chesterton has begun.

There is a definable process of urban decay in American neighborhoods, and commercial disinvestment is a crucial component of this decay. The damage done to local, national and urban economies is severe. However, neighborhood revitalization which began as an art is now emerging as a science in America. Because commercial disinvestment is a key feature of decay, commercial revitalization is an indispensable part of general revitalization. Neighborhood commercial revitalization can succeed under the right conditions and if the appropriate development experiences are transferred to, and applied by, the private, public and community sectors of America.

The pattern of urban decline is well-known and documented. Something like the following happens. When an older residential neighborhood begins to experience signs of distress, its commercial strip, a combination of retail and light manufacturing, although affected, still functions and provides jobs and services to the residents. However, a crucial stage is soon reached as the older population begins to die off or move out. Signs of decay occur.

The commercial strip, which is one, in some cases the only, source of capital accumulation for the neighborhood economy, begins to deteriorate as businesses begin to close or move out.

Urban renewal may occur, destroying residential and commercial buildings without replacing them. A local employer may move out due to the structural differences in taxes created by our federal system. Banks and insurance companies begin to reassess their risk in the area, perhaps denying insurance and access to capital at any price. The municipal government may begin to limit city services due to the decreased political clout of the area. The most affluent move out, commercial and residential closings accelerate, the area becomes less and less attractive and the speed of decay accelerates.

This cycle of decay usually does not limit its effect to the initial neighborhood. If left unchecked, the negative conditions begin to spill into adjoining neighborhoods, and severe dislocations and distortions are introduced into the economy as jobs move out and workers follow. Many of the newly unemployed, especially those from lower income families, simply cannot move. Valuable existing facilities (commercial, industrial and residential) are abandoned or underutilized, and replaced with costly new facilities in a more desirable location. The classic liberal responses of government subsidies usually do little for the neighborhoods affected and further compound inflation. Government is forced into the political position of allocating a greater share of economic resources, and the ability of the market to achieve efficiencies and productivity is hampered.

The process continues until the city and ultimately the nation find themselves in the now too frequent predicament of having unlivable neighborhoods with a large unemployed population: a population without any agencies for internal capital formation, dependent upon outside sources for permanent subsidies to maintain even subsistence levels. Usually the main government assistance comes in the form of costly ongoing subsidies such as welfare, food stamps, public health and temporary job programs. To the extent that government tries to create permanent jobs, it has tended to concentrate on large-scale industrial projects through the Economic Development Administration or highly visible showcases in central business districts through HUD's Urban Development Action Grants. These have only marginal impact on the neighborhoods. It is well known that over 80 percent of net jobs created in this country in the last ten years came from the small business sector which is the keystone to neighborhood commerce. This fact suggests that neighborhood commercial revitalization is a prime development arena as well as a key to the salvage of neighborhood.

The success or failure of community and economic development activities throughout the cities and communities of this nation depends largely upon very localized characteristics, dynamics and developments. Federal agencies, state and local governments can provide various incentives and supportive programs, but they cannot directly supply the most critical need, nor can they solely implement community and economic development ventures and processes. These public sector actors can, however, recognize needs and design programs which eliminate bottlenecks and promote the development of those factors which produce successful development.

The factors which ensure the steady increase in potential production and consumption, as well as participation and ownership in a given community form a complex equation. Community and economic development depend on a host of interacting processes: entrepreneurial activity; the actual basis of all production; availability of productive processes and resources; an accessible level of technique, social institutions and attitudes; capital; and sufficient population and level of consumption. The saliency of these various contextual factors shifts from time to time, and their relationships to each other change. Some of the factors are, of course, external and beyond the influence of a community. But, experienced neighbor-hood analysts and proven practitioners of neighborhood revitalization have fashioned an understanding of this complex process, and can

help discern what is meaningful, effective and needed to develop a community and to promote its full economic potential.

In addition to a correct analysis of economic and market factors, it is now more than obvious that the full use of community resources, in all their variety, are important to any particular local economic development endeavor. The non-participation of any sector—public, private or community—puts a venture at extreme risk. Citizens groups, private businesses and other institutions can either oppose change and stifle development or be the primary impetus for development and improvement. Frequently, the difference between the adoption of one or another posture is determined by a group's self-interest and its understanding of its ability to share in the development.

So, it is clear that the process by which a neighborhood economic development program is carried out requires this process of cooperative interaction. The public sector, primarily municipal government, must create the proper environment for business to operate effectively. The private sector, principally business people and financial institutions who indicate a desire to remain and invest in the neighborhood, must take a central position in the actual process of business development. Organized community groups must actively participate in the planning and implementation of the revitalization program, provide broad-based citizen support, relate the economic development program to the overall neighborhood revitalization process, and mediate between conflicting interests when and if the occasion arises. The three sectors should be jointly involved from the outset. The following provides a description of each of the three sectors, and the role each must play in an effective economic revitalization program.

A Manual on "Developing a Neighborhood Revitalization Strategy"

In the following pages, we present a Manual—a "how to" report. It is directed toward persons and community-based organizations interested in devising a community process of neighborhood revitalization. This manual is not intended to serve as an analysis of the process and/or a discussion of its advantages and disadvantages. Rather, it consists of a description of a step-by-step process leading to a revitalization strategy. It is intended to help communities to think through their own action plans and, hopefully, to refine them in useful and productive ways.

The Manual as a whole and its steps are presented as hints or suggestions. To be useful, they need to be reworked to meet the unique conditions and goals of the particular community. Their most appropriate usage is as raw resource materials to help with thinking and planning.

As a collection of raw resource materials, the information in the Manual is presented in several ways. First, there is background discussion of revitalization strategies so that all can be talking the same language. Second, the preconditions are discussed, including the identification of certain basic issues which must be considered at every stage of the process. Third, there is a step-by-step frame-work of the elements of the whole process. Finally, come a number of hints, warnings and suggestions which should serve as checks and balances for the process itself.

The Manual is not an alternative to work by the members, staff and technical assistants of a community organization. It is a mistake to look to manuals for detailed knowledge precisely because details must change to meet particular conditions and realities. Manuals are useful for providing guideposts or directional signals; therefore we hope to err on the side of brevity and clarity.

The Neighborhood Life Cycle

Residents and neighborhood activists know the facts of how their neighborhood has declined. They know what role the local, state and federal governments played through their neglect, their abuse of urban renewal, and their construction of highways. The private financial institutions redlined houses, stores and families. Investors and owners—perhaps even yourselves—cut back on investments, reduced maintenance and let the properties slip. Some suffered through cycles of reinvestment and of displacement. The next few pages repeat the story of this decline, but this is followed by a story of rebirth. Unlike the natural cycles of the moon, this cycle—the bad and the good—resulted from a series of human actions. It is a valuable lesson to remember: the actions of all the actors, including the residents, are the major determinants of what happens to a neighborhood. The next few pages are an overall summary of the Manual itself.

A Period of Decline

A casual walk through many of our older neighborhoods can provide a glimpse of the vitality and cohesiveness of life which once existed. For a moment, eliminate from eye and mind the effects of neglect, or of demolition in the name of progress. What emerges is an impression of a strong, viable, self-contained neighborhood. Its original strength can be imagined in the enduring nature of the buildings built as churches, synagogues, schools and other institutions. The myriad architectural details found on individual houses attest to pride of both craftsman and owner. Diversity and vitality can be imagined in the remnants of markets and storefronts with their faded names suggesting proprietors from a dozen different cultures. The juxtaposition of home, store, place of work and church brings to mind an image of a self-contained environment with strong ties of community.

The rise of the automobile and the growth of suburbia changed all this. Although the process of out-migration had begun prior to World War II, postwar affluence sped the process along and a variety of government programs aided and abetted this change. Community ties had already weakened as neighborhood institutions such as churches and local benefit societies reduced their day-to-day involvement with residents. They had been superseded by the New Deal—social security, unemployment insurance and welfare benefits. These new programs gave families an assured minimum survival and were crucial in resolving serious human misery. In the process of creating these mechanisms, however, community ties played no role. In fact, the reverse was often the primary motivation of the program's design: a citizen would no longer have to rely on the local political club for a job. While the gain was substantial, there was also a loss—decisions affecting the neighborhood were assumed by persons outside of the neighborhood; community institutions began to weaken.

Governments further contributed to the decline of neighbor-hoods through economic and physical programs launched to catch up with the pent-up demand for goods and services resulting from four years of constriction during world War II. The demand for housing was met by financing new housing through FHA mortgages. Roads and sewers were required to service the new housing areas. Couples forming families found it much easier to buy a house in a new subdivision than to make a large down payment on a house which was in need of repairs in their own neighborhood.

This disparity in ability to buy a house in the city or suburbs resulted from actions taken in the private as well as public sector. At the first signs of decline or instability, private lenders had begun to withdraw conventional financing for home purchase or repair. Speculators and investors

who had their own access to financing started to buy up property in the neighborhood. They maximized their financial return by subdividing properties into more housing units while keeping repairs to an absolute minimum. This encouraged more homeowners to sell. City services declined. An unexpected fire, vandalism or complete lack of maintenance may have caused a first property in the neighborhood to be boarded up: the owners found that it was not worth repairing. Other properties soon followed and the neighborhood reached the point where the decline in all of those components necessary to the psychological sense of community had begun to manifest themselves in physical blight. But the physical condition was the symptom, rather than the cause of neighborhood decline.

New federal programs were begun in the late 1950s to reverse neighborhood decline, but their emphasis was physical—treating the symptoms. The prevailing philosophy of urban renewal was that blight was a cancer which had to be removed to save the rest of the community. That meant physical demolition and relocation of more residents and, consequently, destruction of some of the fragile community ties that had survived everything else. Often, no new housing or commercial use could be developed. Cleared sites were left as monuments to unrealistic plans.

Where new construction did occur, it was often alien to the sense of scale to which humans had been accustomed for centuries. The block, which served to define one's place in the neighborhood, gave way to the superblock with its large open areas. These "common areas" meant for everyone became no one's responsibility. The house with its stoop or porch gave way to the apartment complex, and anonymity increased. The total affect of much urban renewal was sterility, which sometimes led to alienation.

In yet other communities nothing so dramatic occurred. Decline was gradual as city services decreased, neglect increased and the old residents gradually died or moved away. The old ties declined and residents found that suspicion of outsiders formed one of their principal common interests.

The Beginning of Revitalization

At some point a new attitude and spirit begins to take over. Some residents reach the point of determining that something has to be done and that they have to become personally involved in order for that something to happen. The catalyst may be something dramatic such as a road proposal or the demolition of a building important to the neighborhood. Or it may be an accumulation of minor incidents culminating in a "last straw." Whatever the cause, the result is the assumption of responsibility on the part of residents. People begin to talk to each other about common problems. They share anger and frustration, but also the glimmer of dreams. They begin to work together to improve things. The process of neighbor-hood revitalization has begun.

The next stage is the formation of an organization to work for more improvements. Battles are fought and some victories are achieved—a new street light appears or the garbage actually is picked up. Speaking through the organization, the residents begin to expand their experience, concern and recommendations for action. Conflict with speculators and the banks might occur. Neighbors who contribute to the chaos by their own destructive acts are spoken to. A sense of collective accountability grows.

No longer waiting for others to act, the residents begin to establish their own plans, agendas and priorities. They communicate these to others both within and outside the neighborhood. They make it clear that they plan to help decide what is going to happen. New structures and organizations may be established to address specific problems such as housing rehabilitation or

commercial revitalization. A planning committee may be created to develop proposals to the city and federal governments. Neighborhood people are considering and deciding how investment should occur; they are shaping the design of their neighborhood.

Public and private sectors recognize the new neighborhood assertiveness. In some cases partnerships are formed, such as Neighborhood Housing Services; sometimes the city contracts with the organization to provide certain services. In others, major planning authority is, in effect, delegated to the community itself.

Although the foregoing is a simplified scenario, it is also an essentially accurate synopsis of what is happening in hundreds of neighborhoods. Through this citizen participation, neighborhoods are revitalizing in a steady, sure way.

Setting the Goals For Revitalization: A First Step

What is neighborhood revitalization? The people must ask themselves what they want to achieve: When will the area be revitalized? What are they really looking for? Some people say they want the area to be like it was "years ago"; others see the goals in the light of the television view of the suburbs. Both are unlikely because times and conditions change. Moreover, exclusion of others of different race, religion, ethnicity or class is no longer permissible. Revitalization means life, and that means growth and change. One needs goals or visions to channel the life forces toward a good result. The following set of goals is presented for consideration. Though general and vague, they have been the guiding principle for many successful revitalization experiences. Therefore, they are phrased as "measures of success."

Revival of Spirit. The key measures of a successful revitalization process are whether the neighborhood spirit, its sense of vitality and hope, has been revived. Is there a feeling in the community that this neighborhood can be saved from decay and turned into a decent and supportive living environment? One can walk the streets, attend meetings, talk with the people and get a fairly good sense of the mood. Comparing the present mood with the conditions a few months or years earlier provides a touchstone for success, failure or stagnancy.

Another sign of uplifted spirit is the way residents treat the neighborhood—the reduction of abuse. People are less likely to litter or vandalize. Verbal abuse lessens. People begin to talk of their neighborhood as "not such a bad area"—"a pretty good neighbor-hood."

Building Community. The sense of community results from bonds of mutual interest, concern and support. The old neighborhood ties were ethnic, religious, political, familial and societal. They became weak in declining neighborhoods. However, in neighbor-hoods experiencing revitalization, it is common to notice an increase in the feelings of community among the residents and institutions.

The sense of community may be expressed in a variety of ways. Some of the old ties may be strengthened, such as through a reawakening of ethnicity. Street fairs and festivals may appear in new or revived forms and with widespread participation. Children receive attention and even supervision from adults in the neighborhood other than their parents. Individual family joys and sorrows are recognized in informal ways by their neighbors. The context of human relations deepens and softens; the sense of community is all the more real.

Assertion of Human Dignity and Responsibility. Certainly one of the most satisfying proofs of success is the increase in the assertion of human dignity. Neighborhood people who were raised to have a low opinion of themselves, their cultures and their lives begin to feel pride and to possess a positive self identity. They feel self-confident enough to initiate their own ideas about policies and programs which affect them in their neighborhood. The self-confidence and new awareness expand the residents' receptivity to creative ideas and actions, and often bring forth these ideas from their own minds.

Possibly the most important way in which personal dignity is expressed is the assumption of individual and collective responsibility; where people feel a sense of pride in themselves as human beings and as responsible creative persons. The spread of responsibility—and its corollary, accountability—becomes evident in every component of the revitalization process. It provides the glue and the energy to hold the parts together and to go forward in spite of setbacks. A community of responsible people is one that can make revitalization a continuous process and is one of the most enduring measures of success.

Neighborhood Power. One aspect of the assumption of responsibility is the rejection of conditions wherein people are subjected to controls and to the arbitrary actions of others. This includes not only a response to the actions of other persons and institutions, but also a rejection of the belief in uncontrollable forces, an unwillingness to believe that "that is just the way it is."

The positive attitude of respect for one's own capabilities is expressed in the ability of the neighborhood to make itself heard in the arenas of public decision-making. No longer the passive victims of plans and projects directed by others, the neighborhood develops and promotes its own plans. Neighborhood power means that the residents of the area are taken seriously, not only as citizens, but as decision-makers—as people whose opinion counts. As they become increasingly active and assertive, their power grows and their ability to direct events becomes stronger.

Reinvestment and Economic Benefits to the Residents. The flow of monies into a neighborhood is, of course, one of the clearest signs of revitalization. The reinvestment is frequently a combination from both the public and private sectors, with the public sector usually leading as a stimulus. Additional public capital expenditures and improved maintenance provide the signs of physical improvement that encourage private reinvestment—individual property owners putting funds into the improvement of their buildings and local businessmen refurbishing and expanding their establishments. Other measures of private sector reinvestment are the increased willingness of financial institutions to make loans to residents, businessmen, and investors, and, of course, the expansion of employment opportunities

The total amount of spending is not in itself an accurate measure of success. The questions are rather whether the spending responds to community needs and desires, supports the overall revitalization effort, and provides benefits to the existing residents. The exact mix of public/private dollars cannot be predetermined for each neighborhood. Some will require massive public dollars; others a relatively small amount. The key is whether they help get the neighborhood out of cycles of disinvestment and dependence. In many cases, the answer will not be known for years.

Successful revitalization programs are those where the benefits of reinvestment are shared by the existing residents. In some neighborhoods, the process of reinvestment results in actual or effective displacement of many of the residents, especially those of lower income. While some displacement may be inevitable, a measure of success of any revitalization program is the number

of existing residents who remain to share in the economic benefits and accept the responsibilities of membership in the community.

Physical Signs of Revival. The most observable evidence of success is the actual physical development that takes place in the neighborhood. Rehabilitated houses, renovated stores, recycled public buildings put to new uses—these are clear signs of revitalization. If they result from a consideration of, and response to, community needs and desires, physical developments are of major symbolic and practical significance. Of course, if undertaken by the community itself, they will also result in direct economic benefits to the area and possibly to the organization. Quite often, they mark the actualization of dreams long delayed and often frustrated.

These components are successive stages through which a neighborhood passes in achieving revitalization. Central to all is the first: unless there is a revival of spirit, all else will fail. That is the fundamental lesson of urban renewal areas where massive physical improvements preceded a change in residents' attitudes. Much of urban renewal was merely reinvestment and development. Revitalization, on the other hand, requires widespread resident participation in decision-making. That participation does not happen overnight. The process begins with a few people and, through their efforts, spreads to others until a neighborhood is slowly brought together.

The Process Begins—Community Organizing

With the consideration of goals and measures of success as a background, let us consider the next stages of revitalization. We begin with community organizing because a conscious expression of unity and cooperation in the neighborhood is absolutely essential to the design and implementation of revitalization strategies. The stages of organizational development are presented as examples and guideposts which should be used as suggestions or hints.

Organizing around Issues

Most neighborhood and community organizations start as *ad hoc* groups of concerned citizens who coalesce around a particular issue which immediately confronts them. In Southeast Baltimore it was a threatened road proposal which brought together the persons who ultimately founded the Southeast Community Organization (SECO).

If the issue which immediately confronts them is decided in their favor, it gives them the courage and motivation to try to resolve other common problems. Even if the initial issue is lost, the very act of coming together initiates an interaction and communication of ideas and other concerns which lead to further joint effort.

Most new organizations respond to issues of immediate concern; they are specific and relate to realizable ends. The Southeast Baltimore residents who came together to fight the road realized that this issue was complex and would take years to solve. They could not sustain broad community interest and support on that issue alone. After years of frustrating inactivity, people who begin to express an interest in neighborhood issues have to see some progress and short-term results from their efforts. Therefore, in Southeast Baltimore, issues which could be resolved in short time spans were chosen—the closing of a library, placing stop signs, etc. Each issue could be easily understood and acted upon.

The SECO leaders were using a method of building strength for their new organization by convincing neighborhood people that their decisions were important, that someone with power and

authority was listening and responding. Two things were being accomplished: (1) people began to believe that they did count and could make a difference; and (2) they began to communicate this to other people and institutions whose decisions impacted upon their lives.

Importance of Citizen Participation

In forming the organization, a major operating principle must be the maximum feasible participation of the neighborhood's residents. While the form of participation can vary and should attempt to reflect the history and cultural characteristics of the area, it must always be remembered that revitalization is not something done "for" or "to", but rather "by and with" people.

This need for widespread resident participation in the revitalization process has both practical and psychological aspects. From a practical standpoint, people living or working in the neighborhood often have both a more detailed and a more comprehensive knowledge of local conditions. People committed on a long-term basis to the neighborhood are more likely to search for longer lasting, more effective and less disruptive solutions than those who are not. For these reasons, their active participation should produce better results than if they were excluded from a meaningful role in the decision making. The role of experts should be limited to technical assistance in helping neighborhood residents refine and rephrase in more useful terms their knowledge of the community, which is based on participatory observation and experience.

The residents are in the best position to provide a comprehensive or unified view of the neighborhood. All experts view situations from their own particular vantage point. So do the residents, but their perspective is that of the neighborhood as a living environment, for that is what it is to them. They must, and do, see the interconnections between housing, transportation, shopping, jobs, crime, cultural institutions, social services, etc., because they live with and are affected by them all. Experts and consultants can help once again in expressing their unified views in ways more helpful to undertaking developmental activities.

Probably a more important justification for participation is the fact that the neighborhood people tend to live with the results of the decisions made. No matter how well-intentioned public sector individuals may be, the truth is that they will not be burdened with the longterm results or consequences on a personal, accountable basis. In the government, an unsuccessful land use scheme will result only in papers in some file drawer; in the neighborhood, it might be the cause of rats, fires, speculation or simply new levels of apathy. Lack of personal accountability often leads to bad decisions. The accountability of residents, people who live with the conditions, can help to assure better decisions.

From a psychological perspective, the process of revitalization of the ties of community participation include building or rebuilding the ties of community. As people begin to meet around common issues, neighbors begin to renew or establish contacts, and areas of interaction expand. Awareness of common needs, commitment to work together, expressions of mutual caring—all of these take place. Slowly, out of the fact of widespread participation grows a sense of collective responsibility. Even slower and more hesitant, but still present and growing, the feelings of collectivity have also flourished through the feeling of community. Sharing of cultural celebrations and commemorations, together with the efforts of organizing, planning and development result in the presence of "community." Through these processes, revitalization is furthered and helps to sustain the rebirth of community life. All this can be achieved through a viable community organization. But to get to this point requires a great amount of work on the part of the residents.

It can, and has, been done in hundreds of neighborhoods. The residents of these neighborhoods have achieved results by structuring themselves in a logical approach to achieving their dreams.

Probably the most difficult problem is finding or training professionals who are able to perform two vital tasks: One, they must provide the technical expertise needed to respond to development opportunities. Two, they need to assist residents to become more involved and to come forward with creative solutions of their own to neighborhood problems. In effect, they have to be human development professionals as well as experts in physical and economic development.

The possibilities of finding open-ended funding and the ultimately desirable staffing resources are extremely limited. In most cases, significant restrictions are imposed on the potential for revitalization which affect the shape and direction of the local revitalization strategies. Neighborhood strategists are almost always confronted with the problem of presenting their needs and goals with the forms and directions which funding sources require. Sometimes they have to be able to say no to funding, because the direction it would require them to pursue would be wrong for them. Other times, they need to be creatively flexible. In every case, they must know that there are implications and costs in accepting external resources.

Local Conditions: Significant Variables for Structure

The life of a community in all of its complexities is a vitally significant variable in any revitalization project. The ways in which the complexities interact will greatly determine the shape, direction, and likely success of any projected strategy. Therefore, they must be identified and considered in the design and evaluation of revitalization strategies.

The local culture affects a variety of factors related to the revitalization strategies. It impacts upon the willingness of residents to identify problems and to commit themselves to struggle. It helps determine the ability of residents to desire and work for a greater assumption of personal and collective responsibility. It helps define the methods and style of organizing and developmental action. It influences the shape and direction of the structures, the role of leaders and the style of participation. Since it touches upon all aspects of human life, the impact of a community's culture on revitalization is nearly all-pervasive.

Because of the complexity of both cultures and revitalization processes, it is impossible to state firmly that certain cultures cannot support revitalization strategies, while others do. However, it is clear that those which promote the following are most likely to be supportive:

(1) The assumption of personal and collective responsibility.
(2) The desire for a better life.
(3) A sense of community.
(4) Respect for individual creativity.
(5) Support of widespread participation and active leadership.
(6) Receptivity to change and compromise.

Just as the internal conditions of a community are vital for the design and direction of a revitalization effort, so are the conditions of the larger political environment. City government and political systems which are reasonably competent and open to involvement create the most supportive environment. Those beset by corruption, incompetence, obsolescence, etc., are least likely to be able to deal effectively with community groups, especially on development issues.

Again, we reiterate that the community must know itself and the context within which it intends to pursue revitalization in order for a strategy to be successful.

A successful neighborhood revitalization strategy requires a response to and intervention in the various systems simultaneously operating in the neighborhood. Years of neighborhood decline usually result in an enveloping pathology which erodes the physical, social and economic infrastructure of a neighborhood. A neighbor-hood revitalization strategy must, therefore, attack the root cause of these problems and in so doing recognize the relationships between problems and the interdependency that each system has with another. To improve the neighborhood and its livability, the organization must provide, or ensure the provision of, decent housing, adequate shopping facilities, jobs, etc.

Housing On the surface, a successful housing strategy usually is one of the most important elements of the neighborhood revitalization strategy. Success in this area will restore the confidence of residents in the neighborhood market, improve the credibility of the organization and facilitate or catalyze the restoration of conventional market forces and mechanisms in the neighborhood.

The following characteristics should be reflected in the development of an effective housing strategy:

1. A housing strategy must be based on a clear and accurate picture of the neighborhood, housing infrastructure and market. Such a strategy will require:

a. an accurate description/assessment of the various sub-markets operating within the neighborhood;

b. an analysis of populations and households: for the most part, the organization will be attempting to retain the indigenous population and capture the families with those same characteristics in the market;

c. an analysis of the economic base of the neighborhood;

d. an analysis of the neighborhood’s housing supply: housing stock—type, number, conditions, market trends, turnover rate per year, degree of appreciation or depreciation, mortgage availability—conventional and non-conventional, sources, terms, rates, etc.

e. Finally, and based on the above data, an analysis of demand potential.

2. The community organization, with its finite resources and limited public mandate, must ensure that its housing activities are well-targeted for optimal effect. This usually means concentrating initial activities in transitional areas to further improve adjoining stable neighborhoods and to begin to effect the marketability and potentials of proximate declining neighborhoods.

3. In targeting activities in transitional neighborhoods, the organizational strategy should isolate and address only those problem areas which initially begin to "tip the scale." If this kind of "interventionist" or "spot development" has been chosen carefully, it should begin to unleash healthy market forces and catalyze reinvestment by the private sector.

4. A successful strategy also rests upon a clear and distinct selection of roles (or role) that the community organization will play. Depending on the organizational context and the problems identified, the organization can assume the role of facilitator (usually a nondevelopment role where

the organization's actions are directed toward an external entity that provides the needed development capacity), enabler-broker (usually the provision of a service to strengthen the housing market, e.g., housing information and referral, NHS, community owned real estate brokerage, etc.), or developer (which requires the greatest degree of sophistication by the organization and usually involves ownership of property).

Commercial Revitalization. A provider of jobs, incomes, and goods and services, the commercial core of the neighborhood, can often be a cornerstone of revitalization. In some cases, it is one of the first victims of decline, and in many cases its revival is one of the last acts of renewal. The reason in both cases is competition from other shopping areas where shopping may be easier and the locale more attractive. The best example of this is the suburban shopping mall. However, in a few neighborhoods, the commercial area retains some vitality in the midst of overall decline and can be a focal point for neighborhood revitalization. In all neighborhoods, the issue of commercial revitalization must be faced.

Applying the tools of organizing and planning, SECO's Highlandtown Revitalization project in Southeast Baltimore followed a similar process. First, the community activists, together with technical assistance from National Center for Urban Ethnic Affairs (NCUEA) analyzed the problems. Where were the commercial sectors? How were they doing, especially compared with the "golden days" of the past? How were the businesses serving or not serving the neighborhood in terms of jobs, income and types of stores? What were the evidences of decline? From these questions they knew if and where they wanted to undertake a commercial revitalization project as a component of the comprehensive revitalization strategy.

The second stage was that of organizing. Initial attention was directed toward starting or reviving a businessmen's association for the commercial area being addressed (not necessarily for the whole neighborhood, as each business area has different problems and opportunities). The purpose was to involve those persons most directly affected in defining the issues and the strategy of response. This stage was often difficult, since small businessmen tend to be very independent and suspicious of their neighbors/competitors. Usually it was accomplished by a direct and clear appeal to self-interest: increased business, the possibility of government loans, etc.

The third stage was relating the businesses to the community as a whole. Often, residents and businesspersons view each other with a degree of hostility and distance, especially if the business-person never lived in the neighborhood. In order to promote a sense of unity, the leadership had to point out the mutuality of interests and the values of cooperation. This stage was also a very difficult one.

Fourth, the sense of unity was strengthened by the formation of the commercial revitalization project under the direction of a new organization. The organization was composed of representatives from the residents and the businessperson. The revitalization corporation then became the key actors. The businessmen's association and the community organization were involved through their representatives.

Fifth, the corporation was ready to devise a plan. The plans included developing a partnership between the residents, the businessmen, and the public sector. A Local Development Company (LDC) was established to facilitate the use of the Federal Small Business Administration Section 502 Loan Program which aids the rehabilitation and expansion of businesses. Major physical redesign of the street and of the store fronts were planned and public dollars (local CDBG, EDA, etc.) were secured for the financing of such projects. In both cases, active promotion campaigns including the revival of festivals and fairs were undertaken.

In the sixth and continuing phase, the revitalization organization oversees the implementation of the plans and the promotion campaign.

To review, the key components are:

1. placing the issue of commercial revitalization in the overall neighborhood context;
2. organizing the businessmen;
3. forming a unified resident-businessmen's revitalization organization;
4. working for a tripartite partnership of these two with the public sector; and
5. designing and implementating a strategy which makes use of local resources as well as public programs and private investment.

The Process in Retrospect

This has not been a very specific manual. The steps seem more like space, time and focus for questioning, than definite positioning. Having finished reading the manual, you are not able to fashion a revitalization strategy. All this is true and in fact intentional. It would have been dishonest to present a more detailed, traditional manual because the fact is that all the variables and options presented in the text require choices based on your value and experience.

As the measures of success demonstrate, designing and implementing a revitalization strategy requires "artistic skill" and moral commitment. No manual can capture the essence of those factors; yet they are at the heart of the effort required. Revitalization is above all a human undertaking. Spirit, commitment, will, responsibility, creativity, community and participation—these are the key characteristics of the story. All of them can be described only poorly in words, especially those appropriate to a manual. Their power lies in their emotive force, in the truth of the human spirit which lies behind them.

So, how should one use the manual? Hopefully, it will help one to think through the issues that must be considered at the various stages of designing the strategies. We also believe that communities should look toward professional assistance to help in the design of appropriate strategies. The issues involved are quite complex and often "technical" in nature. There are no design strategies with "mail order catalog" assistance.

Neighborhood revitalization is a process with numerous aspects, the most important of which is a change in attitudes and commitment on the part of existing residents. Their participation in the revitalization process can insure its success, because success can only be measured by the residents themselves. The public and private sectors are important partners in the revitalization effort, but should remain in supporting roles.

The residents of a neighborhood cannot hope to accomplish the complex goal of revitalization without organizing themselves. A variety of factors have been suggested which neighborhood and community organizations should consider in determining the types of organization which will best suit their needs.

Unlike the simplified plans of a generation ago, successful neighborhood revitalization requires strategies, of which plans are only one part. The components of strategies have been outlined, emphasizing that strategies are dynamic and subject to constant changes in the light of new elements which will constantly emerge.

The extent to which an organization will become involved in economic and physical development can be decided only at the local level. It is not the purpose here to suggest that thousands of community development corporations with staffs and consultants should be created. Rather, it is the supporting processes that result in responsible projects. Projects which are

economically reasonable and efficient, while also serving community needs, ought to be the goal. They can be produced only when those who are forced to act responsibly are in control. Community-based organizations should be assisted to structure relationships—from advocate, to monitor, to point venture—with those in the public and private sectors. These relationships should ensure a measure of control to those responsible for profit, for general societal values, and for the interests of the specific neighborhood.

In fashioning strategies, one must be willing to challenge and question every aspect of the process. All structures once created must be viewed with suspicion because they will seek a life of their own unrelated to the creative spark which caused them to come into being. Strategies are ways to intervene in ongoing process processes and change them—as they change so must the components of the strategy. You are the ones who must design, implement and change the strategy as events unfold.

An unstated assumption of this report is that cities are the repositories of our culture and heritage as well as being economic and political entities essential to the survival and well-being of our society. As the people who inhabit cities live primarily in neighbor-hoods, the health and vitality of our cities depends upon the well-being of our neighborhoods.

The disinvestment, decay and apathy which have characterized too many neighborhoods over the past generation can be reversed. The process is slow, complex and frequently frustrating. The process of neighborhood revitalization begins with people, as we have outlined. But it ends not with bricks and mortar but with opportunities for a diverse, warm and vital living experience: it ends with people creating new visions of an ever more beautiful life.

Discussion

The model of neighborhood renewal developed in the chapter has strengths and weaknesses. Its strength is that in conjunction with the chapters by R. Khuri and P. Peachey it builds upon the deep resources of society in the very makeup of the human being. Human beings are in need of social community. This is not an artificial ideology, something foreign which needs to be imposed; it is a dynamism at the root of human beings as sharing in the absolute source and as directed outward in love for fulfillment.

This is reflected exteriorly in the churches and synagogues, temples and mosques which dot the various landscapes and constitute special points of reunion—a social glue as it were. These are points of reference for the community; they reflect its history from the distant past and mark its local realization in this place and time. Further, they point the community toward the deeper convergent truth about itself, realized at other levels by schools and other centers of learning. In this the emerging sense of economical interrelations between churches is of great importance in building the broad sense of unity needed to bring together all in the community.

It was noted also that the model, which gives great attention to the economic sphere, the revitalization of businesses and the strengthening of a weakening real estate market, is in the end more political than economic in the sense of being focused upon bringing people together. Yet, this is not really the level of the dynamism involved. As noted elsewhere, there was a time when the political structure served as a broad-based community organization which reflected the makeup of the community and took account of the needs of its general needs. These days have passed, however, and the parties have become less personal and more distant from neighborhood needs and desires.

Hence, today's neighborhood association, while being political in the sense of being constituted of personal interaction, is not part of the political structure which looks to and at least periodically converts into state power. Rather, such neighborhood organizations are a dimension of civil society which is neither the political nor economic, but interacts with both in order to promote the welfare of the people. Here, its character is specified above all by the locale as a human habitat and vital community whose welfare it is concerned to promote.

It was suggested that the model is corperatist, rather than pluralist. That is it does not begin from an individualist ideology in which all are in principle different and which is concerned with how that difference can be recognized and promoted. Instead, it sees people as basically social in character and looks to the ways in which this sociality is shaped in terms of the locale in which people live. The neighborhood consists of people grouped by language and ethnicity, religion and occupation and the like. It looks for ways to bring these together in order to protect and promote their neighborhood—which at the present time tends most often to be in decline. This might then be considered more corperatist than pluralist, but with a strong pluralist concern.

The model is not easily applied at the present time due not only to the focus of decay cited in the paper, but to the growing anonymity which tends to characterize life in our times. Whereas in the past one always knew one's neighbors and indeed engaged somewhat intimately in their life, today one may very well not know one's next door neighbor or even be welcome to introduce oneself.

Another question regarded the degree to which this model is able to be applied in other cultures. In many countries there is not the social mobility which enables and encourages people to move out of an area. Indeed these may have been lived in for hundreds or even thousands of years. Further, the basic attitude generally is much less individualist and much more

communitarian. Thus, the problems of urban renewal differ, and indeed may prove to be less difficult. On the other hand, ethnic divisions remain strong and efforts at community-building are more needed than ever.

Chapter XI

Notes on an International Civil Society: A Comment on the Report of the Commission on Global Governance

*Antonio F. Perez*1

To an international lawyer, the concept of "civil society" typically evokes feelings of inadequacy. After all, civil society—in the language of politics and moral philosophy—conveys notions of community, cohesion, and a shared sense of identity that bind individuals to each other in a common enterprise. It is this nuclear binding force that legitimizes law as the exercise of power by authorities constituted by particular communities.1 Accordingly, the most emotionally appealing visions of social organization have aspired to geographical and numerical dimensions small enough to permit a degree of interaction thought necessary to fashion "true" communities.2 Thus, the vision of ideal civil society that undergirds the classical conception of legitimate political authority has been one that assumes small-is-beautiful because small communities are the most legitimate communities.3 It is precisely this difficulty that the American founders sought to transcend in creating a constitution for an imperial republic in the United States.4 Conventional thinking in their day too questioned the legitimacy of a government for a state that exceeded the numerical and geographic bounds of a viable republic.5

Except in the airiest castles of the academy,6 nothing like this level of authority has ever been accepted about international law. Why? Perhaps because, until recently, the concept of an "global civil society" seemed like a contradiction in terms. The society that undergirded international law was not "civil" in the same sense as domestic society. Rather, it was not only decidedly "uncivil" in its tolerance of violent conduct by its constituent members, but also its constituent members were things, states, rather than persons.7 But any conception of international law that seeks to account for its normative force in terms consistent with the jurisprudence of domestic law must ultimately resort to some conception of an international community.8

It seems necessary to pursue this question. For however beautiful "the small" may be, it cannot stand in the way of the reality that "the big" is inevitable.9 The renewed concern with civil society and its breakdown within states, resulting in the loss of authority to address the problems of human existence at the microscopic level,10 must be accompanied by an inquiry into the foundations of international community life and the requirements for enabling the macroscopic problems of human existence to be addressed at the international level as well.

Thus, this paper will consider the sources of a new international civil society that could serve as the foundation for community governance in light of the work of the Council For Research in Values and Philosophy and the recent report of the Commission on Global Governance.11 It will argue that the international civil society must be characterized by freedom as expressed through participation in governance by transnational communities, solidarity among transnational communities achieved through an international division of labor in the various spheres of human life, and a pluralist conception of subsidiarity under which human beings are able to define themselves in multiple patterns simultaneously as members of several national and transnational communities. Of course, this entails rethinking international law, a task that requires first explicating its intellectual pedigree and historical foundations.

These issues have both immediate and longterm significance—immediate significance in the resolution of current debates over the allocation of sovereignty, such as sovereignty over the City of Jerusalem; and longterm significance in terms of the construction of sovereignty for the new, global Jerusalem that may await us in the 21st century. Part I of this essay will explore underlying assumptions of international law and the transformation of these assumptions. It will then consider the discrete problem of Jerusalem in light of these developments. Part II will turn to a critical analysis of the possible underpinnings of a new international law for the emerging global civil society that may well confront us in the next millennium,12 if it has not done so already.

I. The International Law Concept of Sovereignty: Jerusalem, Its Imprisonment and the Tools for Its Escape

Jerusalem has become a symbol of the world's past. In one sense, of course, it is holy ground to three of the world's great historical religions. The very identity of Muslims, Christians and Jews are bound up in stories in which the City of Jerusalem plays a large, and sometimes central, role. But Jerusalem is also a symbol of the past in a much different way, one relevant to the purpose of the Council for Research in Values and Philosophy. The debate concerning sovereignty over Jerusalem is a prisoner, much like today's system of states, of the history of international law—a history that has been told in the language of absolute and undivided sovereignty of the state.

A. Breaking Free from the Chains of Sovereignty

In recent years, however, that narrative of international law has come under attack, with many deriding the notion of absolute state sovereignty. The former professor of international law, Boutros Boutros Ghali, who sits atop his throne at the Secretariat of the United Nations—some say suffering from a Pharonic power complex13—has argued that "the time of absolute and exclusive sovereignty [of the state] has passed; its theory was never matched by reality."14 The state has come under attack from below. Old forces of disintegration have been given new life by the end of the Cold War, leading to the phenomenon of utterly "failed states."15 More broadly, the attack has also come from above. In different ways and to different degrees, the problems states now face—such as ozone loss,16 and fisheries depletion17—cannot be resolved without collective governance, making each state, in some sense, the victim of a sovereignty deficit.

Once, long ago, state sovereignty was the answer to the problem of order created by the so-called Wars of Religion. Grotius and Gentili reconceived international life as a community of secular states, each holding the highest power in territory subject to its jurisdiction.18 Thus the Monarch's power to impose his own religion on his subjects became a central tenet of the settlement of Westphalia in 1648, which in turn gave birth to the modern European state system and international law. Religion would no longer legitimately provide cause for war.19 Sovereignty ensured order, in part by making individuals merely the subjects of the state.20 A necessary consequence of the rise of state sovereignty, however, was the collapse of the ideological commitment to universal or transnational values as a source of transnational authority, a phenomenon linked to the dissolution of medieval "Christian international society" with the decline of the moral and institutional authority of the Papacy.21

In our century, however, with the triumph of the international human rights movement—spawned in no small part by the unique human catastrophe of the Holocaust22—state sovereignty has been reconceived as popular sovereignty.23 This paradigm shift has required a reinterpretation

of the concept of self-determination, which international lawyers had previously seen as a corollary of state sovereignty.24 Thus, the traditional view that a "people" that had been subject to colonial rule is entitled to self-determination, including a right to its own state, has now been complemented, and perhaps even transcended, by the entitlement of all people to democracy, regardless of whether they have their own state.25 Thus, the emerging international law conception of sovereignty will perform dual functions: preserving order and permitting the exercise of freedom.

The reconstruction of sovereignty, accordingly, requires a dialogue on how to assure the exercise of human rights. That dialogue has authoritatively begun with the recent publication of the Report of the Commission on Global Governance, a privately organized group of world leaders headed by Sweden's Prime Minister Ingvar Carlsson. The Report states that:

> [although] as presently conceived rights are almost entirely defined in terms of the relationship between people and governments . . ., it is now important to begin to think of rights in broader terms by recognizing that governments are only one source of threats to human rights and, at the same time, that more and more often, government action alone will not be sufficient to protect many human rights.26

The Commission then describes in its 350-plus-page report the diffusion of sovereignty.

Does this mean that sovereignty can dispense with its historic function of assuring order? Of course not. Indeed, by calling for the fusion of rights and responsibilities, the Commission has refashioned the vocabulary of international human rights-talk into an international human duties-talk which, it believes, can provide the ultimate foundations for international order.27 Astonishingly, for a body composed of men and women of state, the Commission points to the emergence of a global civil society, in which:

> core values of respect for life, liberty, justice and equity, mutual respect, caring, and integrity . . . provide a foundation for transforming a global neighborhood based on economic exchange and improved communications into a universal moral community in which people are bound together by more than proximity, interest, or identity.28

These values, the Commission asserts, "all derive in one way or another from the principle, which is in accord with the religious teachings around the world, that people should treat others as they would themselves wish to be treated."29

The Commission's vision of the future of the world legal order is thus not unrelated to the religious conception of the foundations of community life.30 As James Nafziger has observed, religious institutions and sentiments can influence international law in various ways.31 In some cases, religion performs the "creative" function of generating specific doctrines,32 or the "didactic" function of communicating the substance of international law concepts to the grass-roots.33Sometimes religion serves the "aspirational" function of setting a direction for the progressive development of international law,34 and acting as the "custodian" of higher morality serving as a check on the exercise of state power permitted by international law.35 Finally, in a world still divided by conflicting values, religious leaders can play the "mediative" role of compromising disputes, including those having a religious dimension.36

The Commission Report focuses on the "creative" dimension. Indeed, it invokes Barbara Wards's prescient remarks in her 1971 paper to the Pontifical Commission on Peace and Justice, in which she argued that:

> The most important change that people can make is to change their way of looking at the world. . . . Again and again, in the history of religion, this total upheaval in the imagination has marked the beginning of a new life . . . a turning of the heart, a '*metanoia*,' by which men see with new eyes and understand with new minds and turn their energies to new ways of living.37

And, in a remarkable coincidence of views, Pope John Paul II, speaking recently to the United Nations General Assembly, pointed to the possibility of forms of organization for the exercise of the right to "national existence" other than "sovereignty as a state."38 But the Pope imposed the critical condition that the expression of sovereignty outside of the framework of the state "takes place in the climate of true freedom," in which "every nation also enjoys the right to its own language and culture through which a people expresses and promotes that which [the Pope] calls its fundamental spiritual 'sovereignty.'"39 The Commission's Report and the Papal address thus lay the foundations for a new understanding of sovereignty, transforming the absolute liberty of the sovereign state—itself a negative conception of liberty for the state entailing merely freedom from external restraint—into a positive conception of liberty under which persons participate in community governance.

The difference between the so-called "negative" conception of liberty, as freedom from governmental interference, and the so-called "positive" conception was the subject of deep reflection by the British political philosopher Isaiah Berlin, who remarked:

> [w]hat oppressed classes or nationalities, as a rule, demand is neither simply unhampered liberty of action for their members, nor, above everything, equality of social or economic opportunity, still less assignment of a place in a frictionless, organic state devised by a rational lawgiver. What they want, as often as not, is simply recognition (of their class or nation, or colour or race) as an independent source of human activity, as an entity with a will of its own, intending to act in accordance with it (whether it is good or legitimate, or not), and not to be ruled, educated, guided, with however light a hand, as being not quite fully human, and therefore not quite fully free.40

The Papal address to the United Nations makes a similar argument about the priority of "positive" liberty, but also supplies a teleological dimension by articulating a conception of the ends of human freedom:

> Freedom is not simply the absence of tyranny or oppression. Nor is freedom a license to do whatever we like. Freedom has an inner 'logic' which distinguishes it and ennobles it: freedom is ordered to the truth, and is fulfilled in man's quest for truth and in man's living in the truth. Detached from the truth about the human person, freedom deteriorates into license in the lives of individuals, and, in political life, it becomes the caprice of the most powerful and the arrogance of power.41

But how can persons participate in positive liberty at appropriate levels and in appropriate ways? In what structures can this freedom be exercised so as to ensure order without sacrificing liberty?

Some scholars have already begun to point favorably to the emerging constitutive role of transnational actors.42 Others, however, have seen in a global civil society the sources for a new tyranny, under the theory that transnational power may ultimately be used in ways that reinforce global inequalities and class inequalities within even the attenuated sovereignty of nation-states. Phillip Trimble, for example, has argued that "drastically reducing the power of governments in a move toward global communalism seems undesirable because only states can balance corporate power."43 Under this view, the weakening of national governments relative to private transnational entities can only undermine freedom and distributive justice.44

But the more compelling attack on the concept of a global civil society may well be simply that it cannot be realized. Trimble's critique, for example, is premised on the absence of a "common, generally accepted world ideology that would give meaning to the term 'international society'."45 Trimble adds: "There is no generally shared story of origins and history, no general political organizations, and little economic integration and social interaction. In short the characteristics of a generally unified society are lacking."46 Thus, he argues that the only way to increase the legitimacy of international rule-making is to transform, or "domesticate," international law.47 Specifically, he recommends employing domestic law-creating procedures to enact international norms as domestic law, which is presumptively authoritative.48

Trimble also suggests, however, employing rhetorical strategies under which international law concepts are translated into their domestic analogies, such as expressing the international right of self-defense in terms of the Islamic concept of *jihad*.49Yet, one might argue that, if a rhetorical strategy of translation could legitimize an international law norm indirectly, could not the underlying concepts forming the basis of the translational project themselves be uncovered as common, global values in their own right? This at least appears to be the Commission Report's premise in its appeal to universal values and the emergence of a "universal, moral community."50

But values in the abstract mean little; they must be institutionalized.51 Thus, the Commission moves from values to institutions in suggesting that the structures of the new global civil society will be transnational institutions: business and labor organizations,52 interest groups,53 media,54 political parties,55 and (although the Commission does not give specific examples) perhaps even the world religions.56 Already rights under a complex mixture of international and domestic law are being claimed in "transnational public litigation" in which natural and juridical persons other than states are claimants,57 and natural and juridical persons are becoming involved in such quintessentially state-monopolized activities as peacemaking.58Clearly, then, the Commission has recognized a key feature in the shape of the world to come.

B. Jerusalem's Escape from Imprisonment

And this leads us back, admittedly by a somewhat circuitous route, to the City of Jerusalem. To address the question of its status under the traditional vocabulary of international law one might well wish to resurrect the *corpus separatum* contemplated by the General Assembly and Trusteeship Council nearly fifty years ago that in effect would have allocated sovereignty to the United Nations,59 or to consider in detail the innumerable proposals offering creative resolutions along lines of shared, joint or divided sovereignties.60 But it might be useful to focus on how the

revised conception of sovereignty advanced by the Secretary-General, the Papacy, the Commission on Global Governance and by recent scholarship provides a vehicle for dealing with, perhaps even for solving, as a first step at least, the core of the Jerusalem question: the status of the Holy Places located inside the walls of the old city. Under the traditional international law framework, the historical interests of the various communities were expressed in legal claims. Based on responsibilities undertaken by the Ottoman Empire, affirmed in the British mandate for Palestine, and incorporated in the U.N. plan for the *corpus separatum*, the so-called *status quo* confirmed the rights of international community, and particularly the religions, in access to the Holy Places.61 This treaty-based pattern for preserving community interests has been reaffirmed, as Israel has acknowledged these *status quo* rights in its December 30, 1993 Agreement with the Vatican under which the Holy See recognized the State of Israel and commenced diplomatic relations.62 Similarly, in its Treaty of Peace with Jordan of October 26, 1994, Israel acknowledged the "present special role of the Hashemite Kingdom of Jordan in Muslim Holy shrines in Jerusalem."63 And as part of the peace process that produced the September 1993 Israel-PLO Declaration of Principles on Interim Self-Governing Arrangement, Foreign Minister Shimon Peres confirmed to the Norweigan mediator that "the holy Christian and Moslem place" were "Palestinian institutions of East Jerusalem" that "are of great importance and will be preserved."64Thus, there seems to be an emerging consensus among the parties that the *status quo* in some form or another must be part of any settlement on the permanent status of Jerusalem, and that settlement by assumption will take the form of an agreement among sovereigns rather than an integration of sovereignty.

The theory of the global "civil society," however, may offer possibilities for more stable solutions, as the very problem of defining the meaning of the term "Jerusalem" reveals. To which Jerusalem, it might be and is asked, does the *status quo* apply? The old city or its living metropolis? As for the old city, there may potential for a convergence of views. As the former Jordanian Permanent Representative to the U.N. Adnan Abu Odeh has argued, the "essential dispute about Jerusalem concerns not the modern secular city—restaurants, nightclubs and apartment blocks, the King David and Intercontinental hotels—but rather the ancient walled city."65 Thus, he calls for a "walled city, the true and holy Jerusalem" that "would belong to no single nation or religion. Rather, it would belong to the whole world and to the three religions: Muslim, Christian and Jewish. No state would have political sovereignty over it, so that Jerusalem would remain a spiritual basin, as it was originally founded and universally conceived."66 Similarly, in its 1949 Memorandum to the General Assembly on the Future of Jerusalem, the Israeli Embassy seemed to suggest that the Old City need not be under Israeli sovereignty, although the Israeli government subsequently retreated from these views in the light of the decline of U.N. authority during the Cold War and the worsening of the conflict in the region.

The prospects for making progress on the issue of sovereignty over the Holy Places in the Old City are better than they ever have been in light of the revival of the U.N. and the momentum and legal innovation of the peace process. Of course, as a technical matter, the interim arrangements for the establishment of the Palestinian Authority and election of the Palestinian Council in the West Bank and Gaza Strip have been concluded without prejudice to those issues, such as sovereignty over Jerusalem, that will be the subject of the permanent status negotiations commencing in 1996.67 Practical precedents may yet emerge from the new facts being created on the ground during the implementation process. For example, for Holy Places outside of Jerusalem, the recently concluded Interim Agreement between Israel and the PLO provides for complex arrangements of shared control with access guaranteed for all communities, in some cases dividing

responsibilities down to the level of the particular entrance of the particular site.68 These interim arrangements may well presage the kinds of tools that will be employed when the final status of the West Bank is determined.

Even so, whatever common ground might be found on the status of the Holy Places in the old city or the West Bank does not necessarily reach the Jerusalem that, according to the Knesset, is, "complete and united, . . . the capital of Israel."69 This question—sovereignty over the living, modern city—will be a much harder nut to crack and may require concepts and categories that as yet have not been imagined by scholars, much less statesmen. Rejectionists wait like vultures hanging over Jerusalem's tortured body politic. Clovis Maksoud, for example, has recently argued in the pages of *Foreign Policy* that the recent Israel-PLO agreements "put in jeopardy any sovereign prerogatives to which the Palestinian people are entitled." He adds: "All the extensive and cumulative jurisprudence of U.N. resolutions on this issue are rendered irrelevant if not obsolete."70

Perhaps the Knesset, the PLO, and Arab nations as a whole can conceive of solutions in which sovereignty over the secular Jerusalem can be shared or the bundles of sovereign rights important to each community can be pulled out and reconfigured. A foreshadowing of possible solutions might be seen in the Jordan-Israel Treaty of Peace, under which Israel formally agree to Jordanian sovereignty over land owned by Israeli settlers but in effect conditioned its recognition of Jordanian sovereignty on Israel's continued exercise of certain sovereign rights with respect to those settlers.71 But it is hard to see how formal treaty-based solutions alone could ever resolve the underlying sources of the conflict between the relevant communities.

But if sovereignty over the secular portion of the city—assuming one can concede that such a portion exists—can be reconstituted, as international law scholars explicitly and the Pope implicitly have suggested, its *sine qua non* will be that Moslems, Christians and Jews in Jerusalem also see themselves as something other than Muslims, Christians and Jews; in other words, whether they, and their co-religionists elsewhere, can perceive their identities as including additional dimensions, including that of residents of a territorially-defined community, a city having a rich and evolving, organic existence of its own.72 Thus, the concept of a transnational civil society—a community of the City of Jerusalem encompassing various different communities, each retaining at the same time its individual identity—may provide the basis for a sustainable settlement.

This agenda would not be unlike the task contemplated by the Commission on Global Governance's broader agenda in the construction of the new global civil society through which persons will see themselves simultaneously as citizens of a state and as members of transnational communities. Such a reconstruction of sovereignty presumes the existence of these recreative possibilities.73 The alternative to permitting individuals to define themselves as members of multiple communities is simply impossible to contemplate. If, then, these possibilities do not exist, freedom and order may well never be able to co-exist in Jerusalem, and their failure to co-exist there will signal, as has their failure thus far to co-exist elsewhere,74 a dangerous turn for the new global Jerusalem that may await us all in the next millennium.

II. The Global Civil Society

What might the new global civil society look like? One vision of the global future might be that it will be based on liberal capitalist premises. Francis Fukuyama moved in this direction in positing the "end of history" upon the end of the Cold War,75 but recently seems to have come to recognize that social organization requires a degree of social "trust" that cannot be derived solely

from liberal capitalism.76 Others have concluded that liberal capitalism is ultimately inconsistent with a vision of community that generates a deep set of common values.77 But liberal capitalism does not need to be, just as Marxism could never be,78 a staightjacket imprisoning international life. Rather, life may take its own new forms, evolving to meet its needs and circumstances, yet in light of constant set of principles.79 However much the global civil society evolves, then, like any civil society it must address certain core questions in order to permit effective governance. As George McLean argues, governance requires the exercise of freedom, solidarity, and subsidiarity within a community.80

The absence of adequate conceptions of freedom, solidarity and subsidiarity in traditional international law clarifies the limits of governance under that regime. The traditional international law conception of sovereignty focused on the freedom of the state, its freedom from its subjects and from other states, which Isaiah Berlin quite rightly saw as a manifestation of the negative conception of freedom.81 Thus, the "community" of states lacked shared purposes.82 Under this model, interaction between states was limited to the bare minimum, undercutting the development of a sense of social solidarity; and, as a corollary of sovereign freedom, the sovereign equality of states obviated any concept of subsidiarity. How then might these conceptions necessary for community governance be realized in the global civil society?

Freedom

A conception of freedom that would be acceptable in the global civil society cannot depend on any particular political, economic or social ideology.83 It would be impossible—and, ultimately, undesirable—to impose an orthodoxy.84 In any event, it is unnecessary to broach this issue immediately, for it appears that a process-oriented conception of freedom, rather than a substantive conception, is an emerging feature of the global civil society.85 This process-based concept has two dimensions: first, the institutionalization of some form of participatory governance—what Professor Thomas Franck call the "democratic entitlement"86—within states; and, second, the increasing pressure for democratic decision-making in supranational institutions, such as the European Union and the United Nations,87 although a major gap thus far in the extension of democratic decision-making has been the continued concentration of power with the wealthy states in global financial decision-making.88 Sovereignty as the expression of freedom may well be on the way to being replaced by participation as the preeminent norm of global civil society.89

On the other hand, it is worth asking whether the current absence of a substantive conception of the ends of human freedom in transnational civil society permanently impoverishes its capacities for effective governance. As Michael Walzer has recently argued, moral discourse can be understood to fit in one of two models, the "thick" and the "thin." He distinguishes between "thick" moralities, which are embedded in unique historical and cultural contexts, and "thin" morality, which transcends specific environments and achieves a kind of universality.90 While Walzer concedes that certain questions of morality must be universal, he contends that "thin" morality is unable to provide detailed answers to questions of distributive justice which, by assumption, cannot be answered without very specific understandings of which "goods" are "relevant" in any particular society from the standpoint of distributive justice.91 Walzer thus argues for a broad scope for the principle of self-determination,92 in effect relying on and justifying the traditional international law model. In sum, it seems Walzer’s insight leaves precious little room for the development of an international civil society.

Solidarity

Yet even Walzer recognizes that there can be movement from the "thin" to the "thick." He observes that "thin" morality permits interaction among different communities having their "thick" moralities, but that "these encounters are not—not now, at least—sufficiently sustained to produce a thick morality."93 What would happen, however, if these encounters proliferated? Walzer's social theory of morality ultimately leaves room for the second dimension of community—solidarity; for, as Durkheim argued, while the "division of labor" separates individuals, cutting them off from the resources of primitive forms of solidarity, interactions between different groups resulting from a "dynamic density" lead to the formation of a different kind of solidarity, one that flows from interdependence.94

The global civil society must then be constructed in terms of interdependence, ironically, along lines Walzer himself reveals in his exposition of the psychology of moral discourse. Reconciling "thick" and "thin" moral discourse, Walzer supposes that the self is divided into many different selves, each of these "thick" selves identifying itself with different communities, aided by a central but "thin" self regulating the moral dialogues engaged within the divided self.95 Arguably, Walzer's "encounters" or Durkheim's "dynamic density" are the creative instruments for the emergence of the many selves; so that the global civil society will be founded on the emerging "thick" moralities of increasingly divided selves, reaching out to see themselves as participants in various communities—communities of ethnicity, of race, of religion, of gender, of trade or vocation, and myriad other possibilities.

Walzer's vision of the divided self thus contains the resources for the creative reconstruction of sovereignty—or, rather, of multiple forms of association and participation: some organized territorially, reflecting historical commitments of certain groups to specific territories; others organized across existing boundaries, based rather on the functional character of association.96 Some have argued that transnational associations are incapable of spawning solidarity across current state boundaries because they are formed for reasons of self-interest rather than sociability, but the better view seems to be that once formed, organizations generate a kind of solidarity regardless of the initial reasons for their creation.97

Subsidiarity

Thus, the global civil society will require freedom through a greater measure of positive liberty in local and transnational governance, and this enhanced participatory process could facilitate the development of transnational solidarities, which will draw from increasingly diversified self-conceptions of individuals. These multiple identities will include memberships in geographic and functional communities of localized and transnational dimensions—none of which will exercise hegemony, all of which must compete and co-exist. But then the critical question becomes relating these multiple sovereignties, or spheres of competences, to each other. This is the question of subsidiarity, the proper allocation of authority for governance at various levels.

It might be useful, at this early stage in the conversation, to address this problem in terms of identifying an organizing principle and considering its implications for global civil society. What kind of concept of subsidiarity, then, do we wish to engender for the global civil society? How, if multiple identities interface, would powers of governance be allocated? Would the sovereign equality of states be a relevant concept when states are neither the only, nor even the most

important, actors? We might outline instrumentalist, corporatist and pluralist conceptions of subsidiarity as possibilities, although others might well be possible.

Under an instrumentalist view, subsidiarity might well be organized primarily around the existing state structure, either by eliminating states or increasing their number, according to a pragmatic assessment of what level of division of authority most effectively promotes efficient governance. The expansion of the European Union and emergence of other regional free trade areas as precursors to additional consolidation of sovereignty along the lines of the EU model might be one possiblity.98 Similarly, another solution is simply to reduce the size of states or to treat constituent entities of current states as international actors.99 But these approaches seem not to capture the larger purposes of subsidiarity, that of relating the form of governance to its underlying purposes, and seem hopelessly based on an impoverished utilitarian calculus.

A second theory of subsidiarity flows in part from comunitarian ideals,100 in which, like the teachings of the Commission on Global Governance, social duties take precedence over social rights.101 Unfortunately, as appealing as the rhetoric of duties may be, it also flows from corporatist ideology which is susceptible to subordinating individuals and groups to authoritarian state structures.102 Also, subsidiarity's intellectual history in medieval cosmology suggests the replication of an international distribution of power that may well be too hierarchical to be consistent with the conception of procedural, or participatory, freedom outlined above.103 Indeed, James Kurth has perceived an emerging conflict between the Vatican, whose social teaching based on communitarian notions may well be at odds with the individualist focus of liberal capitalism, and the United States.104 Most significantly, a top-down communitarian (and thus potentially corporatist) conception of subsidiarity could be employed as a straightjacket on human moral standards, an effort that would seems at odds with the enduring cultural diversity in the world and the internal conflict foreseen in the multiple selves Walzer believes emerge within us as we are exposed to these different cultures.

A third theory of subsidiarity might flow directly from these enduring differences and the role they play in individual moral development. James Madison's theory of federalism—the intellectual force behind the American system of government—exults in the existence of factions, believing that the interplay of factions formed along dimensions of interest ensures government by coalition-building and avoids majority tyranny.105 A democratic politics structured by pervasive factionalism, James Wilson further argued, would generate from the process of participating in a shared endeavor a kind of public affection, tying individuals belonging to different factions to each other and to the broader community.106 Faction, under this approach, both preserves diversity and reinforces community; its emotive engine derives from an empathetic understanding of other factions' situations and worldview, which in turn might create the basis for the new dimensions to the multiple selves within each self Walzer so elegantly describes.

Under this view, subsidiarity is not so much a top-down demarcation of distribution of powers in the global community, but rather an attempt to organize decision-making in a way that allows each of the selves trapped within the individual self to be expressed. Ethnicity, race, ideology, religion, among other dimensions, would each be able to find expression through a multiplication of transnational interest groups. Again, the Commission of Global Governance hints in this direction by finding in transnational interest groups the potential sources for a global civil society.107 One important unanswered question is whether the groups identified by the Commission can be expanded to include a broader range of the many selves and a deeper share of each of those types of selves, both the elites and the masses.

Conclusion

It is obviously premature to proclaim the existence of a full-fledged global civil society. But it is not too early to begin to think about how it should be structured. It would be unfortunate to find ourselves in a situation where more and more authority for governance is formally transferred to transnational institutions—a process whose pace is accelerating—without assuring that its legitimacy does not rest on pillars of sand and without articulating a clear vision of its consequences for the substance of global governance. In short, as Michael Walzer once argued in a different context, international lawyers must now become moral and political philosophers.108

Notes

1. The "nuclear" metaphor employed here suggests an atomistic conception of society as the arrangement of sub-atomic particles. And, like the forces that bind subatomic particles in the atomic theory of matter, the forces that bind individuals together diminish with distance. Thus, the earliest conceptions of the *polis* are premised on certain numerical and geographical limits. *See, e.g.,* Aristotle, *Politics*, *in* The Basic Works of Aristotle 1282-85 (Richard McKeon ed., 1941).

2. For an example of an appealing vision of community life focusing on "neighborhood" conception of civil society, see John Kromkowski, Neighborhoods 1-57 (1995) (on file with the Council for Research in Values and Philosophy), a vision consistent with the Aristotelian vision of the ideal size of the *polis*. *See* Aristotle, *supra* note 2, at 1282-85.

3. The tension between democracy and size was articulated by Machiavelli in a foundational text of modern political theory as well. *See* Niccolo Machiavelli, The Discourses 113-18 (Bernard Crick ed., 1970).

4. *See* The Federalist No. 10 (James Madison).

5. *See, e.g.*, Baron de Montesquieu, The Spirit of the Laws (Thomas Nugent trans., 1949).

6. *See, e.g.*, Grenville Clark & Louis B. Sohn, World Peace Through World Law: Two Alternative Plans (3d ed. 1966).

7. It was only with the Kellog-Briand Treaty outlawing war that any limit on the sovereign right of states to use force was ever attempted. *See The General Treaty for the Renunciation of War,* Aug. 27, 1928, 94 U.N.T.S. 57.

8. *See, e.g.*, Thomas Franck, The Power of Legitimacy Among Nations 181 (1990).

9. *See infra* text accompanying notes 15-18.

10. For an insightful essay on the inverse relation between freedom of choice in daily life and community authority, see Alan Ehrenhalt, *Learning From the Fifties*, 19 Wilson Q., Summer 1995, at 8.

11. *See* The Commission on Global Governance, Our Global Neighbourhood (1995) [hereinafter Commission Report].

12. *See* Richard Falk et al., *The Grotian Moment*, *in* International Law: A Contemporary Perspective 7 (Richard Falk et al. eds., 1985).

13. *See The Security Council's Unhumble Servant*, The Economist, Aug. 8, 1992, at 31.

14. *An Agenda For Peace: Preventive Diplomacy, Peacemaking and Peace-keeping*, U.N. GAOR, 47th Sess., 277th mtg. at ¶ 17, U.N. Doc. A/47/277 (1992).

15. *See, e.g.*, Gerald B. Helman & Steven R. Ratner, *Saving Failed States*, Foreign Pol'y, Winter 1992/93, at 1, 3 (arguing for UN "conservatorships" of failed states).

16. *Montreal Protocol on Substances That Deplete the Ozone Layer*, *reprinted in* Barry E. Carter & Phillip R. Trimble, International Law: Selected Documents and New Developments 690 (1994) (reprinted from UNEP/OzL.Pro.2/3 (29 June 1990)); *see also Helsinki Declaration on the Protection of the Ozone Layer*, May 2, 1989, 28 I.L.M. 1335 (1989), *reprinted in* Carter & Trimble, *supra*, at 689.

17. *See Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks*, U.N. GAOR, 6th Sess., U.N. Doc. A/CONF.164/37 (Sept. 8, 1995) (adopted Aug. 4, 1995, opened for signature Dec. 4, 1995), *reprinted in* 34 I.L.M. 1542 (1995); *see also* Antonio F. Perez, *ASIL Briefing on UN Conference on Fish Stocks*, Am. Soc'y of Int'l L. Newsl. (American Society of International Lawyers), June/Aug. 1995, at 13-14.

18. *See* Louis Henkin et al., Cases and Materials in International Law 4 (1980); *see also* J. G. Starke, Introduction to International Law 7-14 (9th ed. 1984) (pointing to the natural law underpinnings of the earliest formulations of international law). *But see generally* David Kennedy, *Primitive Legal Scholarship*, 27 Harv. Int'L L.J. 1 (1986) (arguing that Gentili and Grotius' retention of natural law premises, much like the theologically-grounded natural law reasoning of the Spaniards Vitoria and Suarez, failed to disclose the tensions between law and morality in the international legal order).

19. Henkin et al., *supra* note 19, at 3; *see also* R.R. Palmer & Joel Colton, A History of the Modern World 138-42 (5th ed. 1978). As a matter of technical doctrine, states retained the right to engage in war for any reason or no reason. *Jus ad bellum*, under modern international law, became less a legal than a moral category, at least until the 20th century. *See* Ian Brownlie, International Law and the Use of Force by States 14-50 (reprint 1981) (1963) (concerning the legality of the use of force as an instrument of policy).

20. As Isaiah Berlin one argued: "[T]he doctrine of absolute sovereign was a tyrannical doctrine in itself. If I wish to preserve my liberty, it is not enough to say that it must not be violated unless someone or other—the absolute ruler, or popular assembly, or the King in Parliament, or the judges, or some combination of authorities, or the laws themselves—for the laws may be oppressive authorizes its violations."). Isaiah Berlin, *Two Concepts of Liberty*, *in* Four Essay on Liberty 118, 164 (reprint 1975) (1969).

21. *See* Hedley Bull, The Anarchical Society: A Study of Order in World Politics 26-31 (2d ed. 1994). Bull points specifically to the absence of "supranational" institutions as a defining feature of the post-Christian international society. *Id.*at 30.

22. *See* Richard B. Bilder, *An Overview of International Human Rights Law*, *in* Guide to International Human Rights Practices 3 (Hurst Hannum ed., 2d ed. 1992).

23. W. Michael Reisman, *Sovereignty and Human Rights in Contemporary International Law*, 84 Am. J. Int'l L. 866, 870 (1990).

24. *See generally* Jochen A. Frowein, *Self-Determination As a Limit to Obligations Under International Law, in* Modern Law of Self-Determination 211 (Christian Tomuschat ed., 1993); Patrick Thornberry, *The Democratic or Internal Aspect of Self-Determination with Some Remarks on Federalism*, *in* Modern Law of Self-Determination, *supra*, at 101.

25. *See, e.g.*, Thomas Franck, *The Democratic Entitlement*, 29 U. Rich. L. Rev. 1, 11 (1994) (noting that the norm was initially "addressed" to "the colonial powers: Britain, France, Belgium, Netherlands, Portugal, Spain and the United States").

26. *See* Commission Report, *supra* note 12, at 56. The criterion for membership in the Commission, which was headed by Prime Minister Carlsson and former Commonwealth Secretary-General Shridath Rampal of Guyana, seems to have been broad, practical political experience. Its members included former Russian Permanent Representative to the U.N. Yuli Vorontsov, former Ugandan Permanent Representative Olara Otunna, the current U.N. High Commissioner for Refugees Sadako Ogata, the former U.N. Under-Secretary General for Special Political Affairs Brian Urquhart, the former Secretary-General of the 1992 U.N. Conference on the Environment and Development Maurice Strong, and the former President of the World Bank Barber Conable. *Id.* at 361-66.

27. Recognizing that rights "can only be preserved if they are exercised responsibly and with due respect for the reciprocal rights of others," the Commission argues that "rights need to be joined with responsibilities." *Id.* at 56.

28. *Id.* at 49.

29. *Id.*

30. Yet some may well argue that the teaching in the latest Papal encyclical on social justice, *Centesimus Annus*, can be grounded on natural law alone without resorting to justification based on divine revelation.

31. James R. Nafziger, *The Functions of Religion in the International Legal System*, *in* The Influence of Religion on the Development of International Law 147 (Mark W. Janis ed., 1991).

32. *Id.* at 153-59.

33. *Id.* at 160-62.

34. *Id.* at 159-60.

35. *Id.* at 162.

36. *Id.* at 162-63 (discussing the U.S.-Iran Hostage Crisis).

37. Commission Report, *supra* note 12, at 46-47.

38. John Paul II, A Quest to Ensure a Just World Order, Speech to the United Nations General Assembly (Oct. 5, 1995),*reprinted in 'Longing for Freedom . . . Marks Our Time'*, Wash. Post, Oct. 6, 1995, at A20 [hereinafter Papal Address].

39. *Id.*

40. Berlin, *supra* note 21, at 156-57.

41. Papal Address, *supra* note 39, at ¶ 12.

42. *See, e.g.*, Anne-Marie Slaughter, *The Liberal Agenda for Peace: International Relations Theory and the Future of the United Nations*, 4 Transnat'l L. & Contemp. Probs. 377 (1994).

43. Phillip Trimble, Review Essay, *International Law, World Order, and Critical Legal Studies*, 42 Stan. L. Rev. 811, 834 (1990). For a similar critique of the effect of the global institutional structure for economic development, because of capture of international institutions by transnational private economic interests, on vulnerable groups within societies, see Enrique R. Carrasco, *Law, Hierarchy, and Vulnerable Groups in Latin America: Towards a Communal Model of Development in a Neoliberal World*, 30 Stan. J. Int'l L. 221 (1994).

44. *Cf.* Friedrich Kessler, Contracts of Adhesion—Some Thoughts About on Freedom of Contract 629, 640 (1943) (arguing that freedom of contract—or, more precisely, diminished governmental supervision of private bargains—tends to reinforce existing distributions of power, thus undercutting true freedom of choice).

45. *See* Trimble, *supra* note 44, at 816.

46. *Id.*

47. *Id.* at 834-45.

48. *Id.* at 840.

49. *Id.* at 841 n.12.

50. *See* Commission Report, *supra* note 12, at 49.

51. *See generally* Steven J. Burton, *Law As Practical Reason*, 62 S. Cal. L. Rev. 747 (1989).

52. Commission Report, *supra* note 12, at 25-26.

53. *Id.* at 33-35.

54. *Id.* at 30-31.

55. *Id.* at 62.

56. The Commission Report makes clear, however, that "[t]olerance is indispensable for peaceful relations in any society," and adds that "[many] civil conflicts have shown extreme levels of violence and brutality. Some assertions of particular identities may in part be a reaction against globalization and homogenization, as well as modernization and secularization."*Id.* at 52. Accordingly, it argues that the "world community should reassert the importance of tolerance and respect for `the other': respect for other people, other races, other beliefs, other sexual orientations, other cultures." *Id.* at 53.

57. *See, e.g.*, Harold Koh, *Transnational Public Litigation*, 100 Yale L.J. 2347 (1991).

58. For the extraordinary role played by the Community of Sant Egidio, a Catholic lay organization, in mediating a resolution of the Mozambican civil war, see Cameron Hume, Ending Mozambique's War: The Role of Mediation and Good Offices (1994); *see also* Department of Public Affairs, The United Nations, The U.N. Blue Book Series: United Nations and Mozambique, 1992-1995 (1995) (collecting documents reflecting Sant Egidio's role).

59. G.A. Res. 181 (II), U.N. Doc. A/64, at 31 (1947), *reprinted in* The Jerusalem Question and Its Resolution: Selected Documents 6 (Ruth Lapidoth & Moshe Hirsch eds., 1994) [hereinafter Selected Documents].

60. *See generally* Naomi Chazan, *Negotiating the Non-Negotiable: Jerusalem in the Framework of an Israeli-Palestinian Settlement*, *in* Emerging Issues: Occasional Paper Series of the American Academy of Arts and Sciences No. 7 (March 1991) (with commentary by Fouad Moughrabi and Rashid Khalidi).

61. *See generally* Ruth Lapidoth, *Jerusalem and the Peace Process*, 28 Isr. L. Rev. 402, 403-05 (1994).

62. Fundamental Agreement Between the Holy See and the State of Israel, Dec. 30, 1993, 33 I.L.M. 154 (1994).

63. *See* Treaty of Peace Between The State of Israel and the Hashemite Kingdom of Jordan, art. 9(2), Oct. 26, 1994, Isr.-Jordan, 34 I.L.M. 43, 50 (1995) [hereinafter Israel-Jordan Peace Treaty].

64. *See* Ruth Lapidoth, *Jerusalem and the Peace Process*, 28 Isr. L. Rev. 402, 428 (1994).

65. Adnan Abu Odeh, *Two Capitals in an Undivided Jerusalem*, 71 Foreign Affs., Spring 1992, at 183, 187. For a similar approach from the perspective of an academic international lawyer, see Gidon Gottlieb, *Israel and the Palestinians*, 68 Foreign Affs., Fall 1989, at 109. *See generally* Gidon Gottlieb, Nation Against State (1993).

66. Abu Odeh, *supra* note 66, at 187.

67. *See* Declaration of Principles on Interim Self-Governing Arrangements, 32 I.L.M. 1525 (1994) (entered into force Oct. 13, 1993).

68. *See* The Interim Agreement Between Israel and the PLO on the West Bank and the Gaza Strip, Sept. 28, 1995, Annex I, art. V (Security arrangements for the West Bank) (on file with author); *see also The West Bank Accord*, Wash. Post, Sept. 29, 1995, at A20.

69. Selected Documents, *supra* note 60, at 322 (reprinting the statute enacted by the Knesset, entitled "Basic Law: Jerusalem, Capital of Israel").

70. *See* Clovis Maksoud, *Peace Process or Puppet Show*, Foreign Pol'y, Fall 1995, at 117, 119. Maksoud adds that the PLO has conceded the legality of the Israeli occupation by failing to extract an Israeli concession that it is an occupying power, including with respect to East Jerusalem. *Id.*

71. Israeli property rights and rights related to the full exercise of those rights, however, were confirmed in a permanent guarantee by Jordan under which Israeli private property rights could not be prejudiced by the termination of the provisions of the Agreement under which the boundary was set. In this way, the lapse of the boundary demarcation would undermine Jordanian claims of sovereignty over any particular territory previously disputed between Jordan and Israel but leave intact, at a minimum, Israeli private property rights. *See* Israel-Jordan Peace Treaty, *supra* note 64, arts. 3(1)-(2); *id.* at Annex 1(B), ¶ 6.

72. *See generally* Paul Goldberger, *Passions Set in Stone,* N.Y. Times Mag., Sept. 10, 1995, at 42 (discussing the communal disputes provoked for other communities even by the Israeli celebration of the 3,000th anniversary of Jerusalem's existence, as dated by received Jewish history).

73. As Francesco Capotorti, Special Rapporteur of the U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities, observed long ago:

> It is possible that, within a minority group which is resolved to maintain its identity, some individuals will prefer to be assimilated into the majority population. If that is their free choice, obstacles should not be placed in their way in the name of a misconceived group solidarity. Any such obstacle would constitute a violation of the individual's freedom of choice; in other words, it is not acceptable that an individual should be forced to conform to a choice made by a greater part of the minority group to which he belongs (and in relation to which those individuals who have no desire to preserve their culture, language and religion are themselves in a minority).

Francesco Capotorti, U.N. Centre for Human Rights, Study on the Rights of Persons Belong to Ethnic, Religious and Linguistic Minorities at 97, ¶ 573, U.N. Sales No. E.91.XIV.2 (reprinting 1977 report relating to state practice under article 27 on the International Covenant on Civil and Political Rights, which provides: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right in community with other members of their group, to enjoy their own culture, to profess their own religion, or to use their own language.").

74. *See generally* Susan L. Woodward, Balkan Tragedy: Chaos and Dissolution After the Cold War (1995).

75. Francis Fukuyama, The End of History and the Last Man (1992) (making the neo-Hegelian argument that liberal capitalism has triumphed over all other ideologies and thus ended, at a theoretical level at least, any genuine debate over the proper form of social organizations).

76. Francis Fukuyama, Trust: The Social Virtues and the Creation of Prosperity (1995); *see also* Francis Fukuyama, *Social Capital and the Global Economy*, 74 Foreign Affs., Sept./Oct. 1995, at 89.

77. *See, e.g.*, Michael Ignatieff, *On Civil Society: Why Eastern Europe's Revolutions Could Succeed*, 74 Foreign Affs., Mar./Apr. 1995, at 128 (reviewing Ernest Gellner, Conditions of Liberty: Civil Society Its Rivals (1994)). Ignatieff argues that civil society is "menaced from within by its own inability to satisfy its citizens' recurrent fantasy of a holistic community." *Id.* at 133.

78. *See* James Kurth, *The Vatican's Foreign Policy*, 32 Nat'l Interest, Summer 1993, at 40, 41.

79. *See generally* John Finnis, Natural Law and Natural Rights (1992).

80. *See* George F. McLean, Philosophy and Civil Society: Its Nature, Its Past and Its Future pt. II.B, supra (?) [cross-ref. to this book].

81. *See* Berlin, *supra* note 21, at 162-66.

82. *But see* Terry Nardin, Law, Morality and the Relations of States 15-16 (1983) (articulating a "practical" conception of the ends of international society as the basis for international governance).

83. As Oliver Wendell Holmes once famously argued about the United States Constitution, "[t]he Fourteenth Amendment does not enact Mr. Herbert Spencer's *Social Statics*." Lochner v. New York, 198 U.S. 45, 75 (1905).

84. Berlin, for example, argued that the value of self-perfection, as a teleological form of freedom, could be accommodated within a pluralist approach, *see* Berlin, *supra* note 21, at 167-72, even "with the necessary measure of 'negative' freedom it entails," *id.* at 171.

85. This article advances the argument that a process-based conception of freedom in global civil society requires attention to the problem of global solidarity and subsidiarity as aspects of global governance. It does not join issue with the philosophic debate on the ultimate adequacy of purely process-based principles of justice in a well-ordered society.*Compare* John Rawls, A Theory of Justice (1971) (advancing an essentially procedural conception of justice) *with* Michael J. Sandel, Liberalism and the Limits of Justice (1982) (critiquing Rawls' view and arguing that resort to a substantive conception of the good in inevitable).

86. *See generally* Franck, *supra* note 26.

87. *See* J.H.H. Weiler, *The Transformation of Europe*, 100 Yale L.J. 2403 (1991); Jose Alvarez, *The Once and Future Security Council*, Washington Q., Spring 1995, at 5.

88. *See* Carrasco, *supra* note 44 at 246-61.

89. *See* Abram Chayes & Antonia H. Chayes, The New Sovereignty: Compliance with International Regulatory Agreements (1995) (arguing that membership in international organizations is now the meaning of sovereignty).

90. *See* Michael Walzer, Thick and Thin: Moral Argument at Home and Abroad 2-4 (1994) [hereinafter Thick and Thin].

91. *Id.* at 21-39; *see also* Michael Walzer, Spheres of Justice: A Defense of Pluralism and Equality 6-10 (1983).

92. Thick and Thin, *supra* note 91, at 63-83; *see also* Michael Walzer, The Moral Standing of States in International Ethics (Charles R. Beitz et al. eds., 1985) (arguing against pro-humanitarian and pro-democratic intervention, subject to certain exceptions, on self-determination grounds).

93. Thick and Thin, *supra* note 91, at 18-19.

94. *See generally* Emile Durkheim, The Division of Labor in Society 257-62 (George Simpson trans., 1964).

95. Thick and Thin, *supra* note 91, at 85-104.

96. *Cf.* Gottlieb, *supra* note 66 (observing that competence can be allocated not only in territorial terms but also functional terms).

97. *See* Charles Wolf, *The Limits of Trust*, 41 Nat'l Interest, Fall 1995, at 95, 96 (reviewing and critiquing Frances Fukuyama's argument in Trust: The Social Virtues and the Creation of Prosperity, *supra* note 77, that "interest group associations, in contrast to 'voluntary associations,' because the former are brought together for reasons of self-interest rather than 'sociality'," ... do not generate the social trust needed for the effective development of capitalism without large-scale governmental intervention).

98. *See generally* Weiler, *supra* note 88.

99. *See, e.g.*, Peter J. Spiro, *The State and Immigration in an Era of Demi-Sovereignties*, 35 Va. J. Int'l L. 121, 163, 166 n.182 (1994) (arguing that states should be responsible for immigration law on the theory that states are already conducting their foreign policies and foreign countries perceive them as international actors independent from the United States as a whole).

100. *See generally* Amitai Etzioni, The Spirit of Community: Rights, Responsibilities and the Communitarian Agenda (1993). In the Communitarian Platform, Etzioni, William Galston and Mary Ann Glendon purport to advance a conception of communitarianism in which authority flows from the bottom up. *Id.* at 260. However, they also limit the authority of communities (and thus arguably of even authentically repressive communities) by an external moral criterion, although they fail systematically to explicate the sources and content of this limitation. *Id.* at 255-56.

101. *See* Commission Report, *supra* note 12, at 55-57.

102. An alternative theory of democracy that would respect pluralism defined as heterogeneity—in the sense of not relying on "overlapping" membership, as does Madisonian federalism—is Arend Lijphart's theory of consociational democracy. *See*Arend Lijphart, Democracy in Plural Democracies 18 (1977). However, because his theory requires "coordination" between "elites" of the non-overlapping groups, even Lijphart concedes that his theory can be challenged on account of elite dominance. *Id.* at 49-50 (attempting to rebut this criticism).

103. *See* Samual H. Beer, To Make a Nation 27-66 (1993).

104. *See* Kurth, *supra* note 79, at 47 (commenting on Pope John Paul II's 1991 encyclical touching on questions of social organization, *Centesimus Annus*, which of course was issued on the 100th anniversary of Pope Leo XIII's 1891 encyclical on the condition of the working classes, *Rerum Novarum*).

105. *See* The Federalist No. 10, *supra* note 5.

106. *See* 1 & 2 The Works of James Wilson (Robert G. McCloskey ed., 1967) (discussed in Beer, *supra* note 104, at 363-65).

107. *See* Commission Report, *supra* note 12, at 55-57.

108. Michael Walzer, Just and Unjust Wars: A Moral Argument with Historical Illustrations xiii (1977).

Discussion

One of the most significant developments in these times is that of the notion of sovereignty and nation. Previously this was understood in terms simply of territory; all who lived therein were simply subject to the government. Thus, the religion of the prince was automatically to be the religion of all who lived in that territory. In such a context the free self determination of the citizens counted very little.

In the half century a new perspective has come to dominance. This attends to the freedom of the citizens, their human rights as individuals and their socio-political rights to participate fully in the life and benefits of the society. In this sense democracy, understood as that participation in a broad and varied sense, has come to be seen as not merely one possible mode of governance, but as a broad human aspiration and an implication of the sovereignty of a nation.

At the same time self-determination is not enough if it is merely an exercise of selfishness or of self-enclosure, of ignoring others, their rights and concerns. On the contrary, it is necessary to develop a responsible exercise of one's power of self-determination. This means being able to consider others, to see things from their point of view and to respect their rights. This is to live one's freedom ethically.

With regard not only to individual citizens as above, but also to the state, it is important that the exercise of power allow for the rights of the people and for diverse peoples to join in solidarity between themselves, rather than simply in relation to governmental authority.

This is the essence of civil society, which should moderate domestic and transnational government practice in all spheres, including the economy.

Chapter XII

Public Confidence-Building Measures as Examples of Civil Society Initiatives: A Practical Perspective*

Ivan Angelov And Harry Alexiev

Introduction

No matter the school, affiliation or orientation to which they belong, all available books, manuals or encyclopedias dealing with political science and politics seem to agree that there are fields of human activity which imply or refer to the acquisition, uses and retention of power in a given state or society. Whether it be the *Bolshaya Sovyetskaya* or the Macmillan *Encyclopedia of the Social Sciences*,1 inevitably its basic assumption is that politics deals first of all with the power to achieve certain personal and group purposes.

Far from initiating a broad revolution against such fundamentals of political theory and activity, this study holds only the modest ambition of proving that a number of other factors, not necessarily linked with the direct and immediate possession or exercise of political power, also are essential for the normal, democratic development of different sections of social life and of society as a whole. This understanding is of vital importance for the present and future prospects of democracy, especially in countries where authoritarian tendencies or Marxist-Leninist traditions in political life and thinking are apparent.

The very notion of Public Confidence-Building Measures as an important mechanism for promoting stability and security obviously presents certain challenges to the extremely widespread view that matters of international politics should constitute a closed, exclusive and privileged domain for the activities only of governments and their agencies.

Of course, the roles and functions of democratic governments and governmental institutions as unique means to express and exercise the sovereignty of their respective peoples must by no means be undermined or neglected. It is equally true that one can hardly negate the self-evident fact that, for all that has been said, written or expected, it has been governments and governmental decisions that have played the most important role in putting an end to the Cold War era and all that has been connected therewith in domestic and international politics.

Still it would be entirely wrong to forget that for a number of decades it has been predominantly non-governmental, or not directly governmental factors, that gradually shaped an atmosphere which finally left no other choice to governments than to act accordingly.

As noted above, a correct understanding of existing inter-relationships and interdependencies between directly governmental and non-governmental or public attitudes and activities is of vital importance. This is required for a true image of current issues of democratic development in countries like Bulgaria and for the present and future course of this development itself.

Public Confidence-Building Measures: Origins and Dimensions of the Concept

The notion of Public Confidence-Building Measures as a mechanism for promoting stability and security among different countries derives from the practical approaches aimed at the relaxation of existing disbalances and tensions in the military sphere. Their purpose was to bring about a major improvement in the international relations between two or more competing states, and potentially between their allies as well. The significance of military confidence-building

measures (MCBM) has made them an inseparable element in all important negotiations and approaches to shaping the international arena of our times. In the course of these developments the MCBM developed and perfected their own ways of reaching consensus between negotiating partners. No doubt these can be of use for making sound and stable progress in other fields of international relations as well.

Briefly, this more general significance of MCBM can be described in the following terms:

- Fixed numerical expression of the agreements reached;
-Asymmetry of the different provisions of the agreement regarding the specific interests of the partners in such a way as to enable them to reach a further goal equally appreciated by all.
- Previously agreed mutually acceptable means of control;
- Consensus among the partners as an obligatory element of a sound and lasting agreement.

Unlike confidence-building measures in the military field, Public Confidence-Building Measures (PCEM) lack experience of both the precision and the serious negotiation of the MCBM.

Both differ also as far as the active subjects and the scope of their action is concerned. MCBM are worked out, agreed upon and realized by and supposedly well-organized functional government agencies and employ a satisfactorily developed conceptual apparatus and working procedures. These peculiarities are in principle universally accepted and applied by all who wish to reach a serious agreement with their partners in the field of military detente.

PCBM, on the other hand, are initiated and carried out exclusively by non-governmental organizations, individuals and individual groupings, and therefore are not so easily identified as in the previous case. Even more difficult, especially in the case of the Balkans, is the task of defining what kind of activities should be attributed to the realm of non-governmental or public initiative, particularly when it comes to issues of international relations and security.

What must be understood is first of all that government and non-governmental or public initiatives and activities should be regarded neither as necessarily coinciding nor as contradictory and mutually exclusive. Such a differentiated but not counterpoised vision is especially necessary to evade mutual suspicions of either authoritarian ambitions, on the one hand, or premature political temptations, on the other.

Another factor of crucial importance here is that no single political orientation, affiliation or line can exhaust their potential. Certain kinds of policies can no doubt benefit PCBM better than others, but no peculiar politician or political force can claim exclusive priority over them. Public confidence may accompany a political leader or administration for a period of time, and at some moment depart from them, even if they continue to be in office. Obviously, this is a variable that cannot always be measured or expressed in terms of official, surface-level politics—though let us repeat once again that it should not be regarded as something necessarily opposing or confronting it.

The essence of this study is that public confidence is a characteristic of politics that is generated and is active at some levels below the official surface.

Adherents to the still prevailing classical approaches in politics may here ask what is the use then of PCBM and other such concepts since they are not attributed directly to offices and places where things are really being decided—all the more when it comes to matters of international relations and policies.

The Relevance of PCBM to Current Issues of International Stability and Security in the Balkans

Professor Theodore A. Couloumbis of Athens University and General Secretary of the Hellenic Foundation for Defense and Foreign Policy (ELIAMEP) seems to be one of the few if not the only regional scholars of international relations to touch upon this problem in his recent study on "The European Challenge in the Balkans".

Discussing the factors which are expected to bring substantial improvement in relations between Greece and Turkey as well as in the region as a whole, he specially underlines that "Greece and Turkey, as well as other Balkan States, should embark on the much needed task of mutually and balanced prejudice reduction (MBPR), whether such prejudice be manifested in hostile press commen-taries, textbooks, literature, theater, movies, sports or other forms of social and cultural expression."2

[From our point of view there is no difficulty tracing the similarities between the MBPR technology, suggested by Professor Couloumbis, and the military confidence-building measures (MCBM) procedures, though the latter concern other matters and are supposed to be carried out by other institutions.

In this sense Professor Couloumbis's MBPR coincides with the more obvious levels of the PCBM as mechanisms for promoting international security and stability.]

Another dimension of PCBM can be illustrated by Professor Couloumbis's words referring to the necessity of overcoming certain "overlapping and potentially" conflicting visions about the past and present of the Balkan peninsula, which no doubt have the capacity to "add up to a highly explosive formula."3

We cannot but agree with his words that if the temptations of such notions as "greater Albania", "greater Serbia", "greater Bulgaria", "greater Romania", etc., are evaded and "when the Italians think and act as Italians and not as Romans, when the Greeks think and act as Greeks and not as Byzantines, and when the Turks think and act as Turks and not as Ottomans, there will be peace among them."4

What we have to add though is that for all the truth these thoughts possess they reflect more a certain desired state of things or an ultimate goal than ways and means that may possibly bring such favorable developments closer to reality. PCBM have as their main objective to find out and procure the practical approaches necessary for the realization of desired states of affairs and goals which benefit lasting peace, stability and security among nations.

From our point of view there are two main directions along which such approaches are to be sought and developed:

- informational, and
- participatory.

The Information Aspect of PCBM (Public Confidence-Building Measures)

These require that the citizens of any country in the region constantly receive adequate true information about what is going on in the country and outside, and that the outside world in turn receives true and constant information about the course of events in the region or in any of its countries. This is especially true for a country like Bulgaria whose people, for good or ill, have always been traditionally interested in politics and particularly in foreign policy issues.

The many years under the domination of other nations' authoritarian and totalitarian regimes have inserted into the national character of Bulgarians certain very simple, but working criteria for testing the truthfulness and reliability of the information they are given (or not given) about what is going on in the country or outside it. If an outstanding Bulgarian politician goes abroad and practically nothing about it appears in the media, Bulgarians are automatically inclined to think that this travel has been of no use at all. Similarly, when the Greek Minister of Defence or the Turkish Chief of General Staff visits Bulgaria and people see in the media the very familiar news about "talks in a friendly spirit" and "frank exchange of opinions," no one can make them think otherwise but that "once again things are not going well for us."

In politics, unlike in everyday life, the maxim that "no news is better than bad news" has just the opposite effect. What is to be understood in cases like these is that they affect not only the host country, but also the image of the partner country as well. It may be argued, of course, that both countries have agreed on the nature of the media coverage of the talks between them. In such a case they must be conscious that both of them equally share the negative effects of keeping the public away from matters that cannot but be of concern. Information nowadays seems to be not just the coverage of politics, but part of politics itself. If this is permanently neglected in current political practices then ways and means should be sought to make it fully available.

The informational aspects of PCBM may well turn out to be one of the ways and means for assuring and consolidating the irreversibility of positive changes in Europe and in the Balkans towards wider cooperation and greater stability and security among nations.

The Participatory Character of Public Confidence-Building Measures

These reflect the need for more people being involved in the processes of promoting international security and stability if these are to be permanent and improving factors of international life. Without a clear understanding of this the international community will always risk being engaged in a vicious circle where past phenomena periodically are reproduced in new forms and in new conditions.

A correct and detailed evaluation of the processes that have taken place recently and are going on nowadays in the countries of Central and Eastern Europe is needed. For they make possible an understanding of the role which PCBM can play in the general course of events and particularly for democratic development in the Balkans.

In examining these cases one should try always to differentiate the root factors, the immediate performers (on the official political, economic, etc., levels) and the potentially active participants.

The root factors are the whole complex of favorable domestic and international conditions which at a certain time made inevitable the downfall of the communist regimes in the countries of Central and Eastern Europe and the related changes.

The immediate performers are persons and groups who for a number of reasons have been more effective and quicker than others in organizing and in appearing in the political, social and economic arena. Their personal qualities alone hardly would have been enough to assure their present position if it were not for the support of powerful and influential interest groups and organizations both inside and outside the country.

The potentially active agents and participants in social, economic and political life are in reality very active contributors to the root factors of change, but for one reason or another have remained beyond the perimeter of domestic and foreign attention and help. For the time being this

has prevented them from becoming immediate frontline actors in official politics, economics and so on.

This is not a case against the postulates of classical political theory and practice which not without reason maintain that it would be highly improper to expect that all participants in a certain process some day become leaders. But equally unjustifiable from the point of view of democratic change would be a practice in which only those who happened to be to the fore in economics, politics, etc. absorb all the opportunities and benefits of influential domestic and foreign attention.

Bulgarians have little difficulty in understanding why this is so in domestic matters. Still they have not yet found an adequate explanation or passed final judgement on how foreign agencies, who always have been conceived as defenders and promoters of democracy, also act in this way. It would be natural to expect that after the first years and months of the euphoria of change, foreign representatives would return to more normal and routine contacts and practices. But if this means treating as nonsignificant offers and projects from different (evidently not first-line) groups, it will reproduce the earlier state of affairs when "the people will attend the grand feast by means of their representatives" and those who have really sought democracy could only say "why then did we have to wage The Great Battle of Change?" A practical and feasible way out of such an undesirable development would be a correct and positive evaluation of the potential which PCBM presents for real democratic development and for more confidence, security and stability in the Balkans as a whole.

Creative Potential and Prospects of PCBM in Bulgaria: An Attempt at an Empirical Framework

Generally speaking PCBM are various undertakings in the social, economic, personal and educational, etc., spheres of life which are initiated and carried out by individuals and groups not directly represented in official political, administrative, economic or other structures, but which nevertheless have enough potential to contribute to further democratic development in the country and to greater security and stability on the international level. Essential to this definition is that these undertakings meet with understanding and adequate cooperation on the side of similarly interested groups abroad without which their international effect and efficacy can hardly be realized.

Interviews carried out within the framework of this study in a number of towns and regions of Bulgarian show that nowadays there is a prevailing predisposition on the side of the larger part of Bulgarians towards this very kind of social, economic and cultural activity. This corresponds both with the basic positive and pragmatic features of the Bulgarian national character with the predominant feeling that at this time democracy inevitably must advance. That is, provide vivid immediate opportunities for greater human realization and higher degrees of practical participation in determining the pattern, style and values of life.

Interviews have been carried out using the questionnaires found in the appendices to this chapter. Respondents were mainly participants in public rallies and meetings held on different occasions since May 20, 1993 in the towns of Sofia, Blagoevgrad, Gotze Deltchev, Zlatograd, Topolovgrad, Malko Turnovo, Bourgas, Varna, Dobritch, Byala, Rousse, Kozloduy, Svishtov, Vidin, Montana, Pernik, Pazardzhik, Velingrad, Plovdiv, Kazanluk, Gabrovo and Troyan.

Opinions were collected and compared from all types of regions: large and small, central and peripheral, urban and rural, predominantly industrial and predominantly touristic or agricultural, the plains and mountains, interior and border regions. Since in Bulgaria’s demographic tradition

inhabitants of a given center usually maintain close surroundings, the answers received may be considered representative of all these types of places.

This study is not yet fully representative according to exhaustive sociological criteria. Still, under the existing conditions and with limited resources the informational and human structures have been developed. This not only will enable a satisfactory response to the objectives of this study, but also will provide the basis for its further development into a full scale, exhaustively representative, comparative international research project by a team of scholars.

The questionnaires used in the interviews have been drawn up to assure reliable information along the following main lines:

1. The overall attitude of those interviewed towards the changes that have taken place in the recent years (mainly questions 1, 2 and 3);
2. Evaluation of the recent course of change and what is needed for its further development, particularly in the field of national security and stability (questions 4 and 5). Attitudes on relations with neighboring countries and other factors of international life and security are specifically interwoven into the components of all questions beyond their main or auxiliary purpose;
3. Questions 6 and 7 and the request to send more exhaustive information are essential for marking the PCBM potential of different places and regions and the specific neighboring countries to which they may be related.

A special supplement to the questionnaire has been offered to those interviewed in order to differentiate attitudes on the quality and volume of the information on international affairs they are receiving and its media sources.

It has been extremely encouraging that practically all people, most of whom have been contacted accidentally, have responded willingly to the questionnaires and that many have sent more detailed information and opinions. It is also noteworthy that an overwhelming majority of those interviewed express general approval of the changes that have taken place in the country, though more than half at the same time express concern for the growing problems they confront: rising prices, increasing crime, economic instability, diminishing security and falling standards of life.

The situation is similar in the evaluation of the present international status and position of the country. Once again the majority of the respondents find that this has improved, though over 60 percent of them attribute this more to "major positive changes in the world" (question 2, a) than to a notable contribution on the part of Bulgaria or her immediate neighbors.

No doubt worthy of notice is the opinion of more than 80 percent of those interviewed that they now "see no immediate military threat for Bulgaria", neither from their neighbors nor from anyone else in the world (Question 3). Yet, more than 60 percent show concern over a possible military threat "in the course of time, somewhere in the future" (Question 3, c) and almost the same percentage links such a probability more with inner than with purely international factors, be they superpowers or neighbors (Question 5, c-2).

It seems that a growing part of the population lives with serious preoccupations that "economic deterioration, crime, inner economic, class and ethnic contradictions and conflicts" at a certain moment easily could bring about a kind of instability which under specific circumstances may well result in foreign military interference. Obviously, concerns with the philosophy and prospects of low intensity conflicts at the turn of the century are not completely alien to many Bulgarians, though they may never have read or even heard of Rod Pascal’s famous book.5

Happily enough, these not very optimistic views are to a very great extent dispelled by the really great practical enthusiasm for concrete pragmatic activities in favor of better local and international development. This is clearly manifest both in the number and in the quality of the answers to questions 6 and 7. Inhabitants of both larger and smaller cities and villages all seem to have detailed ideas about how local potential may contribute more efficiently to international cooperation and with which countries in particular such prospects practically may be envisaged.

One axis of differentiation within these many similar opinions was between those who consider the overall recovery of the economy, its industry, agriculture, etc. (Question 6, a, c) essential for more stability and security and those who give preference to ideas and projects in which different local, cultural, natural, geoeconomical and other traditional or newly-emergent peculiar factors play a more significant and decisive role.

It is worth mentioning that the larger part of the first group live in larger cities and centers like Sofia, Plovdiv, Bourgas and Varna, while the second consists mainly of residents of smaller towns or the regions around them.

Still another difference within the latter group is in the quality of the ideas and projects launched. The part concerned with broader plans and hopes for wider and more far-reaching Balkan and European cooperation have better formulated views backed with arguments. Others who share concern for improving international relations, but on an immediate and practical level, lack evidence to back their views.

Very impressive in this respect is the difference in the attitudes of inhabitants of the Gotze Deltchev and the Zlatograd regions in the furthermost southern parts of Bulgaria. Both are equally enthusiastic about the prospects of opening and restoring the far more active relations which had obtained during many decades prior to the Cold War era.

Respondents from the Gotze Deltchev region usually speak and write about the prospect of going to Greece by a quicker and more direct route, and of people from Greece visiting them accordingly. Evidently, their hopes and expectations are related mostly to improving tourism, given the climatic differences between the plains of Greece and the high mountainous character of the part of Bulgaria in which they live.

On the other hand, people from Zlatograd and its surroundings link the prospects for better development and improved relations with neighboring Greece with projects connecting the railways and highways of the two countries. This would create a new South-North transport corridor for Europe, bringing the Eastern Mediterranean and the Aegean closer not only to the Danube, but also to the Ukraine and the Baltic. Their plans are also related to the joint use of the rich lead and zinc deposits of the Rhodope mountains and of other branches of the local economy and industries which in many ways are mutually supplementary in the two immediately bordering regions.

At the same time respondents both there and elsewhere in the country are very conscious of the fact that a possible realization of their hopes and expectations, ideas and plans, is inevitably related to broader issues of politics and international security, not only between Bulgaria and Greece but between each of these and other Balkan countries. This explains why so many connect their hopes for a better future primarily with the prospects of mutual understanding, security, stability and cooperation in the Balkan region (Question 7a). It is significant that the figure of these respondents exceeds only by a small margin the number of those who maintain that superpower influence and relations will still be of primary importance for settling problems in the Balkans (Question 7, b). This shows that a real change is taking place in the mentality of the Balkan nations where great power-dominance and presence traditionally have been considered decisive.

A qualitatively new phenomena of thought and attitudes on foreign policy is reflected also in that only a slightly smaller percentage of respondents than in the case of the superpowers shows a preference for better relations with countries which are more or less of the same size as most Balkan countries but have shown good progress in different aspects of nation-building and economy. It is interesting to note that not only traditionally neighboring countries like Austria, but also such typically Western European states as Belgium and Sweden—and even far away countries like the Republic of Korea and Venezuela—have been singled out in this regard (Question 7, c, d). Still the prevailing hopes, expectations and projects are related to improving relations with neighbors in the Balkan peninsula.

Practical Issues of PCBM in the Balkans, Particularly in Bulgaria

The notion of Public Confidence Building Measures developed in this project is substantially different from other ideas and offers of a similar kind aiming at more or less the same sort of ends. Their function is not just to give more advice either to governments or to responsible international bodies, but to suggest a niche or field in which work can immediately be initiated or stimulated.

[In this sense PCBM differ also from Professor Couloumbis' "Mutually and Balanced Prejudice Reduction" referred to earlier6 in this study. This is not a divergence of views or objectives, but a difference in the ways and means in which this "highly explosive formula" of conflicting visions about the past and present of the Balkan peninsula7 in due course should be rendered harmless and its potential energy transferred into constructive and mutually beneficial undertakings. This is a point to which the current study undertaken under a NATO Fellowship Programme is bringing certain unique and significant results.

Further analysis of the data obtained by means of Bulgaria in the Present World Questionnaire uncovers several more axes of differentiation in the opinions from various parts of the country. The comparison between the results of the main8 and the Additional (Supplementary) Questionnaire9 has manifested, for example, that people from smaller towns (Gotze Deltchev, Zlatograd, Topolovgrad, Malko Turnovo, Byala, Kozloduy, Svishtov, Velingrad and Troyan) show a relatively higher capacity for direct and to the point answers than inhabitants of larger cities and centers.]

Most Bulgarians seem to be developing a balanced attitude on the inner (revitalization of the economy, enhanced social justice, efficient police) and the outer (inviolability of existing borders, strong army, good relations with neighboring countries) aspects of national security and stability (Question 4), where inhabitants of smaller population centers as a rule have been much more enthusiastic in answering Question 6 of the main questionnaire dealing with thus far unused economic, cultural, natural, touristic and other facilities of their respective localities as potentials for more intensive international cooperation. They also constitute the larger part of those who have made use of the footnote to the main questionnaire and even sent a number of detailed and thorough offers in this respect with their names, addresses, etc. This same category of people is usually more definite in giving positive answers to point a of question 7 on the main questionnaire, expressing views that closer relations with neighboring countries may well turn out to be the way to make better use of their unused potentials and facilities.

Hardly any of these people has ever read or even heard of Keynes10 and his theories or the more up-to-date prescriptions for raising aggregate demand as a means to overcome economic recession. But a surprisingly large percentage point to different infrastructual projects (joint construction of roads, railways, modernization of ports, opening up of new check points along the

borders, etc. (Question 7f in the main questionnaire) as important steps both for improving their current well-being and for introducing a greater degree of security and stability in the country, as in the Balkans as a whole.

This is true not only of such smaller borderline towns as Gotze Deltchev, Zlatograd, Topolovgrad, Malko Turnovo, but also of a number of larger cities situated more in the interior of the country. The big construction project of a tunnel under the Shipka branch of the central part of the Stara Planina Main Balkan Range, on which bidding has attracted over 20 mostly foreign companies, is a real issue in the life not only of the large industrial centers of Gabrovo and Kazanluk which it is will immediately connect, but of a number of other towns and areas as well. The project will modernize the existing highway and railroad systems on both sides of the Balkan range and construct another bridge and other transportation facilities across the Danube. Companies from as far away as Japan have showed interest in this.

Such a development seems indispensable both in an immediate and in a longer term perspective. On the one hand, increased traffic over the territory of Bulgaria even now gives enough evidence of the limitations of the transportation capacity of certain sectors of its highway and railroad network. Their modernization will mean progress not only for Bulgaria, but for the region.

The longer-range implications of these issues are of decisive importance for the economic and political evolution of this part of the world and such immediately adjoining regions as the Aegean-Baltic and the Adriatic-Black Sea. Both from a historic and a geoeconomic perspective these are the shortest and most efficient routes between Northern and Central Europe and the Eastern Mediterranean and from Western Europe to Russia and further to the East.

Experts and politicians from various countries now constantly refer to these projects which give hopes that their realization ultimately will prove to be something more than a mere dream or well intended promise.

Yet even in the more or less latent form in which they now stand these ideas seem to exert an extremely powerful constructive influence over vast sections of public opinion, at least in Bulgaria. In the course of our study it has been repeatedly shown that people in the towns and areas around the axis of the possible realization of the large infrastructure projects mentioned above manifest a higher degree of optimism and a more active attitude towards issues of international cooperation and security compared with other places and population centers.

This obviously repeats the situation in smaller towns analyzed in the course of this study where people directly connect the prospects of improving international development with expectations that the enterprises in their respective localities will be set in motion once again or that their natural resources and other potentials will be better employed under the new circumstances, etc.

The direct linkage between improving expectations and attitudes in international relations is not to be interpreted as a kind of oversimplication of existing realities. While, as mentioned before, Bulgarians at the moment almost equally weigh the importance of the inner and the outer aspects of their nation's present condition and security, most (over 68 percent of those interviewed—Questions 4, 7 of the main questionnaire) considered that a notable improvement of the situation cannot be expected without a major international accord embracing the military, economic, cultural, geopolitical, psychological, etc., aspects of the problem.

Neither Bulgaria, nor any of her neighbors alone disposes of sufficient resources and capacities to cope with the imperatives of such modern development. At the same time all possess certain potentials and skills that reasonably can be made to serve not only their own, but also joint interests and needs.

Enough evidence has been collected in the course of this study to confirm that at the moment a majority of Bulgarian citizens share values and a mentality which promise to be the most reliable basis for developing public confidence-building measures and attitudes in this country, the Balkans and other adjoining or potentially interested nations in improving relations with regions, states and organizations throughout the world.

This has been more clearly manifested, as already noted, in the case of smaller population centers and the localities around them, which constitute the majority of the municipalities in Bulgaria. Usually such places tend to be locked in upon themselves and represent centers of local conservatism. Hence, it is especially noteworthy that they now show themselves open and predisposed to international communication and cooperation.

Obviously the situation is more complicated in larger cities where people usually tend to answer questions on international relations, stability and security in more general and sophisticated terms. This naturally corresponds to the more complex and multi-varied realities in which they now live, where direct relationships and explanations sometimes are not so easily seen or expressed. Hence, in answering Questions 2, 4 and 7 of the main questionnaire those in large cities as a rule give more preference than others to such options as "overall improvement of the situation in the world" (2a), "more resolute superpower orientation" (2c, 7b), "affiliation with an international alliance or organization like NATO, EC and others" (af), as factors of improving the international status, stability and security of the country. At the same time they are less prone than others to make detailed offers regarding ways for further activity toward improved international cooperation (Question 6 and footnote, main questionnaire). From a PCBM perspective this makes their position strange and difficult to define.

On the one hand, larger cities always have been considered more susceptible to new ideas, which was remarkably proven during the initial stages of the liberalization processes. On the other hand, the history of these processes has shown repeatedly that as a rule new ideas break through and settle down in huge population centers mostly as a function of a massive party propaganda machine or as an expression of disillusionment with its previous postulates. In both cases citizens living there seem to have considerable difficulty in making their way through the intricacies of social life, politics and economy in order to shape their lives in accord with their vital interests and the claims from the national and international level.

Like most people in the rest of the world, they want a more secure and better life, especially in the face of the prospect of rising crime and overall instability.11 But because of their realization of the complexity of things and the real difficulties in finding reliable solutions, or for other reasons, they may suddenly seem less able than many of their fellow countrymen living in far less favorable circumstances to develop their own idea as to what is to be done and where to start under present conditions.

All this leads inevitably to the need for an integrated view of the aspects and peculiarities of the transition period in Bulgaria and Eastern Europe as a whole. This will help to clarify and understand from one more perspective the importance of PCBM as well.

Notes

1. *International Encyclopedia of the Social Sciences*, David L. Sills (New York: Macmillan Co.: Free Press, c1968, 1972 printing), XII, 265, 235, etc. Practically the same basic points about politics and the political process are to be found in vol. XX, p. 217 and elsewhere in the *Bolshaya*

Sovyetskaya Encyclopedia, though somewhat more substantially based upon classical quotations and in Marx-Leninist rhetoric.

2. Theodore A. Couloumbis, "Greece and the European Challenge in the Balkans" in *The Southeastern European Yearbook, 1991* (Athens: The Hellenic Foundation for Defence and Foreign Policy-ELIAMEP), p. 87.

3. *Ibid*.

4. *Ibid.*, p. 88.

5. Rod Pascal, *Special Operations and Unconventional Warfare in the Next Century* (Future Warfare Series; New York: Pergamon-Brassey, 1990).

6. Couloumbis, *op. cit*.

7. *Ibid.*, p. 87.

8. "Bulgaria in the Present World", the questionnaire used in the course of the research project.

9. Supplementary questionnaire.

10. G. Keynes, *The Theory of Employment, Interest and Money* (London, 1960).

11. It is noteworthy that perhaps for the first time in Bulgaria's history these factors are considered to have more influence on the security status of the country than even such traditionally decisive items as military threat on the part of a great or neighboring power. The correlation has been almost 70 percent: 30 percent (9.5 of the main questionnaire).

Appendix I
Bulgaria in the World Today

(Main questionnaire for an international research project devoted to confidence and security in the Balkan region.)

The conclusions and the proposals to be made as a result of this research will contribute to further clarifying and identifying this country's national priorities and its current and future policy.

1. Do you consider that the international position of Bulgaria has improved during recent years?

- yes; - no; - cannot say; - other.

2. What factors influence most the current international status and position of the country? (Number your preferences 1, 2, 3, etc.)

a) general improvement of the situation in the world
b) improving relations with the neighboring countries
c) reorientation towards other superpowers
d) it is difficult to say
e) other opinions

3. Is there any military threat for Bulgaria at the moment?

- yes; - no; - do not know; - potentially later; - other opinions.

4. What in your view is most essential for the security of the country at the moment? (Number your preference):

a) guarantees and inviolability of the national borders
b) strong army and police
c) revival of the national production and economy
d) more social justice
e) better understanding with the neighboring countries
f) membership in a group or alliance such as NATO, EU, etc.
G) membership in some other kind of alliance
h) other opinions
i) cannot say.

5. What may be considered the biggest threat for Bulgaria in the near future? (Underline what coincides with your opinion):

a) a military threat from a neighbor country (which one?)
b) a military threat on the part of a great power (which one?)
c) inner social and class contradictions

d) further aggravation of the economic situation
e) crime
f) conflicts on an ethnic or religious minority basis
g) others
h) have no opinion.

6. What unused resources for mutually beneficial international contacts and cooperation do you see in your region? (Proposals can be made separately if you wish.)

a) industry (branches, enterprises)
b) agriculture (what kind of products)
c) well-trained and experienced specialists (which fields)
d) cultural traditions, folk-art groups, buildings, etc.
e) sport, tourism (nature, rivers, lakes, sea, buildings, etc.)
f) geographical position favoring construction of new roads, more intensive contacts across the borders, etc.
g) natural resources (mineral waters, ores, etc.)
h) other opportunities
i) we have none.

7. With which countries are these opportunities most likely to be developed:
a) some of the Balkan countries (Albania, Greece, Romania, Turkey, which of the countries of former Yugoslavia)
b) a great power (Great Britain, China, France, Russia, U.S.)
c) some smaller countries (Austria, Sweden, Venezuela, South Korea)
d) some other country (write which one).

Appendix II
Bulgaria in the World Today
(A Supplementary Questionnaire)

1. Who are you? (Underline one of the following):

a) male/female/young man/girl
b) pupil/student/worker/state employer/intellectual
c) businessman/agricultural producer/learned profession/private tradesman/temporarily unemployed/pensioner
d) other.

2. Education and vocational training:

a)primary/secondary/general academic
b) specialized vocational
c) higher technological
d) higher humanitarian

e) other

3. Where do you live and work?

a) Sofia
b) large town in the inner regions of the country
c) smaller settlement
d) settlement in a border area.

4. Would you vote at the moment for: (underline or number 1, 2, 3. UDF; BSP; FRM; CAR; NUD; BSCP; BAPU; others; would not vote.

5. Do you now receive more information on international relations and foreign policy issues? (Please underline):

a) yes
b) no
c) cannot say with certainty
d) nothing substantial is being said
e) the really important things are missing.

6. Where do you learn most on foreign policy and international relations? (Underline one of the following or number your preferences):

a) DEMOKRATZIA
b) DUMA
c) *Otechestven Vestnik* (The Fatherland Paper); *Trud* (Labour); *Svoboden Narod* (Free people); *Prava i Svobodi* (Rights and Freedoms)
d) another paper (which one?)
e) a specialized scientific magazine
f) radio/TV
g) talks with friends; personal sources of information
h) I am not interested in these issues.

7. Are you personally acquainted with NATO's Partnership-for-Peace Program?

a) yes, in detail
b) partially
c) I know only the title
d) I have not heard of it
e) I am not interested in these matters.

Plovdiv University and Doverie (Confidence) NG Structure,
Zlatograd, Bulgaria

Discussion

A significant theme here is that of decentralization.

The pattern in Eastern Europe since World War II has been to locate research in large Academies of Science and for the universities to concentrate on teaching what was developed largely in the academies. This highly centralized understanding and insight is placed under easy political control. Further, for if those teaching in the university were not themselves generally engaged in research their teaching could not be expected to stimulate a critically questioning and exploratory attitude on the part of their students. Intellectual passivity, however, deprives the country of the creativity needed in order to progress and provide for the needs of the people. Some consider this to be one basis of the collapse from within of the regions of Eastern Europe in '89.

In this light an important present step is to engage the people on all levels from the locality to the regional high school or college, to university students and professors in a process of coordinated inquiry. This shifts the movement from top-down to bottom-up. This process of participation by the populace is a matter not only of garnering personal preferences, but of enlivening the public.

Historically, it was noted that there seemed to be more space for developing citizen participation and collaboration from below in the years before the 60s, when till the early 80s such activity was limited from the center. In the 80s it began to develop once again and great hopes were placed in it after 89 especially through the United Front. The results, however, were disappointing and the earlier management of national affairs was returned to office.

This may suggest the importance of a tripartite pattern as noted elsewhere, namely, distinct political, economic and civil society spheres. In exceptional circumstances civil society can be called upon to supplement or even substitute for the political order, but it is not adept at doing so, for its concerns are too deeply focused on the general welfare and its competencies are too focused on specific areas of human activity. Similarly, the political order which focused upon power is poorly adapted to managing a country's economy which is focused upon profit. Hence, it is important to envisage three sectors and to enable them to interact for the public good.

To allow room for civil society, however, it is necessary that the proper character and dignity of the person be recognized. This can be appreciated from the culture of a people, but it is unfortunate that in the modern rationalist search for clarity of thought, and thereby for control, the freedom and creativity of persons have been slighted. Indeed, it is not impossible to read the history of this loss of appreciation of the dignity of the person as the history of the loss of space for civil society in the various nations and in wars hot and cold. In the present circumstances it is necessary to regain an appreciation of the character and dignity of persons and people, and to rediscover the ways of acting together in society. This is the making of civil society.

This may explain as well why civil society seems to be more easily understood and realized outside the city where interpersonal relations are closer and more vivid than in the cities whose size renders them less than personal in character. However, city life is more complex and hence specialized, allowing thereby for more groupings of people with shared concerns and competencies. A matter such as health, which in a village might be the concern of one person, in a larger community is the special concern of many. This lays the foundation of a particular grouping along with many others relating to other concerns and competencies.

Patterns of solidarity and subsidiarity need to be developed from the circumstances and experiences of the grass roots in order for the people to come ever more fully alive in the free exercise of their interests, competencies and creativity. This is the emergence of civil society.

Chapter XIII
Current Humanoids and the Return to Civil Society

Richard Khuri

What Civil Society Is Not

> From these cement mazes emerged, exhausted, men and women who had sold another day of their time to the enterprises that fed them. They had lived another day without living, and would now restore their strength to live another day tomorrow which would not be lived either, unless they fled—as I used to do, at this same hour—to the din of the dance hall or the benumbment of drink, only to find themselves the next sunrise more desolate, wearier, sadder than before.
>
> Alejo Carpentier1

Stray Dogs

The scene described above is set in New York City, which Carpentier knew very well. But it is a scene that has spread to many other cities, in dozens of countries, since *The Lost Steps* was first published in 1953. Everywhere people now face the consequences of a single-minded commitment to material progress, for modernity has effectively been reduced to the organized activity of masses of humanity around that commitment.

The morally and spiritually barren "culture" of late modernity has produced many kinds of "stray dogs". Most visible are the downcast and forsaken that fill the streets and stations of New York City, and their brethren in other cities across the United States, and in London, Moscow, Bombay, Bangkok, Manila, Port Moresby, Belém, Rio de Janeiro, Kinshasa and Maputo. These have become the human detritus of increasingly refined systems that propel material progress ever forward, but in which they are condemned to have no place, systems in which the harshest Spencerian doctrines have become embedded. (Of all people, it was Nietzsche who described Spencer as insane. He headed two quotations from the latter with the title: "Inscriptions for the Door of a Modern Madhouse."2 But there are other kinds of "stray dogs", less visible, but no less deserving of our pity. They are the ones made morally and spiritually homeless, confined as they are to arid and joyless workplaces and homes. These are the people Carpentier had in mind.

Every day, they lead a life that makes them forget what society is, so that among younger generations many no longer have any idea about society, civil or otherwise. In a democracy, these people vote and have the power to decide the future shape of society. Should they ever be in the majority, then all that can be hoped is that their decision will be informed by some vague yearning for the company of others in a manner that will give rudimentary shape to future democratic societies.

Here we already begin to notice the degree to which late moderns (mostly, but not exclusively, Westerners) have become ignorant of the nature of society. Most, when they speak of "civil society", mean law-abiding citizens who do not throw litter into the streets and blare their horns, who cast their votes and show up for work and jury duty on time, who tell a neighbor or stranger where to fix their car or buy food at a better price. Few seem to notice that this barely skims the surface of one’s social being, that it completely ignores the inner bonds that really compose a civil society. No conception of civil society that in theory allows it to be entirely made up of "stray

dogs" can be adequate. The second part of this paper will try to contribute towards making up for these shortcomings in late modern thought and practice. But first, we need to survey two more ways that civil society fails to come about in these days.

Humanoids

Some believe that the best way to alleviate the discomfort of those, who while securely positioned within the systems for material advancements nevertheless feel like stray dogs, is for them to "outgrow" such feelings. Among them are futurists who for a hundred years now have been preaching a new dawn of a being without emotions, *homo technicus*. Only under the influence of such futurism is research in artificial intelligence so massively funded and some of its more fanciful practitioners, who are genuinely unwilling to distinguish between man and machine, not declared insane and dealt with appropriately .

The pressure to convert humans into humanoids has increased since World War II. This mass descent into subbestiality has led many to lose faith in their emotions. They then reached the absurd conclusion that peace can be guaranteed only among unemotional beings, failing to notice that this would be a peace of the living dead which would make many yearn for war, the more violent, the better. The upsurge in violence in the United States is due partly to many people who remain full of emotions being forced down self-destructive avenues for their expression. The idea has become widespread that to be emotional is to be weak or backward, especially for young and middle-aged men.

This is not the place to analyze why ours has become a society that requires its most successful members to be virtually without feelings, or to act as though they had none. It has to do with Anglo Saxon culture, reaction to the horrors of this century, and the frenzied acceleration of technological progress. Far removed from the lively and robust environment in which people two generations ago had to work and make their choices, many now work in a physical environment that saps human vitality.

The very configuration and gadgetry in which white collar workers are immersed for up to 80 hours a week suggests a humanoid disposition. Most have also to endure psychological pressures that effectively paralyze the development of their character, a paralysis first brought on by peer pressure at public schools. Nowhere do people seem more uniform, more predictable in their tastes, jokes, opinions and laughter (blatantly affected if at all present) than in the U.S. This despite all the diversity among ethnic groups and those not embarrassed about their rural or regional affiliations, though these are losing out under present circumstances.

It does not matter, then, whether society is civil or not among beings forced to succumb to the dehumanization of advanced technological culture amid a drive perpetually to improve material conditions regardless of the cost. For the discussion about civil society to make any sense, we must make sure that it ultimately will be about human beings free to express every major dimension of themselves. mental, but also physical; emotional and spiritual; individual, but also social.

A systems or series of interlocking systems that allows an average of 20 minutes a day for spouses to spend with one another leaves no room for friendship (North Americans often confuse ac-quaintances with friends). Rather it favors conditions that snuff out human feelings, and may just as well be totalitarian.

Narcissists

For many of those who survive the humanoidal imperative, such is the intensity of life within them that they succumb instead to narcissism. By ‘narcissism’, we do not mean ‘self-absorption’, for ‘narcissism’ in our century has become a complex and useful psychoanalytical term. In Christopher Lasch’s well-known work, *The Culture of Narcissism*, the term refers to a related group of personality disorders brought on by the outward conditions of modern life. These disorders combine to distance individuals from surroundings (both persons and things), as well as from themselves. Mere self-absorption does not by itself entail the kind of enforced shallowness characteristic of those who are relatively favorably placed in corporate and government bureaucracies.

The contemporary narcissist has many traits that make for success in bureaucratic institutions, which put a premium on the manipulation of interpersonal relations, discourage the formation of deep personal attachments, and at the same time provide the narcissist with the approval he needs in order to validate his self-esteem. . . .3 In a recent postscript, he describes those traits as a certain protective shallowness, a fear of binding commitments, a willingness to pull up roots whenever the need arose, a desire to keep one’s options open, a dislike of depending on anyone, an incapacity for loyalty or gratitude.4This kind of person, Lasch goes on to say in the main body of his text, sees the world as a mirror of himself and has no interest in external events except as they throw back a reflection of his own image.5

While the history of this metamorphosis is beyond the scope of this paper, it is worth noting that the main line along which it unfolds, according to Lasch, is that of the steady erosion of the moral and religious values which long accompanied the North American drive for material success. Before the 19th century, material success was seen as only one objective among others, and usually not the most important (salvation and the good of the community were given priority). When material success was pushed to the fore with industrialization, it continued to be tempered with some regard for how others were faring, or at least with a concern that the wealthy man be also a good man *for good reason.*

This was true even of the "robber barons": Cornelius Vanderbilt founded what since became one of the South’s finest universities; John D. Rockefeller’s fortune has helped finance a great many philanthropic undertakings for nearly a century; Andrew Carnegie’s underwrites world peace and some of New York City’s best recitals; Andrew Mellon combined with Carnegie to start another good university in Pittsburgh, and so on. If these fearsomely successful individuals rose on the back of civil society and nearly broke it with their weight, there was at least a measure of indirect atonement in their legacy, the economic wherewithal for the partial reconstitution of what they had ruthlessly torn asunder.

Since then, however, any pretense that the pursuit of wealth is an objective among others has been shed. An even stranger erosion has taken place: while the single-minded pursuit of wealth was first tied to a strong work ethic, this has now been cast aside in favor of creating the impression that one gets things done, the impression that one is a "winner". (The infamous Saudi financier and arms merchant, al-Khashukji, learned this game almost to perfection.) The confidence man has superseded the working man. Latch reports that he was:

> struck by the evidence, presented in several studies of business corporations, to the effect that professional advancement had come to depend less on craftsmanship or

> loyalty to the firm than "visibility", "momentum", personal charm, and impression management.6

That style has come to precede substance is due partly to the communications revolution which Lasch believes puts pressure on us all to experience life, whether consciously or not, as though we were part of an endless and self-enclosed spectacle:

> We live in a swirl of images and echoes that arrest experience and play it back in slow motion. Cameras and recording machines not only transcribe experience but alter its quality, giving to much of modern life the character of an enormous echo chamber, a hall of mirrors. Life presents itself as a succession of images or electronic signals, of impressions reproduced by means of photography, motion pictures, television, and sophisticated reading devices. Modern life is so thoroughly mediated by electronic images that we cannot help responding to others as if their actions—and our own—were Heinz recorded and simultaneously transmitted to an unseen audience or stored up for close scrutiny at some later time.7

These are the elements for what thinkers such as Jean Baudrillard and Umberto Eco call "hyperreality." This structurally ineluctable unreality (or hyperreality), at any rate for those truly caught in modernity's most recent drift, has consequences that go far beyond our problematic. For one thing, they seriously undermine the very being of a human. Instead of a centered, metaphysically ascendant person, capable of infinite variety and individuality because of his or her depth, each human turns into a travesty of the Humean notion of the self (which itself is a kind of unintended intellectual joke). The individual human being is reduced to a motley of mostly manufactured aural and visual snippets, whose *number* is potentially infinite. But no number of them can ever constitute a *personality* or even *one* human being. What we seem to have are miscellaneous snippets that are randomly gathered and then dispersed. This leaves the masses of human beings in whom they are provisionally gathered permanently adrift. They are alienated from every possible collection of snippets and yet unable to discover, let alone build on, whatever within them in a healthier environment might transcend those kaleidoscopic collections. This lamentable condition titillates the vanguard of intellectuals who leave human nature behind, for it leaves them utterly free to waste their considerable talents on the endless games that can be played when lives are reduced to mass-produced collages.

In an imagined world of pathologically self-conscious nar-cissists, of people utterly alienated from the world and themselves, how can any society be formed? North America and much of Western Europe already has more than its share of such people. To the extent that it does, there can be no society at all, much less one that is civil.

A Few Steps Back to Civil Society

Now that we have sketched some of the more serious threats to civil society, we may begin to portray what it is that concerns us so. Here we must be careful not to identify civil society with democratic culture. *Civil society comes first.* It is an entirely indifferent matter to those whose society is genuinely civil that they receive the programmed approval of representatives of the present concentrations of power and their sycophants. To commend a country as democratic or obliging to the current interpretation of 'human rights' is almost a duplicitous act when we

remember that the world today is dominated by a materialistically driven order with a democratic facade that callously breeds scores of stray dogs, humanoids and narcissists. It should not surprise us that democracy has unwittingly served interests that by now diminish the depth and scope of human life, for democracy is itself witless and entirely dependent on the wit of those who practice it. If the greedy and shallow should overpower the rest, then democratic politics are bound to reflect this.

Democracy is but a means to an end, ideally that individuals and the civil society they form realize themselves to their best potential. Should the prevalent view of this potential be corrupted, as we witness in contemporary North America with moral and intellectual standards relentlessly being driven downwards,8 then democracy at best becomes a farce, at worst a curse.9

Civil society, then, comes to the fore not just as a mediation between the state and market forces, and certainly not as the latest buzzword to entertain the political elite, but as a pivotal form of collective human being in its own right, irreducible in principle (if not, alas, in practice) to a politico-economic function.

If we have just seen the need for separating our consideration of civil society from our obsession with democracy, now we must pursue another cautionary path, towards metaphysical limits and insights that provide the proper philosophical context for our discussion. A most unexpected source comes to our rescue here, in the guise of Heidegger's reflections on the conjectured Anaximan-drian meditations, of which only the tersest of residues has come down to us. For Anaximander, six centuries or so before the birth of Christ, had been preoccupied with the transience of every sort of order within the universe, including the universe itself and, no doubt, the local gatherings that together comprise civil society as we have known it.

Civil or any other society, to begin with the obvious, is a historical phenomenon. The whole of history, as Heidegger sees it, arises from the fundamental discrepancy between all that comes to exist in the universe, and where it all comes from. It is defined by the endless possibilities that present themselves to beings like us who, turned towards whatever comes to be, are in that very orientation turned away from the source of all being. Thus, "as it reveals itself in beings, Being withdraws."10

The astonishing awareness of ancient and medieval mystics in all major religious traditions reverberates in these words: All our thought and perception, all our actions, as soon as they behold any object at all, anything that is in any way definable, are left in the dark about pure Being. From the standpoint of Being at its purest, or Truth, all of thought, perception and action is in error! Being itself, in giving life to all forms of being, in allowing them into the world of experience, at the same time veils Itself by their means.

> [b]y illuminating them, Being sets beings adrift in errancy. Beings come to pass in that errancy by which they circumvent Being and establish the realm of error. Error is the space in which history unfolds. . . . Without errancy . . . there would be no history.11

Life itself, to paraphrase Nietzsche, rests on an error; it thrives on errancy. One ought not despair at that metaphysical condition. On the contrary, were we able to rest for all time in truth, all life and history would cease. When on the other hand, the overall metaphysical condition gives all of creation the infinite room of errancy in which to move, life can be lived and history made, always creatively, more or less removed from the truth, but never congruent with it. History, then, originates with the diverse movements of various groups of human beings in the infinite realm of

errancy as they attempt to converge on the truth. It is in this metaphysical flux that civil society comes to be.

Another related form of metaphysical flux that all creation must endure is the continuity between what is present to us, and what is absent. The problem is that what is absent to us is also present, except that we have no access to it. The totality of what is present is indifferent to whether it is present to us or not.12 This has decisive bearing on the values and ideals around which civil societies are gathered. For these are elusive insofar as they bridge the two sides of the present, which to us seem to be the present and the absent. The values and ideals that illuminate our lives have a foothold in a darkness that we are unable to penetrate. Yet it is a darkness wherein lies the seed for much radiance:

> . . . you rise from that dark world where you descended, as now, after rain, the green of the trees intensifies, on walls the cinnabar.13

Both kinds of metaphysical flux render vain the hope that any manmade order can last very long. More than this, to treat any temporal order as though it ought to surpass its metaphysically limited allotment in time can be only self-defeating. For in wearing out its metaphysical welcome, a temporal order subtly shifts its purpose: Originally there was the distillation of a collective human endeavor to make history in reaching out towards the truth and extending their being to the utmost; later this is perpetuated for its own sake; and finally it imprisons within increasingly narrow domains those whom it rules:

> What has arrived may even insist upon its while solely to remain more present, in the sense of perduring. That which lingers perseveres in its presenting. In this way it extricates itself from its transitory while. It strikes the willful pose of persistency, no longer concerning itself with whatever else is present. It stiffens—as if this were the way to linger—and aims solely for continuance and subsistence.14

In this, we read the story of religious institutions that after some short or very long time cease to advance the faith they had been meant to uphold and give in to the institutional imperative. Amid all the flux and transience, however, two things remain fixed: The Being from which all flows, and the bonding between beings that, as Heidegger abstractly puts it, endure their preordained end, individually and collectively, with care for one another:

> Insofar as beings which linger awhile do not entirely dissipate themselves in the boundless conceit of aiming for a baldly insistent subsistence, insofar as they no longer share the compulsion to expel one another from what is presently present, they let order belong. Insofar as beings which linger awhile give order, each being thereby lets [care] belong to the other, lets [care] pervade its relations with the others.15

We need not decide here whether this is a faithful interpretation of what Anaximander had in mind in the famous fragment.16What matters is the idea of beings, human beings in particular, caring for one another and for the beings that compose their surroundings amid unending, metaphysically inevitable transience and flux. The character of that caring as it varies over time and place, and its ripple effects through ever larger gatherings from couples to nationals,17 is at

the heart of what we call "civil society". All other discussions of civil society are heartless, as are all such social formations. Small wonder that they are easily drowned by consumerism riptides.

Care begins with love, the love of mother and father for their children, the love between mother and father that more often than not creates children, the love among members of the extended family, the love that friends share, love of the land, love of one's native tongue and lore, and so on, as clans and villages and neighborhoods and cities and countries grow from the ground up.

Paul Peachey shares long years of experience in a chapter that revolves around the pivotal role of conjugality in the formation of civil societies.18 Three highly relevant features of conjugality were pointed out:

(1) The need that a man and a woman have for each other, as epitomized in Genesis, which depicts a solitary Adam unable to fulfill himself as a human being for all the powers bestowed upon him until graced with the company of a woman. Dialogue is an essential quality of human being; we can never quite be ourselves all alone. But to be meaningful dialogue must involve parties sufficiently different in order for their interaction not to be a thinly disguised monologue, hence man and woman. Thus begins society, civil or otherwise.

(2) What is of special value in conjugality with regard to civil society, however, is the always present possibility that it be based on the responsible exercise of free will. For whilst one cannot choose one's parents, a man and a woman who are perfect strangers to begin with are certainly free in principle to come together as man and wife. (In practice, this has rarely been the case outside of the modern West, and even in the United States there is more concern than before that couples share a concrete background, such as an ethnic or religious affiliation or at least some friends and acquaintances.) In any case, Peachey makes a correct and important distinction between one's historically determined relation to one's parents and the freedom with which one bonds with a future spouse.

(3) The most intriguing prospect offered by Peachey for our reflections comes in the implications that he draws from the intention expressed in every marriage, namely, that the covenant thereby made be kept. For he now asks, based on the fact that marriage succeeds more often than not, even in California:

> Can it be that this process, figuratively speaking, becomes the social protoplasm—the capacity to make and keep covenant—from which other, more complex social forms are subsequently fashioned?19

That the answer to his question is probably affirmative rests on what recent studies have revealed about the consequences of broken homes for the children whose fate it has been to suffer them. For these children have been shown generally to lack the ability of their peers to form healthy social relations. In particular, they seem more vulnerable to divorce when their turn comes, thus perpetuating the cycle of malaise.20 When we compound these effects, we find that social well-being depends on that of the couples who quite literally form society: failing or broken homes will in due course lead to social disintegration, a process accelerated by the fact that a failing society will make it that much likelier that more and more homes will break. Hence,

> [I]t is in the conjugal dialogue of the parents that the child is inducted into the covenanting processes whereby society continuously creates and recreates itself. .

> . . When the parental dialogue fails, the child's induction into the covenantal world aborts.21

The covenant that friends make and often keep is not as intimate and final as that between man and woman in marriage. Yet such is its importance that few marriages can survive the pressure of neither spouse having real friends (which is the predicament of many in the contemporary West). We can therefore extend Peachey's argument to include a wider circle of relationships, for human beings enter into many different kinds of covenants with one another, ranging from marriage and friendship to the trust between strangers without which most necessary practical transactions would cease, however the law might protect those who have been swindled or incompetently serviced.

That Francis Fukuyama has had to follow up his pronouncements on the impending end of history with a volume on trust shows us just how degenerate the moral situation has become. In Turkey where the extremely low fares could have been an incentive for trickery, despite the fact that I was a stranger, no taxi driver drove me around in circles even after midnight and from a distant suburb, nor was a tip expected. In Copenhagen a bag, left on a bus with passport, cash, and all the notes for my doctoral dissertation, was brought back to my hotel by another driver, with nothing missing. In New York City, Washington DC or Los Angeles?

We need to look for what it is in people that makes them kind, caring or honest even in adversity, even when the law breaks down or has but nominal presence. We need to develop a feel for what it is that makes so many people good in a city like Calcutta, for Calcutta is usually mentioned as an example of what a city ought never be: wretchedly poor, filthy and overcrowded. All our economic indices, indeed all rational analyses, which predict a grisly collapse for the urban pride of Bengal would urge our surprise that it has yet to fall prey to unimaginable savagery. Those of us who have not seen the films of Satyajit Ray and been transfused with the genuine compassion and hope they convey so forcefully can read the accounts of the American anthropologist Richard Critchfield, who has seen much of Calcutta and Bengali villages.

Critchfield reports that once, in 1959, he had mingled with a group of shoeshine men, beggars and pickpockets on Chowringhee Road in the heart of downtown Calcutta when a monsoon storm broke. He had been chatting with a shoeshine man called Ahmed moments before the storm forced an impromptu gathering in his kiosk. All of them lived off the leftovers from a government canteen which were sold cheaply by a Bengali vendor; all had only a fishpond nearby to bathe in; all slept on torn straw mats after waiting for customers all day long. In the days that followed, the city was ravaged by the downpours, which killed thousands, left tens of thousands homeless, and caused rice riots as a result of the breakdown in the distribution system, such as it was. When Critchfield returned somewhat later to the site of Ahmed's kiosk and was hit by yet another squall, he reports:

> . . . [The men were huddling and shivering in a little group in the center as the rain whipped in and lashed them from all sides. . . . Everyone was wet through; their eyes seemed darkened by hunger or exhaustion. With the streets awash, few of them would have had any way to make money. Some of the faces looked baleful and, fearing to be set upon for money, I started toward the other side of the road. Then someone called out. It was Ahmed, the shoeshine man. When I turned back and the others recognized me, they cried out in dismay that *"sahib"* was wet. Someone ran to fetch a box to sit upon. In a minute someone else came running, somehow producing a cup of tea. To my dying day, I shall never forget their faces: wet,

> trembling, sick, half numb and shivering with cold and lack of food, and yet eager, cheerful, triumphantly alive.22

When he reflects on such experiences, he writes:

> Calcutta's statistics were as bad as they ever were, nor was what you saw much different. What I had badly underestimated was its people. I had treated Calcutta as a solid object, like a biologist dissecting a frog.23

If we try to dissect civil society, we shall miss what holds it together, what gives it life. Johann Gottfried von Herder (1744-1803) understood this very well. He certainly understood that civil society is not primarily bound together by a social contract (whether explicit as in Hobbes, tacit as in Locke or hypothetical as in Rawls). On the contrary, to think in contractual terms as a basis for sociopolitical cohesion is a decisive step in distancing people from one another, in encouraging them to think in terms of their rights rather than the relations that bind them to their fellow men and the attendant duties.24 As soon as people begin to think first of their rights, including human rights, the seed of fragmentation is planted among them. Western political thought has either been incredibly unimaginative in recent centuries, or it has done nothing other than surreptitiously affirm the fragmentation that unstoppable forces had already set in motion. In both cases, it has shown complete ignorance of what truly binds people together. It has also served, in various ideological guises while supported by awesome economic and military power, to cause untold harm to social health and cohesion the world over.

Herder went against that malignant current and affirmed the primacy of the ties that have been emphasized here: those within families, groups of friends, villages, neighborhoods, towns, cities, regions and perhaps countries.25 But he also sought the inner wellspring of sociopolitical life. He found in language:

> a magnificent treasure store, a collection of thoughts and activities of the mind of the most diverse nature.26

It is well-known that Herder went on to identify those who shared a language with nations, although he was not the father of nationalism in its rabid form. That the nation-state has turned out, after so much early promise, to be little more than a gigantic machine in the service of broadening the reach of market forces, should force us to revise that identification considerably. Nations have, by and large, become the vehicles for the standardization and oversimplification of language. It is no accident that the more English becomes an international language, the more impoverished it seems. It is gradually shrinking to the sort of formal language that makes it compatible with machine languages and turns the lunatic pontification of computer scientists into self-fulfilling prophecies. Language only remains alive, only reaches into every nook and cranny of human experience and imagination, when it is spread over many different localities, each with its own idiosyncratic expression in both speech and writing. Language, in other words, can not survive without dialect, without the autonomy of its regional forms. We now know that the clarion call to unify languages across vast tracts of territory was motivated by economic expansionism, outside but also within one's borders.

Life is permeated with dialogue through and through, for not only do man and woman need one another, but languages need internal differentiations and external adversaries in order to

remain dynamic. We may then modify Herder's political philosophy appropriately: The basic cultural unit is that which shares a dialect, a well-defined locale reflected in the particular usage of a language whose prevalence may stretch far beyond that locale's borders. Southerners and New Englanders and Italian Americans and Cumbrians and Yorkshiremen ought to be proud of how they speak and use English, and only modify it when trying to make themselves clear to others.

Civil society's largest natural borders, then, are the locale, the region, places where people share a language more than just formally, in ways that go beyond what grade and secondary school instruction can convey. Within that locale, there are networks of families and friends, villages, towns and perhaps a few cities, or the locale might be a neighborhood within a city, or, in our strange new world, a network of people dispersed over great geographical distances yet bound by things they deeply share, like the Muslim scholars, merchants and mystics spread over a huge empire in medieval times, or the Chinese or Armenian diaspora.

Any attempt to expand the geographical scope of civil society beyond the limits we have outlined will result in the mechanization of society, will, in short, cause social breakdown.

We must not forget that language is not something for its own sake, but a living repository of a vast array of relations to the world, some of which go beyond the world.

It may be wrong to just look for civil society. We may have to feel what it is, to live it with others if we have forgotten how. Dry academic studies can do no better than perpetuate the spiritual slaughter. Social reconstruction will continue as a mask for social reconstruction if we make no attempt to grasp social life from within, in our own lives, genuinely. In any case, a logically-based, systematic account of social cohesion will necessarily collapse under the weight of eternal metaphysical transience and flux, of which wise men from Anaximander to Heidegger have made us aware (and which is clearly depicted in the Hindu notion of the veil of Maya).

As poets have always been masters of the ineffable, I shall close with the words of one of this century's very greatest poets, Eugenio Montale. He took social dissolution as a fact of modern life and felt the font of close bonding recede further into the background. But he never lost his love of life, nor the sense that it is best lived when shared in the presence of a transcendent (but for him utterly mysterious and quasi-mythical) source, even if in faint and changed voices that reverberate over formidable divides:

What tomorrow will bring, joyful
or somber, no one knows.
Our road may take us
to clearings untrodden by human foot,
to whispering streams of eternal youth;
or perhaps a last descent
into that final valley,
all darkness, memory of light quite lost.
Foreign lands perhaps
will welcome us once more: we will lose
the memory of our sun, our lilting rhymes
will be forgotten.
And the fable
that expresses our lives will suddenly become
that grim tale no man will ever tell.
Still, O father, one legacy

you leave us: some small part of your genius
lives on in these syllables we bear with us,
humming bees.
However far our journey, we will always keep
an echo of your voice, like the brown grass
in dark courtyards between the houses,
which never forgets the light.
And a day will come when these unvoiced words,
seeded in us by you, nourished
on silence and fatigues,
will, to some brotherly soul, seem seasoned
with salt-sea brine.27

Notes

1. *The Lost Steps*, tr. Harriet de Oní (New York: Farrar, Straus and Giroux; the Noonday Press, 1989), p. 252.

2. *The Will to Power*, tr. Walter Kaufmann (New York: Vintage Books, 1968), #541, p. 292.

3. Lasch, *The Culture of Narcissism* (New York: W. W. Norton, 1991), pp. 43-44.

4. *Ibid.*, p. 239.

5. *Ibid.*, p. 47.

6. *Ibid.*, p. 239.

7. *Ibid.*, p. 47.

8. I must add to the chapter of Charles Dechert that not only have the criteria for what constitutes deviance become pathetically loose, but there are many who refuse even to admit that there is any dichotomy between normalcy and deviancy! Many groups of people who gather around their shared deviancy will not stop short of obliterating that dichotomy in public discourse and even in private thought if at all possible, for their peace of mind has come to depend on the sinister goal of emptying the concept of deviancy of its meaning.

9. Plato was without doubt prophetic in his insights concerning the inevitable self-undermining quality that afflicts democracy. Nevertheless, the political solution he offers, *if taken at face value,* is far from adequate. If, however, we take the *Republic* to preach a government of ideals in the hearts and souls of individuals, who then gather around those ideals, each according to their irreducible particularity, then political orders far superior to Communism can find their inspiration in some of what he has written.

10. Heidegger, *Early Greek Thinking*, tr. Krell and Capuzzi (New York: Harper and Row, 1975), p. 26.

11. *Ibid.*

12. *Ibid.*, pp. 35-36.

13. Eugenio Montale, "Delta," from *Cuttlefish Bones*, tr. William Arrowsmith (New York: W.W. Norton and Company, 1992), p. 159.

14. Heidegger, *op. cit.*, p. 42.

15. *Ibid.*, p. 47.

16. For those unfamiliar with it, here is the usual rendering: "Whence things have their origin, there they must also pass away according to necessity; for they must pay penalty and be judged for their injustice, according to the ordinance of time."

17. I am highly critical of nationalism, and will allude to this when my discussion turns to the thought of Herder.

18. See "The Family: Obstacle or Embryo of Civil Society?" Chapter VIII above.

19. *Ibid.*, p. 16.

20. *Ibid.*, pp. 16-17.

21. *Ibid*.

22. Richard Critchfield, *Villages* (New York: Anchor Books/Doubleday, 1983), pp. 286-87.

23. *Ibid.*, p. 287.

24. F.M. Barnard, *Herder's Social and Political Thought: From Enlightenment to Nationalism* (Oxford: Clarendon Press, 1965), pp. 54-55.

25. Isaiah Berlin, *Vico and Herder: Two Studies in the History of Ideas* (London: Chatto and Windus, 1980), p. 159.

26. Quoted in Barnard, *op. cit.*, p. 57.

27. Montale, *op. cit.*, p. 27. The translator does not capitalize "father" because the term refers to the sea, a mythical realm with several metaphorical roles in Montale's poetry. The "salt-sea brine" that seasons the "unvoiced words", this calls up Montale's home in Liguria, a rocky, windswept and ruggedly beautiful coastal region in northwest Italy.

Discussion

The paper devoted much attention to the factors in contemporary society which led to a superficial reading of human meaning and tended to reduce human life to randomness at a superficial and even artificial level. In response to this the paper sought with Heidegger a sense of being which allowed for a variety of novelty and creativity, all however rooted in a profundity which inevitably remains hidden and mysterious. It is precisely in this continuing relation of the limited and obvious to the unlimited and transcendent that the depth of human meaning and the reality of free human creativity subsists.

This is sometimes related to the difference between having and being such that it is not in possessions or actions that can be exhaustively observed or technically manipulated that the infinite depth of human meaning can be found. On this basis the paper followed the lead of Professor Peachey to look toward the basic reality of interpersonal bonding in the covenant of marriage to find that openness to the Absolute in which human sociality is realized, exemplified and learned. All further unities at levels ranging from family, to neighborhood, to civil society are built thereupon.

In particular it was suggested that the unit for this manner of intimate communication is the local language unit, which shares an open mode of communication and a tradition that is enriched and enhanced over time.

Democracy was not the central issue in the paper, but received considerable attention in the discussion. The paper suggested that this, like most of contemporary life, had been reduced to an empty form divorced from any depth of metaphysical meaning or ethical content. Further it was observed that this form was being imposed on peoples who might have other patterns of social interaction. Such imposition is destructive of deeper social bonds which are belittled, interfered with or forcibly changed by outside pressures from others who do not understand and could not value these bonds.

Others suggested that while this superficial and manipulative practice could be true in many instances of contemporary democratic practice and while other peoples could be being unjustly criticized for living other forms, nonetheless democracy is a way of exercising free participation in political life. It is not only that anything would look good when contrasted to the recent forms of totalitarian oppression which excluded people from the political process, nor does democracy reduce to a periodic and isolated exercise of electoral choice. In its essence it means personal participation which reaches out to include informed interest in public matters, the formation and expression of concern and recommendations in public matters, and a cumulative process of guiding political decision-making. While this may not be the only way, it is in broad areas either the operative mode of public participation or one that is deeply desired.

Hence, it would seem more productive not to diminish democracy, but to see how it might be made to function well. This would include the formation of a civil society in which the various solidarities could be formed as ways of exercising creative participation on the basis of natural bonds of language, or locale of professional concern. When these are formed an operative active participation in political life can follow.

The same was suggested as regards the material or economic order. A superficial consumerism is only too widespread and corresponds to the inadequacies of modern life described in the first part of the paper. Nonetheless, the physical provisioning for the human body and the myriad complexity of providing for the physical needs of the world's great and increasing population make of this order a proper and essential area of human life and concern. Its direct relation to the deep

wellsprings of being and of human life is a centrally important issue for philosophy and for human practice.

In this, as with regard to the political order, it is important to attend seriously to the contribution of a structured and active civil society, so that this becomes a truly humane project for the fully human and common good. Otherwise, as too often happens in reality the economic order asserts absolute claims which the state and the people are simply to accept. In this way unemployment is accepted simply as an immutable fact, which is soon followed by crime coming to be seen as an inevitable reality of modern life.

A convergent sense of the essential depth dimension of human meaning is found in all the great cultures of the world. This convergence reinforces the sense of the authenticity of their message. However, all point to meaning that transcends the realm of clear and distinct ideas or of technical reason. Hence, they point to an element mystery not only in interpersonal relations, but in the broader communions or solidarities of civil society. This is not an unknown reality in national life; it is called patriotism as a holy urge of respect, honor and service to one's country—much in contrast to the unholy and uncontrolled self-affirmation that is nationalism.

Chapter XIV

Religious Experience and Civil Society

J.G. Donders, M. Afr.

> I hope to bring out the manner in which some features of saintly lives impinge on what is integral, time-bound social and political praxes and, in fact, may serve to undermine them.
> Edith Wyschogrod, *Saints and Postmodernism*, Chicago: The University of Chicago Press, 1990.

In the praxis of everyday life, religious experiences play a role not only in the life of individuals, but also in the life of communities. This chapter will describe the religious—some would call them mystical—experiences that changed three contemporary persons and one community in such a way that they discovered new foundation for responding to the problems of structuring a civil society. In a summary way the paper consists mainly of four case reports: Simone Weil (1909-1943), Thomas Merton (1915-1968), Carol Wojtyla (Pope John Paul II (1920), and the Second Vatican Council (1963-1965).

It would be possible to give many more examples of this type of experience in the lives of persons and communities, not only within the Western Christian context to which we restrict ourselves in this essay, but also in African, Asian and Latin American contexts.

Simone Weil, 1909-1943[1]

Simone Weil was born in an agnostic and atheistic, comfortably middle class French Jewish family. Some (legendary?) stories told about her childhood seem to characterize her personality. When she noticed during one of her journeys in World War I that the parcel her brother was carrying was heavier than hers, she insisted that hers should be made as heavy as his. As a child of five in 1914 she refused sugar in her tea because she had heard that the French soldiers fighting at the front lacked it. Extremely intelligent, she became a philosophy teacher—which profession did not satisfy her.

From 1932-1935 she joined a demonstration by unemployed workers and tried to work in a car factory, which proved too strenuous for her. In 1936 she joined the left in the Spanish Civil War, but, being a pacifist, she supported the Republican Army as a field cook till she was forced to leave by a crippling accident.

In 1936 she prayed for the first time in Assisi, noting that, "If God exists, it is up to God to make himself known to me." In 1938 for aesthetic and therapeutic reasons she attended the Holy Week ceremonies at the Benedictine abbey of Solesmes: a mystical experience which baffled her, as she had never read a book on mysticism. "The Passion of Christ," she wrote, "entered my being once and for all," and changed her life. When her Christian friends heard of her experience, they tried to convince her to be baptized. After having reflected on this for quite some time, she refused, writing that she could be baptized only in a denominational context, which would mean that in the name of Jesus she would sit at an "exclusive" table at which not everyone would be welcome:

> Christianity should contain all vocations without exception since it is catholic. In consequence the Church should also be catholic. Christianity is catholic by right,

> but not in fact. So many things are outside it, so many things that I love and do not want to give up, so many things that God loves, otherwise they would not be in existence. Christianity being catholic by right but not in fact, I regard it as legitimate on my part to be a member of the Church by right but not in fact, not only for a time, but for my whole life if need be *(Spiritual Autobiography).*

In 1942 she fled to the safety of New York, but the next year returned to Great Britain to be with those fighting against Fascism. Her own spiritual experience made her write in her essay, "Uprootedness":

> Everything points to the fact that, unless supernatural grace intervenes, there is no form of cruelty or depravity of which ordinary, decent people are not capable, once the corresponding psychological mechanisms have been set in motion.

Thomas Merton, 1915-1968[2]

Thomas Merton (born in 1915 in Prades, France) joined and left the Communist Party in 1935. He traveled and studied throughout Europe and the United States, and was baptized in Corpus Christi in 1938. Upset about the world and his own rather dim personal life he entered the Trappist Abbey of Gethsemani in Kentucky in 1941. Ordained a priest in 1949 he wrote a large number of bestselling spiritual books, some of which, like *The Seven Story Mountain*, *Seeds of Contemplation*and *The Sign of Jona*, became national and international best sellers. They indicate that Thomas thought he had chosen the better path, and had a kind of pity on those who had not been enlightened as he had been.

His own enlightenment would come February 28 and March 18, 1958. On February 28 he had a dream in which he was sitting next to a beautiful young woman of about 17. He noticed that she was Jewish and asked her name, to which she answered that her name was "Proverb". Merton, thinking of the Book of Wisdom, and of Wisdom as Sophia dancing with God creating the world, told her he thought Proverb a beautiful name. The woman answered him that she did not like the name, as she was laughed at because of it, and was overlooked. That was the end of the dream.

Some weeks later he was walking in Louisville during a rare visit to that city. At the corner of Walnut Street and Fourth Street he suddenly had a vision that the woman, Proverb, of his dream was present in all people around him:

> I was walking alone in the crowded street and suddenly saw that everybody was Proverb and that in all of them shone her extraordinary beauty and purity and shyness, even though they did not know who they were. . . . And they did not know their real identity as the Child so dear to God who, from before the beginning, was playing in His sight all days, playing in the world.

In his book, *Conjectures of a Guilty Bystander*, he later wrote:

In Louisville, at the corner of Fourth and Walnut, in the center of the shopping district, I was suddenly overwhelmed with the realization that I loved all those people, that they were mine and I theirs, that we could be no alien to one another even though we were total strangers. It was like

awaking from a dream of separateness, of spurious self-isolation in a special world, the world of renunciation and supposed holiness.

Eight years later coming back to this same experience in his book, *Conjectures of a Guilty Bystander*, he added:

> I was walking alone in the crowded street and suddenly saw that everybody was Proverb and that in all of them shone her extraordinary beauty and purity and shyness, even though they did not know who they were and were perhaps ashamed of their name. . . . And they did not know their real identity as the Child so dear to God who, from before the beginning, was playing in his sight all days, playing in the world.

This experience changed the life and outlook of Thomas Merton. He himself considered it a direct intuition of what it means to be human being. At this point in his life, because of this enlightenment, he became interested in problems which would bring him into serious trouble with his church and nation: justice, peace, pacifism and inter-religious dialogue.

Before the experience of March 18, 1954, Thomas Merton would write of 'the indignity of being a member of the human race'; after, he would write, "It is a glorious destiny to be a member of the human race." Before, he would write: "The contemplative and the Marxist have no common ground"; his last talk would be devoted to monasticism and Marxism.

Second Vatican Council, 1963-1965[3]

During the Second Vatican Council—a meeting of the whole Roman Catholic Episcopacy of some 1800 bishops and their experts—a significant shift took place in their appreciation of non-Christians. This change was due to the fact that at the Council the non-Western countries were represented either by local Bishops or by Western Missionary Bishops. Witnessing to their mission experiences, those Bishops led the Council to the kind of conclusions Weil and Merton had been drawing from their spiritual adventures.

The Church leaders had experienced in their own traditions, or in their meeting with others, that every human being is touched by the Holy Spirit. Every human being is a carrier of divine life; every human being shares in God's life. These observations provided a solid foundation for a proper civil society which in peace and communion was able to bring about a healthy union of all. The following are some of their conclusions—in what was then inclusive language:

> *1965 Ad Gentes I.2.*
>
> It pleased God to call men to share in his life and not merely singly, without any bond between then, but he formed them into a people, in which his children who had been scattered were gathered together (cf. Jn. 11:52).
>
> *1965 Ad Gentes I.3.*
>
> This universal plan of God for the salvation of mankind [sic] is not carried out solely in a secret manner, as it were, in the minds of men, nor by the efforts, even religious, through which they in many ways seek God in an attempt to touch him

> and find him, although God is not far from any of us (cf., Acts 17:27); their efforts need to be enlightened and corrected, although in the loving providence of God they may lead one to the true God and be a preparation for the Gospel. However, in order to establish a relationship of peace and communion with himself, and in order to bring about brotherly union among men, and they sinners, God decided to enter into the history of mankind in a new and definitive way, by sending his own Son in human flesh, so that through him he might snatch men from the power of darkness and of Satan (cf. Col.1:13; Acts 10:38) and in him reconcile the world to himself.
>
> *1965 Declaration on the Relations of the Church to Non-Christian Religions. 1.*
>
> All men form but one community. This is so because all stem from the one stock, which God created to people the entire earth (cf. Acts 17:26), and also because all share a common destiny, namely God.
>
> *1965 Declaration on Religious Liberty. 3.*
>
> All people share in the 'highest norm of human life' viz. the divine law itself—eternal, objective and universal—by which God orders, directs and governs the whole world and the ways of the human community according to a plan conceived in his wisdom and love. This insight about the dignity of each human being cannot but influence those convinced of it in their building of the type of civil society.

Carol Wojtyla, Pope John Paul II4

On November 6 1941, the opening day of the University where Carol studied, the German occupiers called all professors to a lecture by a visiting German scholar. The 186 professors who came to the lecture were arrested and deported to the Sachsenhausen-Oranienburg concentration camp in Germany. The University was closed and Carol was obliged to do forced labor in a quarry. For the German occupiers, Poles did not count; they were 'underlings'.

When a delegation of Polish bishops called to complain they were told by Konrad Heinlein, representing the German Governor:

> In Poland, the church and the nation are one and the same. We must tear them apart. That is why we hit at both the Church and the nation in order to destroy you. You must disappear. 5

It was in this situation that Carol developed his ideas on the dignity of the human being.

Under the influence of a priest, Jan Tyranowsky, he began to read the works of the Carmelites John of the Cross and Teresa of Avila. What he wrote of his mentor after his death could be applied to himself:

> John of the Cross and Teresa of Avila were not only his [Tyranowsky's] masters, but they literally allowed him to discover himself, they explained and justified his own life.

> Ordained a priest Carol obtained his first doctoral degree in Rome under the direction of Garrigou-Lagrange on "Faith in John of the Cross." The discovery he had made before, was confirmed by this study.
>
> Faith is rooted in experience. . . . The human being shares in God's life in the experience of faith.

In 1957 he obtained a second doctorate, writing on "*An Evaluation of the Possibility of Constructing Christian Ethics on the Assumptions of Max Scheler's Philosophical System*." Disagreeing with Scheler's argumentation, Wojtyla concluded that we acquire moral values by 'acting upon them.' In 1969 he published his main philosophical work *The Acting Person*.7Republished in 1979, this gives a good insight in Wojtyla's phenomenological, personalistic and experiential approach to the human being.

In his 1986 encyclical, *Lord and Giver of Life*,7 Pope John Paul II best formulated his ideas about the dignity of the human person. He notes that the Holy Spirit is given to human beings in three ways:

(1) The Spirit is given at the moment of their creation with their very existence.
(2) In their encounter with Jesus this spirit which is vivifying each human being sees itself with all its possibilities and potentialities as in a mirror.
(3) This clarification of their self-identity leads to the full activation of this discovery.

This inward Spirit, whose presence no one can lose—though one might not be willing to relate to it—convinces each human being of:

(a) sin: what is wrong in the world,
(b) righteousness: how the world should be, and
(c) judgment: because of the death and resurrection of Jesus we are sure that evil is judged, condemned and overcome (Jn. 16.8).

Pope John Paul II elaborates this conviction in different ways, of which his encyclicals are good examples. He writes about the rights of the worker; the social nature of the human being; the dignity of human life from its conception to its natural end; justice and peace issues; and the fact that the world is created for the common good of all. All these issues point not only to an ideal Church, but also to an ideal civil society.

These were the main issues he stressed eloquently in his Oct. 5, 1995 talk at the 50th anniversary of the United Nations.8

Notes

1. For an extensive bibliography confer David McLellan, *Utopian Pessimist*: *The Life and Thought of Simone Weil* (New York: Poseidon Press, 1990).

2. For a bibliography of his major works see M. Basil Pennington, *Thomas Merton, Brother Monk* (San Francisco: Harper and Row, 1987). For a comprehensive bibliography confer Marquita

Breit and Robert Dagyy, *Thomas Merton: A Comprehensive Bibliography* (New York: Garland Publishers, 1986).

3. For the Documents of the Second Vatican Council and a collection of the most important Postconciliar documents, see Austin Flannery, O.P., *Vatican Council II, The Conciliar and Post-conciliar Documents* (New Revised Edition; Northport, NY: Costello Publishing Company and Grand Rapids, Michigan: W.B. Eerdmans Publishing Co., 1992).

4. For a bibliography on the life of Carol Wojtyla confer Tad Szulc, *Pope John Paul II, The Biography* (New York: Scriner, 1995).

5. Szulc, p. 102.

6. (Dordrecht-Boston: D. Reidel, 1979).

7. *On the Holy Spirit in the life of the Church and the World, Fifth Encyclical Letter, May 18 1986* (Washington DC: USCC, 1986).

8. United Nations (CNS)—Text of Pope John Paul II's address to the UN General Assembly, Oct. 5, 1995.

Mr. President, Ladies and Gentlemen,

1. It is an honor for me to have the opportunity to address this international assembly and to join the men and women of every country, race, language and culture in celebrating the 50th anniversary of the founding of the United Nations Organization. In coming before this distinguished assembly, I am vividly aware that through you I am in some way addressing the whole family of peoples living on the face of the earth. My words are meant as a sign of the interest and esteem of the Apostolic See and of the Catholic Church for this institution. They echo the voices of all those who see in the United Nations the hope of a better future for human society.

I wish to express my heartfelt gratitude in the first place to the secretary general, Dr. Boutros Boutros-Ghali, for having warmly encouraged this visit. And I thank you, Mr. President, for your cordial welcome. I greet all of you, the members of this General Assembly: I am grateful for your presence and for your kind attention.

I come before you today with the desire to be able to contribute to that thoughtful meditation on the history and role of this organization which should accompany and give substance to the anniversary celebrations. The Holy See, in virtue of its specifically spiritual mission, which makes it concerned for the integral good of every human being, has supported the ideals and goals of the United Nations Organization from the very beginning.

Although their respective purposes and operative approaches are obviously different, the church and the United Nations constantly find wide areas of cooperation on the basis of their common concern for the human family. It is this awareness which inspires my thoughts today; they will not dwell on any particular social, political or economic question; rather, I would like to reflect with you on what the extraordinary changes of the last few years imply, not simply for the present, but for the future of the whole human family.

A Common Human Patrimony

2. Ladies and Gentlemen! On the threshold of a new millennium we are witnessing an extraordinary global acceleration of that quest for freedom which is one of the great dynamics of human history. This phenomenon is not limited to any one part of the world; nor is it the expression of any single culture. Men and women throughout the world, even when threatened by violence,

have taken the risk of freedom, asking to be given a place in social, political and economic life which is commensurate with their dignity as free human beings. This universal longing for freedom is truly one of the distinguishing marks of our time.

During my previous visit to the United Nations on Oct. 2, 1979, I noted that the quest for freedom in our time has its basis in those universal rights which human beings enjoy by the very fact of their humanity. It was precisely outrages against human dignity which led the United Nations Organization to formulate, barely three years after its establishment, that "Universal Declaration of Human Rights" which remains one of the highest expressions of the human conscience of our time. In Asia and Africa, in the Americas, in Oceania and Europe, men and women of conviction and courage have appealed to this declaration in support of their claims for a fuller share in the life of society.

3. It is important for us to grasp what might be called the inner structure of this worldwide movement. It is precisely its global character which offers us its first and fundamental "key" and confirms that there are indeed universal human rights, rooted in the nature of the person, rights which reflect the objective and inviolable demands of a universal moral law. These are not abstract points; rather, these rights tell us something important about the actual life of every individual and of every social group. They also remind us that we do not live in an irrational or meaningless world. On the contrary, there is a moral logic which is built into human life and which makes possible dialogue between individuals and peoples. If we want a century of violent coercion to be succeeded by a century of persuasion, we must find a way to discuss the human future intelligibly. The universal moral law written on the human heart is precisely that kind of "grammar" which is needed if the world is to engage this discussion of its future.

In this sense, it is a matter for serious concern that some people today deny the universality of human rights, just as they deny that there is a human nature shared by everyone. To be sure, there is no single model for organizing the politics and economics of human freedom; different cultures and different historical experiences give rise to different institutional forms of public life in a free and responsible society. But it is one thing to affirm a legitimate pluralism of "forms of freedom," and another to deny any universality or intelligibility to the nature of man or to the human experience. The latter makes the international politics of persuasion extremely difficult, if not impossible.

Taking the Risk of Freedom

4. The moral dynamics of this universal quest for freedom clearly appeared in Central and Eastern Europe during the nonviolent revolutions of 1989. Unfolding in specific times and places, those historical events nonetheless taught a lesson which goes far beyond a specific geographical location. For the nonviolent revolutions of 1989 demonstrated that the quest for freedom cannot be suppressed. It arises from a recognition of the inestimable dignity and value of the human person, and it cannot fail to be accompanied by a commitment on behalf of the human person. Modern totalitarianism has been, first and foremost, an assault on the dignity of the person, an assault which has gone even to the point of denying the inalienable value of the individual’s life. The revolutions of 1989 were made possible by the commitment of brave men and women inspired by a different, and ultimately more profound and powerful, vision: the vision of man as a creature of intelligence and free will, immersed in a mystery which transcends his own being and endowed with the ability to reflect and the ability to choose—and thus capable of wisdom and virtue. A decisive factor in the success of those nonviolent revolutions was the experience of social

solidarity: in the face of regimes backed by the power of propaganda and terror, that solidarity was the moral core of the "power of the powerless," a beacon of hope and an enduring reminder that it is possible for man's historical journey to follow a path which is true to the finest aspirations of the human spirit.

Viewing those events from this privileged international forum, one cannot fail to grasp the connection between the values which inspired those people's liberation movements and many of the moral commitments inscribed in the United Nations Charter: I am thinking for example of the commitment to "reaffirm faith in fundamental human rights (and) in the dignity and worth of the human person;" and also the commitment "to promote social progress and better standards of life in larger freedom" (Preamble). The 51 states which founded this organization in 1945 truly lit a lamp whose light can scatter the darkness caused by tyranny—a light which can show the way to freedom, peace and solidarity.

The Rights of Nations

5. The quest for freedom in the second half of the 20th century has engaged not only individuals but nations as well. Fifty years after the end of the Second World War, it is important to remember that war was fought because of violations of the rights of nations. Many of those nations suffered grievously for no other reason than that they were deemed "other." Terrible crimes were committed in the name of lethal doctrines which taught the "inferiority" of some nations and cultures. In a certain sense, the United Nations Organization was born from a conviction that such doctrines were antithetical to peace; and the charter's commitment to "save future generations from the scourge of war" (Preamble) surely implied a moral commitment to defend every nation and culture from unjust and violent aggression.

Unfortunately, even after the end of the Second World War, the rights of nations continued to be violated. To take but one set of examples, the Baltic States and extensive territories in Ukraine and Belarus were absorbed into the Soviet Union, as had already happened to Armenia, Azerbaijan and Georgia in the Caucasus. At the same time the so-called "Peoples' Democracies" of Central and Eastern Europe effectively lost their sovereignty and were required to submit to the will dominating the entire bloc. The result of this artificial division of Europe was the "Cold War," a situation of international tension in which the threat of a nuclear holocaust hung over humanity. It was only when freedom was restored to the nations of Central and Eastern Europe that the promise of the peace which should have come with the end of the war began to be realized for many of the victims of that conflict.

6. The "Universal Declaration of Human Rights," adopted in 1948, spoke eloquently of the rights of persons; but no similar international agreement has yet adequately addressed the rights of nations. This situation must be carefully pondered, for it raises urgent questions about justice and freedom in the world today.

In reality the problem of the full recognition of the rights of peoples and nations has presented itself repeatedly to the conscience of humanity, and has also given rise to considerable ethical and juridical reflection. I am reminded of the debate which took place at the Council of Constance in the 15th century, when the representatives of the Academy of Krakow, headed by Pawel Wodkowic, courageously defended the right of certain European peoples to existence and independence. Still better known is the discussion which went on in that same period at the University of Salamanca with regard to the peoples of the New World. And in our own century, how can I fail to mention the prophetic words of my predecessor, Pope Benedict XV, who in the

midst of the First World War reminded everyone that "nations do not die," and invited them "to ponder with serene conscience the rights and the just aspirations of peoples." ("To the Peoples at War and Their Leaders, July 28, 1915.)

7. Today the problem of nationalities forms part of a new world horizon marked by a great "mobility" which has blurred the ethnic and cultural frontiers of the different peoples, as a result of a variety of processes such as migrations, mass media and the globalization of the economy. And yet, precisely against this horizon of universality we see the powerful reemergence of a certain ethnic and cultural consciousness, as it were an explosive need for identity and survival, a sort of counterweight to the tendency toward uniformity. This is a phenomenon which must not be underestimated or regarded as a simple leftover of the past. It demands serious interpretation and a closer examination on the levels of anthropology, ethics and law.

This tension between the particular and the universal can be considered immanent in human beings. By virtue of sharing in the same human nature, people automatically feel that they are members of one great family, as is in fact the case. But as a result of the concrete historical conditioning of this same nature, they are necessarily bound in a more intense way to particular human groups, beginning with the family and going on to the various groups to which they belong and up to the whole of their ethnic and cultural group, which is called, not by accident, a "nation," from the Latin word "nasci": "to be born." This term, enriched with another one, "patria" (fatherland/motherland), evokes the reality of the family. The human condition thus finds itself between these two poles—universality and particularity—with a vital tension between them; an inevitable tension, but singularly fruitful if they are lived in a calm and balanced way.

8. Upon this anthropological foundation there also rest the "rights of nations," which are nothing but "human rights" fostered at the specific level of community life. A study of these rights is certainly not easy, if we consider the difficulty of defining the very concept of "nation," which cannot be identified "*a priori*" and necessarily with the state. Such a study must nonetheless be made, if we wish to avoid the errors of the past and ensure a just world order.

A presupposition of a nation's rights is certainly its right to exist: therefore no one—neither a state nor another nation, nor an international organization—is ever justified in asserting that an individual nation is not worthy of existence. This fundamental right to existence does not necessarily call for sovereignty as a state, since various forms of juridical aggregation between different nations are possible, as for example occurs in federal states, in confederations or in states characterized by broad regional autonomies. There can be historical circumstances in which aggregations different from single state sovereignty can even prove advisable, but only on condition that this takes place in a climate of true freedom, guaranteed by the exercise of the self-determination of the peoples concerned. Its right to exist naturally implies that every nation also enjoys the right to its own language and culture, through which a people expresses and promotes that which I would call its fundamental spiritual "sovereignty." History shows that in extreme circumstances (such as those which occurred in the land where I was born) it is precisely its culture that enables a nation to survive the loss of political and economic independence. Every nation therefore has also the right to shape its life according to its own traditions, excluding, of course, every abuse of basic human rights and in particular the oppression of minorities. Every nation has the right to build its future by providing an appropriate education for the younger generation.

But while the "rights of the nation" express the vital requirements of "particularity," it is no less important to emphasize the requirements of universality, expressed through a clear awareness of the duties which nations have vis-a-vis other nations and humanity as a whole. Foremost among these duties is certainly that of living in a spirit of peace, respect and solidarity with other nations.

Thus the exercise of the rights of nations, balanced by the acknowledgement and the practice of duties, promotes a fruitful "exchange of gifts," which strengthens the unity of all mankind.

Respect for Differences

9. During my pastoral pilgrimages to the communities of the Catholic Church over the past 17 years, I have been able to enter into dialogue with the rich diversity of nations and cultures in every part of the world. Unhappily, the world has yet to learn how to live with diversity, as recent events in the Balkans and Central Africa have painfully reminded us. The fact of "difference," and the reality of "the other," can sometimes be felt as a burden, or even as a threat. Amplified by historic grievances and exacerbated by the manipulations of the unscrupulous, the fear of "difference" can lead to a denial of the very humanity of "the other," with the result that people fall into a cycle of violence in which no one is spared, not even the children. We are all very familiar today with such situations; at this moment my heart and my prayers turn in a special way to the sufferings of the sorely tried peoples of Bosnia-Herzegovina.

From bitter experience, then, we know that the fear of "difference," especially when it expresses itself in a narrow and exclusive nationalism which denies any rights to "the other," can lead to a true nightmare of violence and terror. And yet if we make the effort to look at matters objectively, we can see that, transcending all the differences which distinguish individuals and peoples, there is a fundamental commonality. For different cultures are but different ways of facing the question of the meaning of personal existence. And it is precisely here that we find one source of the respect which is due to every culture and every nation: every culture is an effort to ponder the mystery of the world and in particular of the human person: it is a way of giving expression to the transcendent dimension of human life. The heart of every culture is its approach to the greatest of all mysteries: the mystery of God.

10. Our respect for the culture of others is therefore rooted in our respect for each community's attempt to answer the question of human life. And here we can see how important it is to safeguard the fundamental right to freedom of religion and freedom of conscience, as the cornerstones of the structure of human rights and the foundation of every truly free society. No one is permitted to suppress those rights by using coercive power to impose an answer to the mystery of man.

To cut oneself off from the reality of difference—or, worse, to attempt to stamp out that difference—is to cut oneself off from the possibility of sounding the depths of the mystery of human life. The truth about man is the unchangeable standard by which all cultures are judged; but every culture has something to teach us about one or another dimension of that complex truth. Thus the "difference" which some find so threatening can, through respectful dialogue, become the source of a deeper understanding of the mystery of human existence.

11. In this context, we need to clarify the essential difference between an unhealthy form of nationalism, which teaches contempt for other nations or cultures, and patriotism, which is a proper love of one's country. True patriotism never seeks to advance the well-being of one's own nation at the expense of others. For in the end this would harm one's own nation as well: doing wrong damages both aggressor and victim. Nationalism, particularly in its most radical forms, is thus the antithesis of true patriotism, and today we must ensure that extreme nationalism does not continue to give rise to new forms of the aberrations of totalitarianism. This is a commitment which also holds true, obviously, in cases where religion itself is made the basis of nationalism, as unfortunately happens in certain manifestations of so-called "fundamentalism."

Freedom and Moral Truth

12. Ladies and Gentlemen! Freedom is the measure of man's dignity and greatness. Living the freedom sought by individuals and peoples is a great challenge to man's spiritual growth and to the moral vitality of nations. The basic question which we must all face today is the responsible use of freedom, in both its personal and social dimensions. Our reflection must turn then to the question of the moral structure of freedom, which is the inner architecture of the culture of freedom.

Freedom is not simply the absence of tyranny or oppression. Nor is freedom a license to do whatever we like. Freedom has an inner "logic" which distinguishes it and ennobles it: freedom is ordered to the truth, and is fulfilled in man's quest for truth and in man's living in the truth. Detached from the truth about the human person, freedom deteriorates into license in the lives of individuals, and, in political life, it becomes the caprice of the most powerful and the arrogance of power. Far from being a limitation upon freedom or a threat to it, reference to the truth about the human person—a truth universally knowable through the moral law written on the hearts of all—is, in fact, the guarantor of freedom's future.

13. In the light of what has been said we understand how utilitarianism, the doctrine which defines morality not in terms of what is good but of what is advantageous, threatens the freedom of individuals and nations and obstructs the building of a true culture of freedom. Utilitarianism often has devastating political consequences, because it inspires an aggressive nationalism on the basis of which the subjugation, for example, of a smaller or weaker nation is claimed to be a good thing solely because it corresponds to the national interest. No less grave are the results of economic utilitarianism, which drive more powerful countries to manipulate and exploit weaker ones.

Nationalistic and economic utilitarianism are sometimes combined, a phenomenon which has too often characterized relations between the "North" and the "South." For the emerging countries, the achievement of political independence has too frequently been accompanied by a situation of *de facto* economic dependence on other countries; indeed, in some cases, the developing world has suffered a regression, such that some countries lack the means of satisfying the essential needs of their people. Such situations offend the conscience of humanity and pose a formidable moral challenge to the human family. Meeting this challenge will obviously require changes in both developing and developed countries. If developing countries are able to offer sure guarantees of the proper management of resources and of assistance received, as well as respect for human rights, by replacing where necessary unjust, corrupt or authoritarian forms of government with participatory and democratic ones, will they not in this way unleash the best civil and economic energies of their people? And must not the developed countries, for their part, come to renounce strictly utilitarian approaches and develop new approaches inspired by greater justice and solidarity?

Yes, distinguished Ladies and Gentlemen! The international economic scene needs an ethic of solidarity, if participation, economic growth and a just distribution of goods are to characterize the future of humanity. The international cooperation called for by the charter of the United Nations for "solving international problems of an economic, social, cultural, or humanitarian character" (art. 1.3) cannot be conceived exclusively in terms of help and assistance, or even by considering the eventual returns on the resources provided. When millions of people are suffering from a poverty which means hunger, malnutrition, sickness, illiteracy and degradation, we must not only remind ourselves that no one has a right to exploit another for his own advantage, but also

and above all we must recommit ourselves to that solidarity which enables others to live out, in the actual circumstances of their economic and political lives, the creativity which is a distinguishing mark of the human person and the true source of the wealth of nations in today's world.

The United Nations and the Future of Freedom

14. As we face these enormous challenges, how can we fail to acknowledge the role of the United Nations Organization? Fifty years after its founding, the need for such an organization is even more obvious, but we also have a better understanding, on the basis of experience, that the effectiveness of this great instrument for harmonizing and coordinating international life depends on the international culture and ethic which it supports and expresses. The United Nations Organization needs to rise more and more above the cold status of an administrative institution and to become a moral center where all the nations of the world feel at home and develop a shared awareness of being, as it were, a "family of nations." The idea of "family" immediately evokes something more than simple functional relations or a mere convergence of interests. The family is by nature a community based on mutual trust, mutual support and sincere respect. In an authentic family the strong do not dominate; instead, the weaker members, because of their very weakness, are all the more welcomed and served.

Raised to the level of the "*family of nations*," these sentiments ought to be, even before law itself, the very fabric of relations between peoples. The United Nations has the historic, even momentous, task of promoting this qualitative leap in international life, not only by serving as a center of effective mediation for the resolution of conflicts but also by fostering values, attitudes and concrete initiatives of solidarity which prove capable of raising the level of relations between nations from the "organizational" to a more "organic" level, from simple "existence with" others to "existence for" others, in a fruitful exchange of gifts, primarily for the good of the weaker nations but even so, a clear harbinger of greater good for everyone.

15. Only on this condition shall we attain an end not only to "wars of combat" but also to "Cold Wars." It will ensure not only the legal equality of all peoples but also their active participation in the building of a better future, and not only respect for individual cultural identities, but full esteem for them as a common treasure belonging to the cultural patrimony of mankind. Is this not the ideal held up by the charter of the United Nations when it sets as the basis of the organization "the principle of the sovereign equality of all its members" (art. 2.1), or when it commits it to "develop friendly relations between nations based on respect for the principle of equal rights and of self-determination" (art. 1.2)? This is the high road which must be followed to the end, even if this involves, when necessary, appropriate modifications in the operating model of the United Nations, so as to take into account everything that has happened in this half century, with so many new peoples experiencing freedom and legitimately aspiring to "be" and to "count for" more.

None of this should appear an unattainable utopia. Now is the time for new hope, which calls us to expel the paralyzing burden of cynicism from the future of politics and of human life. The anniversary which we are celebrating invites us to do this by reminding us of the idea of "united nations," an idea which bespeaks mutual trust, security and solidarity. Inspired by the example of all those who have taken the risk of freedom, can we not recommit ourselves also to taking the risk of solidarity—and thus the risk of peace?

16. It is one of the great paradoxes of our time that man, who began the period we call "modernity" with a self-confident assertion of his "coming of age" and "autonomy," approaches the end of the 20th century fearful of himself, fearful of what he might be capable of, fearful for the future. Indeed, the second half of the 20th century has seen the unprecedented phenomenon of a humanity uncertain about the very likelihood of a future, given the threat of nuclear war. That danger, mercifully, appears to have receded—and everything that might make it return needs to be rejected firmly and universally; all the same, fear for the future and of the future remains.

In order to ensure that the new millennium now approaching will witness a new flourishing of the human spirit, mediated through an authentic culture of freedom, men and women must learn to conquer fear. We must learn not to be afraid, we must rediscover a spirit of hope and a spirit of trust. Hope is not empty optimism springing from a naive confidence that the future will necessarily be better than the past. Hope and trust are the premise of responsible activity and are nurtured in that inner sanctuary of conscience where "man is alone with God" ("Gaudium et Spes," n.16) and thus perceives that he is not alone amid the enigmas of existence, for he is surrounded by the love of the creator!

Hope and trust: these may seem matters beyond the purview of the United Nations. But they are not. The politics of nations, with which your organization is principally concerned, can never ignore the transcendent, spiritual dimension of the human experience, and could never ignore it without harming the cause of man and the cause of human freedom. Whatever diminishes man—whatever shortens the horizon of man's aspiration to goodness—harms the cause of freedom. In order to recover our hope and our trust at the end of this century of sorrows, we must regain sight of that transcendent horizon of possibility to which the soul of man aspires.

17. As a Christian, my hope and trust are centered on Jesus Christ, the 2000th anniversary of whose birth will be celebrated at the coming of the new millennium. We Christians believe that in his death and resurrection were fully revealed God's love and his care for all creation. Jesus Christ is for us God made man, and made a part of the history of humanity. Precisely for this reason, Christian hope for the world and its future extends to every human person. Because of the radiant humanity of Christ, nothing genuinely human fails to touch the hearts of Christians. Faith in Christ does not impel us to intolerance. On the contrary, it obliges us to engage others in a respectful dialogue. Love of Christ does not distract us from interest in others, but rather invites us to responsibility for them, to the exclusion of no one and indeed, if anything, with a special concern for the weakest and the suffering. Thus, as we approach the 2000th anniversary of the birth of Christ, the church asks only to be able to propose respectfully this message of salvation, and to be able to promote, in charity and service, the solidarity of the entire human family.

Ladies and Gentlemen! I come before you, as did my predecessor Pope Paul VI exactly 30 years ago, not as one who exercises temporal power—these are his words—nor as a religious leader seeking special privileges for his community. I come before you as a witness: a witness to human dignity, a witness to hope, a witness to the conviction that the destiny of all nations lies in the hands of a merciful providence.

18. We must overcome our fear of the future. But we will not be able to overcome it completely unless we do so together. The "answer" to that fear is neither coercion nor repression, nor the imposition of one social "model" on the entire world. The answer to the fear which darkens human existence at the end of the 20th century is the common effort to build the civilization of love, founded on the universal values of peace, solidarity, justice and liberty. And the "soul" of the

civilization of love is the culture of freedom: the freedom of individuals and the freedom of nations, lived in self-giving solidarity and responsibility.

We must not be afraid of the future. We must not be afraid of man. It is no accident that we are here. Each and every human person has been created in the "image and likeness" of the one who is the origin of all that is. We have within us the capacities for wisdom and virtue. With these gifts, and with the help of God's grace, we can build in the next century and the next millennium a civilization worthy of the human person, a true culture of freedom. We can and must do so! And in doing so, we shall see that the tears of this century have prepared the ground for a new springtime of the human spirit.

Discussion

The paper brings out the basis for the sense of community, namely, the Spirit in the process of creation. Thus, Thomas Merton encounters the sense of Proverb as wisdom present and inspiring the work of Creation. As a result the Spirit of the Lord is present not only in a few select religiously-oriented people who thereby are separated from all the rest, but in all people as a presence which religiously oriented people are able to sense and respond to. This founds at once a universal openness and solidarity from which civil society nationally emerges.

It was noted that this awareness goes beyond issues of mere survival, though it begins there. From the very fact that one is and seeks to preserve his or her existence, one is engaged in the common life and is fighting a holy battle. But each person does this in their own life style as a group develops its own culture. It is here that the conscious life is centered and creative—and hence where education and religion are found—whence efforts at public recognition of universal human rights are to be found.

In view of this work of creative consciousness it can be supposed that the shaping of life styles and cultures will be differentiated. Hence the recognition of the Spirit creatively at work among people means especially recognizing them in their personal uniqueness and hence in their diversity or pluralism. It means also, however, that this diversity is not the last word, but rather the multiple ways of expressing the one divine source; and hence that the many are complementary, one with the others. This is expressed especially in the bond of solidarity between peoples according to their various modes of interaction and cooperation. This is the founding element of a civil society which is protected and promoted by a relation of subsidiarity with other groups.

2. The personal instance of Pope John Paul II reflects in many ways his Polish heritage. Through his experience of World War II and especially the postwar totalitarian oppression, he came to see this starkly in writing his two doctorates on the spiritual and mystical basis of the person in Saints John of the Cross and Theresa of Avila and in the phenomenology of Max Scheler.

This is reflected in his work, *The Acting Person*. In a corresponding article in the *Review of Metaphysics* he notes that the work lacked adequate attention to the social nature of the person which he attempted to provide in the second half of that article. The full implication of this spiritual foundation of solidarity and subsidiarity is manifest in his 1995 talk to the United Nations where he unfolds the radical importance of the cultures and the nations which embody them.

It is characteristic of their spiritual basis, however, that they are not absolutized in themselves or counterpoised to others. Instead each culture and people are held to ethical standards of behavior and stand in positive and complementary relation to all others.

The contrary of this is then not merely a matter for conflict resolution predicated upon a sense that untrammelled self-assertion is good and to be expected. On the contrary, self-assertion which ignores or oppresses others is bad, and in spiritual terms sinful. In reality there is a complementarity and this needs to be expressed in proper institutional structures between persons and groups, along with the principles of solidarity and subsidiarity.

John Paul II, in concluding his address to the United Nations, expressed this well at the threshold of the new millennium:

> We must not be afraid of the future. We must not be afraid of man. It is no accident that we are here. Each and every human person has been created in the "image and likeness" of the one who is the origin of all that is. We have within us the capacities for wisdom and virtue. With these gifts, and with the help of God’s grace, we can

build in the next century and the next millennium a civilization worthy of the human person, a true culture of freedom. We can and must do so! And in doing so, we shall see that the tears of this century have prepared the ground for a new springtime of the human spirit.

Chapter XV

America's Quest for a New Moral Bedrock: A Muslim Perspective

Mustafa Malik

Two-thirds of America's 5 million Muslims have immigrated from Third World countries during the last three decades. Some American scholars and journalists are concerned that the "Islamic wave" augurs a "culture clash" in this "Judeo-Christian society."1 Muslims, like other waves of immigrants, doubtless will have their share of adjustment problems in America. But like most others they also are contributing to the well-being of American society. In this paper, I propose to examine the Muslim role in an important task that is increasingly drawing many Americans' attention: the moral regeneration of society.

The chapter begins by focusing on some of the cultural values that Muslims bring to this society. Then it examines the social and economic crisis liberalism has spawned in America and the world. Finally, it argues that Islamic values help overcome this crisis by bolstering an inchoate American movement to reinforce a moral, communal lifestyle.

Islamic Cultural Values

Muslim immigrants are not easily excited over racial issues, but resent slurs against their faith. Race has not played a major role in their history. We have not suffered race-based slavery, segregation, apartheid or holocaust. We have had religious feuds and warfare and are sensitive, or even defensive, about our faith. But more pertinently, Muslims have theologically and historically been color-blind.

The community originated in the town of Medina, in today's Saudi Arabia, as an amalgam of nomadic and settled Muslims of different tribes and regions. Muhammad united them into a powerful social and military force under the concept that "faith replaced blood as the social bond."2 Muhammad, the prophet of Islam, and his immediate successors as head of the 7th century Islamic polity set the example of a multiracial community by freeing African slaves and appointing some of them to positions of authority. Later on former slaves formed ruling dynasties in Egypt and India.

Communal brotherhood is a basic Islamic tenet. For all their ethnic and cultural differences, Muslims are enjoined to consider themselves "close to one another" as though they "form one body." They are told to support one another and "be responsible for one another" in their joys and sorrows; charity for one's kin and community has been emphasized over and over in Islamic scripture.3

The Muslim concept of the individual and of communal solidarity is profoundly influenced by a seminal Islamic doctrine about the purpose of life and man's relationship with the transcendent. God, according to the Quran, created man as his "viceregent on Earth," to take care of the creation and to answer directly and individually to the Creator for his deeds.4 Man is an autonomous being, superior to all others and even the angels, but he is required by the Creator to conduct himself according to moral principles. The Muslim never felt the need for liberation from a church hierarchy. Islam does not have a priesthood. All Muslims are of equal status in the eyes of God. Hence conceptually, they are a classless community of equals tied by a common bond of brotherhood.

Communal solidarity, too, provided the impetus for territorial and cultural expansion during the Muslim imperial age. The Muslim was then proud to identify himself as a Muslim (rather than a Meccan, Yemeni or Syrian). Ever since Muslim lands came under colonial occupation, Islam became the mobilizing force against foreign rule. Today it is a rallying cry against repressive autocracies and the foreign powers that support them.

Empire building, defense against colonialism, struggle against autocracies and their foreign collaborators are all noble enterprises. Hence, the Muslim feels proud to identify himself with Islam in the name of which he undertakes such efforts. No wonder that the most inveterate opponents of Muslim dictatorships today are the so-called "Islamic fundamentalists." Ernest Gellner observed that among many of today's young Muslim women:

> Contrary to what outsiders generally suppose, the typical Muslim woman in a Muslim city doesn't wear the veil because her grandmother did so, but because her grandmother did not. . . . The granddaughter is celebrating the fact that she has joined her grandmother's betters. . . .5

Except for Arabs, who make up a fifth of the world's nearly billion Muslims, Muslims in most other one countries are at least bi-racial. The bond of faith holds them together in communities. It has not, of course, stopped them from occasional internecine bloodletting. Yet the concept of an egalitarian, multiethnic community has been an effective force in Muslim struggles against social inequities and political tyranny. It has been the most powerful force behind the spread of Islam, especially among the socially estranged and economically disadvantaged.

In the Indian subcontinent, for example, Islam is the only religion that has gained and retained a large body of converts from Hindus, most of them from the lower castes that were excluded from the Hindu social mainstream. A similar phenomenon is happening in the United States today. Each year an average of 12,000 Americans convert to Islam (while more than 90,000 other Muslims immigrate to the United States).6 The overwhelming majority of the converts are African Americans from the lower economic and social strata.

Like their co-religionists in the subcontinent, many American converts to Islam see their new faith as a refuge from social alienation. Most cite Islamic concepts of community, brotherhood, equality and social justice as reasons for their change of faith while, of course, expressing their belief that Islam is God's true religion.

Before his conversion to Islam, Talib Abdullah of Hagerstown, Maryland, was "fascinated as [he saw] Egyptians, Saudis, Blacks, Pakistanis, Indonesians—all praying together shoulder to shoulder" at a mosque in New York. "The simple, straightforward message," said Abdullah, an African American who leads prayers at mosques, "that there is one God, no Trinity . . . and equality, brotherhood and justice, all this make a powerful appeal. Most of all, what especially appeals to African Americans is [that] there is no racism in Islam." Abdullah spent nine years in Saudi Arabia studying Islam and Saudi society. He complained that many overseas and immigrant Muslims do not live up to the Islamic tenets of equality and brotherhood. That, he said, reflects on them, not on Islam.7

Many view the Islamic communal support system as a vehicle to put their lives in order. Typically, Sam Bennett, an African American in his late 20s, had made several unsuccessful attempts to give up drugs. Then he came in contact with a group of converted Muslims. Some of them had troubles with the law but were now living "decent lives." What impressed Bennett most about these new Muslims was that "they stick together, spend time together, support each other. .

. . If one is sick everybody visits him." Bennett realized that he needs "that kind of support." Group solidarity did not exist among the "people I used to hang out with."8

Group solidarity is an element of civil society. The term has been given a variety of definitions. Generally, it refers to the social and economic arena that humans share with fellow humans outside the direct control of the state. It includes social institutions such as markets, voluntary associations and a public sphere.9 The idea is as old as Aristotle's civil society, *koinonia politike*.10 In plain language, Aristotle referred to voluntary group activity in a political community, which the chapter of George F. McLean aptly terms free human group interaction in public space in "righteous harmony."11 In modern usage civil society is a feature of secular democracy. The ends of civil society remain the same as conceived by Aristotle, namely voluntary interaction among—and between—groups within a polity. But in today's Western conception of the term, such institutions in Iraq, Saudi Arabia or Cuba would not qualify as part of civil society, for citizens' public activities are not supposed to reflect the exercise of their free will There governments control much of the public sphere, whereas freedom is a seminal ingredient of modern civil society.

The Liberal Crisis

The concept of freedom, as understood in the West, is traceable to the 16th century Protestant Reformation and the subsequent Enlightenment. The Reformation "freed" the Christian individual from the jurisdiction of the Catholic ecclesiastical order, making the individual directly accountable to God. Martin Luther's Reformation was reinterpreted by John Calvin to mean that while man cannot attain salvation except by performing God's will, his performance does not guarantee his salvation: God already has predetermined whom he will save. There are signs, the argument went, which *could* help identify those chosen to be saved: they will be seen constantly doing good deeds and resisting the devil's temptation toward evil-doing and pleasure seeking. Because the Protestant could never be sure of God's will, good works and austerity became his mission in life. Thus industry and frugality turned out to be the hallmarks of Calvinist Puritanism.

Lutheran-Calvinist individualism was given a further interpretation by the Enlightenment. Enlightenment philosophers proclaimed that the individual does not need to attend to God or Scripture for instructions about good works, but can identify the good and the moral through reasoning. Morality, declared Immanuel Kant, calls for obedience to a universal law dictated by human reason. Hence, Kant construed individual freedom in a universal moral context. He even said, "It is morally necessary to believe in the existence of God" as the highest good, the fountain of a moral order.12

But another line of Enlightenment thinkers gave the idea of individual freedom the mother of all twists, turning the whole Protestant moral paradigm upside down. This school—identified by such terms as *liberals, rationalists* and *humanists*—has transformed our world more profoundly than any other since the Athenian philosophical school. The liberals, Fichte, Schleiermacher, Herder, Victor Hugo, Adam Smith, Thomas Paine and others did not have any use for the transcendent or for universal morality in the human perception of the good; on its own human reason can judge what it is good. Thus liberalism shifted "the entire basis of society . . . from obligations to rights and from community to individual."

> Theocentrism disappeared; in its place was substituted anthropocentric humanism, the belief that the individual human being is the measure of all things.13

Modern capitalist market economy is the product of this "anthropocentric humanism." The individual now does not need a heaven to attain fulfillment; he can fulfill his life here on earth. Accordingly, the American Constitution substituted "pursuit of happiness" for that of the meaning of life. The market economy created by the workaholic, frugal Protestant is uniquely suited for the creation of the liberal's heaven on earth, filled with material goods for the pleasure of the flesh.

Although liberalism has been the outcome of the European Enlightenment, consumerism is quintessentially an American phenomenon. As noted, European Enlightenment thinkers who identified the individual's reasoning with "natural law" viewed the individual as part of a universal moral order. Some, of course, did not draw such a link, but their view was not reflected in any of the European political or social systems.

Rugged Individualism

It is in America that the individual was institutionally dissociated from a universal moral order. This was done in a two-pronged process. First, the country was envisioned by Puritans as well as some of the framers of the Constitution as a new "Holy Community" liberated from the corrupt Old World. Benjamin Franklin wanted to have the Great Seal of the United States bear the image of Moses crossing the Red Sea with the Israelites. Thomas Jefferson preferred the symbol of Israelites lumbering through the wilderness to the Holy Land. The American in this Holy Land, though "invested with a strong moral dimension," was considered divorced from the "universal principles of the Enlightenment" espoused in the old sinful world.14

Not surprisingly, the political system "of the people, by the people, for the people" essentially asks Americans to "respect the self-created authority and the self-created law."15 The law has become the substitute for morality, the glue that binds man to man in civil society. Hence America's "rugged individual," among the most broadminded and tolerant in the world, generally has lukewarm interest in kindred, in social and communal relationships. This peculiar American individualism also defined Americans' approach to religions. President Dwight Eisenhower expressed it best:

> Our government makes no sense unless it is founded in a deeply felt religious faith—and I don't care what that is.16

The American's religion, as a purely personal matter, usually does not evoke a feeling of fellowship for his co-religionists as it does in the believer of many other faiths. The freedom of the "rugged individual," guaranteed by his "self-created laws" and suited to his religious disposition, is not conducive for intergroup and intragroup relationships—the hallmark of civil society. It is these relationships that give the free individual a context, make his life part of an orchestra of meanings rather than an irrelevant, solitary monotone.

American liberalism which has created the consumer, also has created the capitalist to cater to the former's needs. The Protestant work ethic valued hard work and frugality—in other words, accumulation of capital and its productive use. In fact, the Puritans believed they had a covenant with God and their productive enterprise was sanctioned by him. In contrast the liberal philosophy, coupled with the Protestant work ethic, propelled Americans into a binge of production that has made the nation an economic and military superpower. Production and exchange in this economic order is regulated by the rules of market economy: maximizing profit by minimizing prices and

maximizing output. Adam Smith, the prophet of this market economic system, argued that it would achieve maximum social good, which he defined as the aggregate of individual self-interests of its members. Such a system, according to him, would benefit even the economically disadvantaged because scarcity throughout society would be overcome by surplus.

The Smithian market economy also has made economic powerhouses out of some of the smaller North Atlantic and East Asian nations. Generations of men and women have enjoyed material comforts that their forebears could hardly imagine. With the collapse of the communist command economic model, the rest of the world, too, is lurching toward the market economy. Internet and World Wide Web are spearheading a communications revolution moving this stampede into still higher gear.

But at what cost?
And to what end?

Consumerism

Adam Smith reminds me of the estate manager of my 19th century ancestor in the Indian state of Assam. The manager's family dealt in opium and got my fun-loving ancestor to try opium until he became addicted. Then the manager began to supply him with abundant quantities of opium at high prices from his family shop. Under an arrangement the manager worked out with his family, my ancestor would pay his opium bills in periodic installments clearing up the arrears at the end of each Bengali year. At year ends, my ancestor's unpaid opium bills would far exceed his cash savings. On the manager's advice, he would sign off a chunk of his estate to clear up the arrears. Once a reputable man in public life, my ancestor now spent much of his time in stupor and isolation. Years later when my ancestor's son returned home after completing his studies at a religious school, he was aghast. His father was nearly broke, having transferred most of his estate to the manager's family. The son chased away the manager and took charge of the remainder of the estate—and his old father.

Most of the goods that modern industry is churning out in their endless varieties—automobiles, television sets, video cameras, lawn mowers, automobiles, frozen foods, cosmetics, paper products and so on—are not essential for a healthy life. But modern man is hooked on them as my ancestor had been on opium. The price people have been paying for this unbridled economic expansion has been prohibitive.

The capitalistic orgy of production and the market economic distribution system are based on the assumption that Earth's resources are inexhaustible. The assumption appeared to be holding for several centuries because the New World was new and bountiful, and it encouraged the notion that "the sky is the limit" for capitalist expansion. "Nothing seemed unattainable—" as one observer captures the mood, "even the moon, on which American astronauts set foot in the summer of 1969."17Besides, industrialized Europe had agrarian colonies that supplied its industries with raw materials and served as captive markets for its finished products.

Today the "sky-is-the-limit" assumption no longer holds. As the decolonized world begins to industrialize and the New World approaches the limits of its resource base, industry and commerce have begun to yield diminishing returns. The manufacturing bases of industrial societies are shrinking fast to make room for expanding service sectors. In 1900 the American service sector accounted for 30 percent of the American work force; by the 1980s it employed 70 percent.18 The industrial assault on resources and the environment has been accelerated in recent decades. At the

present rate of the exploitation of resources, by 2050 the United States will have run out of "all extractable quantities" of tin, commercial asbestos, columbium, fluorspar, high grade phosphorus and many other mineral resources.19

Meanwhile, "pursuit-of-happiness" is fast replacing with consumerism the traditional Protestant frugality—and the habit of saving. The shift from a manufacturing to service economy and the preponderance of consumption over saving have increased Americans' dependence on larger financial and government institutions: government-secured mortgage loans, credits from banks, Montgomery Wards, Sears, AT&T, auto companies, and so on.

Like the resources and environment, many social institutions, including those of civil society, have fallen prey to the forces of capitalist economy. The capitalist division of labor has wiped out many traditional social institutions. Its effect has been catastrophic on the family, the most important of all:

> The universal marketplace has taken over functions and prerogatives long held by the family. Both the private and public (government) service sectors have increasingly expropriated even the most private parts of family life onto themselves. If a family member is facing emotional problems, he or she is immediately sent to a professional psychologist. If the parents' sexual life is not what it could be, they are encouraged to seek "professional" help and instruction. If a child wants to learn tennis, he is signed up for instruction at a professional sports clinic. Parents are no longer guides or instructors. They are merely monitors in the home. Their job is to keep tabs on potential need areas and then locate the right kind of service in the marketplace or government to deal with them. . . . A recent survey asked three-year-old children whom they liked best, Daddy or TV? Forty percent answered TV."20

American divorce rate and out-of-wedlock birthrates are the world's highest. The Lions, Rotary, Kiwanis and Zonta clubs are little more than momentary refuge for the overworked, divorced and unemployed.

Industrial Onslaught

The effects of the unbridled exploitation of resources and the scramble for material goods have been at least as severe in the rest of the world. Cropland, pastures, fisheries and forests are becoming scarce all over the surface of the Earth. Between 1600 and 1950 an average of one animal species was dying out every decade. By 1980 one species died every hour. By the year 2000, about one of every six animal and plant species will have disappear from Earth.21

I nurture many fond memories of the Pakistan city of Karachi. It is Pakistan's business capital and the abode of some of Asia's wealthiest families. Residents of Washington's Georgetown area would envy those living in Karachi's posh residential districts where my friends and I used to enjoy strolling on summer nights along spacious boulevards savoring the cool Arabian Sea breeze. Today, residents of those districts, like many Washingtonians, have stopped their nightly strolls. The more prosperous among them have private security guards to protect their furnishings, computers, fax machines and VCRs from looters. Murder, robbery, mugging and other violent crimes have proliferated in Karachi at almost the same rate as in the U.S. capital.

Two things have roughened Karachi's once agreeable social life. First, the city's population has increased from 400,000 in 1947 to more than nine million, creating a frantic struggle for resources and opportunities for living. Secondly, the struggle has been heightened since Pakistan made a transition from a mixed to a free market economy. This created a new breed of conspicuously consuming, often unscrupulous, *nouveaux riches* who excite the jealousy of those languishing in the lower economic echelons. The anarchy that has gripped Karachi fits the thesis that unrest in industrializing societies is caused not so much by poverty, as by relative poverty accentuated by the modernization process. Some sociological researchers warn that we are approaching an "age of anarchy . . . more in states that are experiencing unprecedented economic growth than economic decline."22

Parts of the Middle East and Africa seem especially prone to the Karachi syndrome. In much of the Middle East, unemployment is above 20 percent and rising, while populations continue to explode at the rate of three percent or more. The situation is expected to worsen as modernization picks up and more and more rural youth stream to urban shantytowns in pursuit of material prosperity. By the year 2000, more than 40 percent of North African youth will remain unemployed.23The age of anarchy, if it comes, will be a gift of liberalism and the capitalist market economy.

The liberal mind alone is not to blame for this frightful omen. Fertile flesh is equally responsible for it. The human population took two million years to reach the first billion mark. The second billion came in just 100 years. In the next 30 years—between 1930 and 1960—we had the third billion. The fourth billion was added in just 15 years, by 1975. The growth rate has since slowed a bit, but hardly enough to avert catastrophes unless humanity changes its ways. Our planet is now buzzing with a population of nearly six billion, and is expected to reach the eight billion mark in the next 15 years.24

Islamic Values and the American Crisis

Humankind is fast losing the Earth's resources in order to pay for the goods from the Smithian economic model. Moreover, we are losing ourselves in the process: Many of the values that make life meaningful—close family ties, friendships, voluntary group activities, leisure and reflection, and, yes, spiritual pursuits—have been sacrificed in the relentless stampede for material goods. The drug culture in zones of urban blight and the rapacity in the corporate headquarters are but two forms of the Smithian "pursuit of happiness." Can human life be put back together again? Can society restore *Koinoia*or moral harmony to help humankind use their freedom to make life more fulfilling?

Hindus have a goddess named *Lakshmi* to bring them prosperity. In olden days when they did her due homage, India was one of the world's most bountiful lands. As Hindus became indifferent to the goddess, harder times befell it. Today, India's per capita income of $500 is one of the world's lowest. Yet the Indian social mainstream retains its vibrant cultural rhythm set in motion nearly half a millennium before nomadic Israelites, under David and Solomon, began trying to make the transition to a settled, agrarian culture. This is because, the Hindus could argue, India is also blest with *Lakshmi*'s husband,*Vishnu*, the Preserver god, to keep a vigilant watch:

> He watches from the skies, and whenever he sees values threatened or the good in peril, he exerts all his preservative influence on their behalf.25

The Abrahamic traditions do not have the equivalent of a *Vishnu* to preserve the values underpinning society when it is periled by the sins of the Enlightenment prophets. But the children of Abraham—Jews, Christians and Muslims—have abundant social glue in their own traditions.

Judaism began as a tribal religion and the Jews have stood unswervingly by one another during exile, pogroms, the Holocaust and lately in their confrontation with the Arab world. "Love thy neighbor" is the heart of Jesus' message. Its unique social import lies in the fact that "the love Jesus proposed . . . is to be absolutely free, geared entirely to our neighbor's needs, not his due."26

Islam accepts the essentials of the Torah and the Gospels; Muhammad emerged as a reformer of those two earlier Abrahamic traditions. In fact, American Muslim scholar Ali Mazrui terms Islam "the first Protestant revolution."27 The Islamic concepts of community, brotherhood and charity, praised by the converts to the faith quoted above, are variations of Judeo-Christian precepts.

Apparently, liberalism and the market economy have had a lot to do with the erosion of the communitarian Abrahamic values in America and the West. Liberalism appears to have had a much greater effect on Christian societies than on Jewish or Muslim ones. The Muslim world has been away from the theater of the Enlightenment and, for most of its history, hostile to the nations that participated in it. One may cite this as the reason for Muslims being less affected by the Enlightenment's mischiefs (consumerism, erosion of communal relationships and values, damage to the environment) and blessings (freedom, democracy, scientific and technological advances). It is argued the relatively stronger community bonds among Muslims are little more than a feature of a premodern lifestyle.

But the Ashkenazi Jews were all over Europe since long before the Enlightenment, and especially the German Jews have become secularized and modernized under its impact. In the United States, beginning in the early 19th century, Jews have made it an individual and communal goal to accommodate American society and culture. They have followed the caveat of Reform Judaism's early champion, Isaac Mayer Wise: "America is our Zion and Washington is our Jerusalem."28

And yet Jewish Americans, unlike Irish or Italian (Catholic) Americans, retain strong communal bonds and identity. Irish Americans, for example, occupy many positions of power in America as do Jewish Americans. But the festering turmoil and terrorism in Northern Ireland has hardly created a ripple in American politics. Israel's security interests, on the other hand, have frequently influenced the American political agenda, because of the vigilance of the communally conscious Jewish Americans. Is it simply because the Reformation and Enlightenment were launched to reexamine Christian doctrines that their impact has been the most profound on Christian peoples?

The Muslim Community

The Muslims' community life cannot, of course, be divorced from their historical experience. Conceptually, the individual in Islam is as autonomous as proposed by Kant. Historically, however, the Muslim individual freedom has been far more inhibited by the weight of moral order than the Kantian doctrine would allow. The assertion of freedom, says E.F. Schumacher, has been a feature of periods of growth, while the quest for order is associated with those of decline.29 Except for the latter half of the Abbasid period (A.D. 750-1258), Muslim societies have rarely experienced periods of growth (growth should not be confused with prosperity from gifts of nature such as the current oil boom in the Persian Gulf), and hence intellectual ferment.

Traditionally, Muslims have practiced their faith under tribal, feudal socioeconomic structures. Besides, Muslims have interpreted the doctrine of viceregency, or the responsibility to take care of God's creation, as a heavenly mandate to be responsive to the environment and local culture.

Thus, Arab Muslims retain their Bedouin social structure that prizes allegiance to the tribal chief. This accounts partly for the resilience of the Arab autocracies in the face of the whirlwind of democratic movements. South Asian Muslims follow their local cultural and social idiom and share the freer political ethos of the land. Hence, democratic institutions are growing faster in Pakistan and Bangladesh than in the Muslim polities of the Middle East and Africa. African American Muslims, on the other hand, nurture much of the cultural markers and social outlook of their American community. Naturally, affirmative action and social welfare programs are among their priorities.

In America, these and other ethnic Muslim groups retain their distinctive cultural identities within a broader American Islamic community. John Esposito aptly calls them "communities within a community."30 During the past three decades, as the American Muslim population has tripled, community activities have increased manifold. Islamic schools, retreats, picnics and other activities are being organized by most of North America's 1,046 mosques and student groups.31 Besides, three country-wide Islamic organizations and numerous smaller ones organize periodic conferences and put out numerous publications to foster Islamic religious, moral and cultural institutions in America.32 These organizations are carrying on vigorous campaigns to preserve Islamic values among American Muslims: prohibition of promiscuity, alcoholic and other intoxicants; respect for parents and community elders; mutual support in hardships; aid for the needy; building Islamic institutions and so on.

Also during the last three decades, Christian America is pulsating with a resurgence of Christian spiritualism. Although mainline churches have lost following, evangelical, charismatic and fundamentalist Christian movements have caught on. Even after several "televangelical ministries" were disgraced and shut down, the "re-Christianization" movement retains its momentum. Evangelical ministers and others are telling Christians that the country's many economic and social problems are God's warning against heeding Godless liberals. Their admonition is falling upon increasingly receptive ears. The common man may not reflect on the philosophical inadequacies of liberalism, but he sees and suffers its outcome each day:

> In the 60s and 70s liberals promised they could end poverty, crime and a host of other social blights by tinkering with the system, and they failed. The public watched as liberals ushered in a proliferation of new legislation, government agencies and bureaucratic red tape. After it was over, the sweeping and unrealistic promises went unfulfilled. The American people, in turn, began to equate liberalism with incompetence, naivete and the squandering of public moneys on every social problem in sight.33

Christian Re-awakening

Just as Islam is attracting some alienated Americans, Christian evangelical and fundamentalist movements, too, draw their share of the socially disillusioned: Paul Stockey, the 1960s protest singer; Eldrige Cleaver, the former Black Panther leader; and Watergate figure Charles Colson are among the many prominent Americans who have turned to evangelism after high-profile forays into secular social and political movements. The overwhelming majority of the born-again

Christians (like Muslim converts) are mainstream Americans in quest of spiritual answers to their lives' predicament.

The growing surge toward Christian spiritualism is demonstrated in the increased attendance at evangelical and fundamentalist forums and rallies. Membership in these organizations has increased dramatically over the decades. In 1978, for example, a *Christian Century* magazine survey found 22 percent of Americans to be evangelicals. A 1986 Gallup Poll listed 33 percent of Americans as evangelicals.34 A 1994 *Newsweek* survey found 58 percent Americans yearning for spiritual growth while one in every three Americans reported some religious or mysterical experience.35

One does not need these statistics to learn about Americans' deepening and widening search for a moral sheet anchor. It is visible in one's surroundings. Gregorian chant is a feature of many music stores. Bookstores abound with religious and spiritual titles. Karen Armstrong's *A History of God*, Kathleen Norris's *Dakota: A Spiritual Geography*, and *Crossing the Threshold of Hope* by Pope John Paul II have been on the *New York Times* bestseller list. More and more Americans are joining religious retreats and courses on spiritual themes. References to the divine increasingly are creeping into creative writing and Hollywood scripts.

And of course our political life is taking on a spiritual ambiance. In 1994 Republicans led by Newt Gingrich tapped the country's "conservative mood" to seize congressional leadership. Two years later the Christian Right was no longer the extremist GOP fringe that it has been in the 1988 election. It was now embraced by the party's mainstream in the Robert Dole presidential campaign and by and large the news media and intelligentsia acquiesced. The Christian Right, argued a*Washington Post* columnist, had been "expanding its influence" and deserved "a place at the table" of American national politics:

> A lot of Americans, have a vague but strong sense that what is going wrong in American life is not just about economics. It also entails an ethical or moral crisis. Evidence for this is adduced from family breakdown, teen pregnancy, high crime rates (especially among teenagers), and trashy movies, television and music.36

The Christian Right may or may not have the answer to today's "ethical and moral crisis". To be sure, it is not yearning for the Holy Roman Empire or even the New England village green where the church and the meetinghouse collaborated in each other's agenda. Neither does any other religious movement propose a religion-based political order. Muslim theocratic fervor, epitomized by the Iranian revolution, has peaked in much of the Muslim world.37 And American Muslims, despite their campaigns for the pursuit of Islamic morals and idiom, are as committed to the American secular, pluralist democracy as anybody else. The religious and spiritual currents stirring America today reflect, if anything, many Americans' realization that material goods are inadequate to lend meaning to life.

And the search a meaningful life is not confined to the Abrahamic religious traditions and spiritual schools. Many Americans are seeking it in Buddhist, Hindu and Bahai faiths and a variety of esoteric cults and creeds. Others do not care to belong to a particular faith or creed, but cluster around personalities who claim to know the answers to their spiritual inquiries. One such group—mostly from Jewish and Christian denominations—has gathered around Swami Sachidananda and learned Hindu-style meditation. Some have no interest in Hinduism or meditation, but are impressed by the holy man's advocacy of peace and social harmony. The group is now collecting

funds to build a pyramid-shape "peace monument" in the vicinity of Washington where people can meditate or pursue spiritual growth in some other fashion.

The industrial damage to nature and the fatigue from martial pursuits also have triggered a proliferation of environmental movements in America and other parts of the world. These movements draw support from both the religious and the secular. Apparently, they are aimed at stemming the erosion of Earth's resources and preserving its ecological balance. Environmental issues are debated vigorously by the news media, voluntary groups, the environmental lobby and an increasingly vocal public.

Deep down, all of them are inspired by the desire to connect their lives to something larger, represented by nature. As religious philosopher Loyal D. Rue put it, "The Epic of Evolution tells us whence we have come, what our fundamental nature is and what possibilities are open to us."38 Indeed, some of the world's oldest religions are based on the perception of the sacredness of nature and prescribe the worship of natural forces and icons. It is no surprise that some of the environmentalist literature calls for the preservation of "Mother Earth," a term used in Hindu scripture and Andean lore.

The quest for "something larger" has been innate for humanity. The driving force behind human enterprise is self-expansion—pursuit of wealth and glory, participation in community life, raising children and hope for an eternal life in heaven. Man now has begun to realize that liberalism threatens to shortchange him on all these counts. It is dwindling the economy and thereby decreasing one's chances for fame and fortune. By reducing his means of livelihood it has diminished his capacity to raise children. By atomizing society it has nearly destroyed community life. And for many, it has abolished a blissful heaven.

The quest for new spiritual and secular vistas stems from a recognition that consumerism does not fulfill life, but threatens to destroy it by eroding its material and moral support systems. Naturally, it also spotlights the need for a transition from the consumptive to a preservative lifestyle—one that values frugality, conservation and appreciation of inner resources. A lifestyle cannot, however, be changed without a change in social priorities. The individual cannot do it. In a free society the state cannot do it. And if the fate of the Communist, Fascist and Nazi models are any indication, neither can an authoritarian state. It is a communal task—the job of civil society of which spiritual and secular voluntary groups are a vital part. Of late, civil society seems to be waking to the challenge. Can it restore the meaning of human life and save the remainder of the human "estate" from the market economy "managers"?

Notes

1. Judith Miller, "The Islamic Wave," *The New York Times Magazine,* May 31, 1992; Daniel Pipes, "Fundamental Questions about Muslims," *The Wall Street Journal*, October 30, 1992; Amos Perlmutter, "Wishful Thinking about Islamic Fundamentalism," *The Washington Post*, January 19, 1991; Martin Kramer, "Islam and the West (including Manhattan),"*Commentary,* October 1993; Charles Jacobs, "Arab PR: How the Arab Viewpoint Is Promoted in America," *Moment*, June 1991; *American Attitude toward Islam: A Nationwide Poll* (Washington, D.C.: American Muslim Council, 1994), *Taking America's Pulse: A Summary of the National Conference Survey on Inter-Group Relations* (New York: The National Conference of Christians and Jews, 1994).

2. Bernard Lewis, *The Arabs in History*, revised edition (New York: Harper & Row, 1967), p. 43.

3. *Quran,* 2:177; 3:103; 9:71.

4. *Ibid.*, 2:30.

5. Ernest Gellner, *Postmodernism, Reason and Religion* (New York: Routledge, 1992), p. 16.

6. Ihsan Bagby, *Muslim Resource Guide* (Fountain Valley, Calif.: Islamic Resource Institute, 1994), p. 22.

7. Author's interview with Imam Talib Abdullah, Laurel, Md., June 18, 1995.

8. Author's interview with Sam Bennett at *Masjidun Nur al-Thani*, Detroit, November 8, 1995.

9. Victor M. Perez-Diaz, *The Return of Civil Society* (Cambridge, Mass.: Harvard University Press, 1993), pp. 56-57.

10. Manfred Riedel, "In Search of a Civic Union: The Political Theme of European Democracy and Its Primordial Foundation in Greek Philosophy," *Graduate Faculty Philosophy Journal*, Vol. X # 2, (1983), p. 104.

11. George F. McLean, "Philosophy and Civil Society: Its Nature, Its Past and Its Future", Chapter I above.

12. Elie Kedourie, *Nationalism* (London: Hutchinson of London, 1960), p. 25.

13. Jeremy Rifkin and Ted Howard, *The Emerging Order: God in the Age of Scarcity* (New York: G.P. Putnam, 1979), p. 24.

14. Barry A. Kosmin and Seymour P. Lachman, *One Nation under God: Religion in Contemporary American Society* (New York: Crown Trade Paperbacks, 1993), p. 25.

15. Georg Jellinek, *The Declaration of the Rights of Man and of Citizens* (Westport, Conn.: Hyperion Press, 1979), p. 61.

16. *One Nation under God*, p. 25.

17. Gilles Kepel, *The Revenge of God: The Resurgence of Islam, Christianity and Judaism in the Modern World* (University Park, Pa.: The Pennsylvania State University Press, 1994), p. 9.

18. *Emerging Order*, p. 191.

19. *U.S. Long-Term Economic Growth Prospects: Entering a New Era*, Studies for the Joint Economic Committee of the U.S. Congress (Washington, D.C.: Government Printing Office, January 25, 1978), p. 75.

20. *Emerging Order*, p. 206.

21. Eric Eckholm, "Disappearing Species: The Social Challenge," *Worldwatch Paper* 22 (Washington, D.C.: Worldwatch Institute, June 1978), p. 7.

22. Robert Kaplan, "The Coming Anarchy," *Sources of Conflict: Highlights From the 'Managing Chaos' Conference*(Washington, D.C.: United States Institute of Peace, 1995), p. VII.

23. *Ibid.*, p. 10.

24. Eric Eckholm, "Disappearing Species: The Social Challenge," *Worldwatch Paper 22* (Washington, D.C.: Worldwatch Institute, June 1978), p. 6.

25. David S. Noss and John B. Noss, *Man's Religions*, 7th Edition (New York: MacMillan Publishing Company, 1984), p. 202.

26. Huston Smith, *The Religions of Man* (New York: Harper & Row, 1965), p. 308.

27. Ali A. Mazrui, "Islam and the End of History," *The American Journal of Islamic Social Sciences*, Vol. 10 (993) p. 525.

28. *One Nation Under God*, p. 25.

29. E.F. Schumacher, *A Guide to the Perplexed* (New York: Harper & Row, 1977), p. 127.

30. Author's interview with John L. Esposito at Center for Muslim-Christian Understanding, Georgetown University, Washington, D.C., January 17, 1996.

31. *Muslim Resource Guide*, p. 20.

32. The three largest North American Muslim organizations: the Islamic Society of North America based in Plainfield, Ind.; Ministry of Imam Warith Deen Muhammad based in Chicago, Ill.; and Islamic Circle of North America with head offices in Brooklyn, N.Y.

33. *Emerging Order*, p. 6.

34. Cited in James Davidson Hunter, *American Evangelism, Conservative Religion and the Quandary of Modernity*(Newark, N.J.: Rutgers University Press, 1983), p. 49; and Larry Martz and Ginny Carroll, *Ministry of Greed* (New York: Weidenfeld & Nicolson, 1988), p. 23.

35. "In Search of the Sacred," *Newsweek*, November 28, 1994, p. 54.

36. E.J. Dionne Jr., "Spirit Over Morality," *The Washington Post*, March 26, 1996, p. A13.

37. John Lancaster, "Calmer Mideast Weighs Signs of Less Militant Islam," *The Washington Post*, March 25, 1996, pp. A1.

38. "In Search of the Sacred," p. 62.

Discussion

The paper pointed to the special problems faced by society in a time of shortage. Some of the issues today seem to go beyond the power of voluntary social units such as those of civil society and require instead government action. While this is true, a further question is how such action is to be evoked from the government. It would seem that except in monolithic states governments are led by public opinion, which in turn must be generated by citizens and especially various solidarities of citizens, as in the example of smoking in the face of real dangers. This can have real effect.

Another source of public policy is the media. This too in part follows or reflects public opinion, but it also leads that opinion. Space and voice are given particularly to the intelligentsia whose opinion has strong formative influence on the populace in general. It is to be noted that the intelligentsia have certain characteristics which are not always adapted to promoting social growth and stability. Hence, for instance, scholars are trained to be critical above all; they tend not to look for the strong points of an argument but for its weaknesses. Thus, they tend to be skeptical and to undermine some of the delicate but penetrating insights regarding the good upon which persons, families and social units depend.

This is compounded in the media which, as commercially operated, are profit-driven. In one sense they are free to print or broadcast whatever they wish, but in another they tread a delicate path between their commercial sponsors and their audience, which limits the range of issues and insights they present. One case was cited of the very popular Crosby show depicting a black family which over a two year period made but one reference to religion. This was so totally untypical of a black family as to constitute evident censorship even to the extent of falsification.

In these circumstances the sources of public information tend to feed erroneous and dangerous views. Thus, where a people is individualistic and acts vigorously upon its own desires there is a tendency to use more resources. When the economic system depends upon ever greater expansion this level of consumption is intensively favored by policies and advertising. Hence all conspires to extend the pressure placed upon the resources of a country and the world as a whole.

In these circumstances people do not want to face what is wrong with the market and the accompanying democracy. As a result there is a self-censorship in the media and the people proceed blindly along perilous paths. When indeed significant shortages do occur there is a tendency to look toward strong government as a solution as a result the political order is subverted to economic goals, which in the end rule all.

The only protection against this dynamism is a civil society able to carry forward the wisdom of a people and to assess the set of present needs. This is the work of the many associations: religious, environmental, recreational and other. In these private contexts the role of the market is not direct and can receive direction from a public opinion developed by concerned and informed people.

This may be needed in a special way in developing countries where attitudes of unlimited freedom of consumption for one's own purposes are being imported and are overwhelming more balanced personal and social relationships from the cultural tradition. In those circumstances the people have special need for an active civil society, lest an alliance of the economic and political spheres seriously damage the future of a country.

Chapter XVI

The Four Goals of Life in Hindu Thought as Principles for a Civil Society

Varghese Manimala

India as a nation is a unity of diverse cultures, races and languages. The unity and the diversity that exists in this subcontinent always has been a cause of wonder for sociologists and anthropologists. The capacity of India to absorb diverse and conflicting views and religions into its own texture has been quite remarkable. From sporadic communal, linguistic, religious and regional tensions India has emerged more powerful and remains a united nation. Deep in the heart of every Indian there is a pride that he or she belongs to a nation with an ancient culture. One feels it an obligation to hold to this identity whatever may be the unhealthy attitudes promoted by small minorities. Geographically and culturally India is so varied that to speak of an Indian civilization and Indian culture may sound meaningless, yet the fact remains there was a sense in which India was considered as the land of 'Hindus', people belonging to the Indus. From time immemorial India was recognized as a nation, though it consisted of many independent kingdoms. Perhaps the various invasions that took place helped the people to build up this idea.

The Indus civilization is almost 4,000 years old. The name 'India' came from the river *Sindhu*; as the Persians found it difficult to pronounce the initial 's', they called it *Hindu*. Another name given to India is *Bharath*, the land belonging to the legendary good ruler Bharatha (originally *Bhrathvara)*. With the Muslim invasion the Persian name returned in the form of *Hindustan*, and those of its inhabitants who followed the old religion became known as Hindus.

Geological upheavals brought about the formation of this subcontinent in such wise that it is surrounded by mountains and seas. The snow-capped Himalayas, stretching from Burma to Baluchistan have held back the nomadic hordes of Central Asia, while these same mountains catch the rains with their life-giving waters. Three seas, with eastern and western ghats, surround her southern plateau and provide her with sufficient open doors for cultural and commercial contacts with the outside world. There are no frontiers within India's borders to disrupt the unity of her life. Just as nature made India one, India's history is a continuous movement towards attainment of social, political and spiritual unity. There is a close relationship between India's geography and its social and political evolution. Some say that in India, the phenomena of nature and the total dependence on the monsoon helped to form the character of the peoples. It has been suggested that the Indian character has tended to be fatalistic and quietistic, accepting fortune and misfortune without complaint.1

The Aryan Invasion and the Development of the Rg Vedic Culture

The invaders of India called themselves *Aryas*, which is generally anglicized as *Aryans*. The word *arya* in Sanskrit and in most Indian tongues mean "free-born," "of noble character," or a member of the three higher castes, changing its meaning over the centuries. The name was also used by the ancient Persians and survives in the word *Iran*, of which *eire* is cognate. Though used in later days as the equivalent of the formal term of respect `sir', at the earliest stage it designated some special tribe or tribes as an ethnic group. Most histories of India begin with these ancient Aryans. The hideous racial implication given to `Aryan' by the late Nazi regime and its official philosophy has increased the confusion.2

The Aryan invasion of India was not a single concerted action, but covered centuries and involved many tribes, perhaps not all of the same race and language. After the fall of the Indus cities, Mohanjandaro and Harappa, they lived not in cities, but in villages, and brought with them their patrilinear family system, their worship of sky gods and their horses and chariots. In most lands where they settled their original language gradually adapted to the tongues of the conquered people. In fact, the outstanding Aryan feature, the one characteristic that justifies the name for a large group of people is a common family of languages. Sanskrit, Latin and Greek were the classical Aryan languages. Some European linguists concluded more than a century ago that it was ridiculous to speak of an Aryan race; and that Aryan was to be taken as a linguistic term with no reference to ethnic unity. But there actually were people in antiquity who called themselves Aryans and were called Aryans by others. In his inscriptions, the Achaemenid Emperor Darius I speaks of himself as "an Achaemenid (*Hakh manisiya*), Persian (*Persa*), son of a Persian, an Aryan of Aryan descent". Therefore the Aryans were once a historic assemblage of human beings including both the Achaemenid clan and the Persian tribe.3

The oldest Indian documents, the sacred *Vedas*, speak of the Aryans as the people who venerated the gods worshipped in the *Vedas*. The priests of many of the tribes who entered India had composed poems to be sung at sacrifices. The hymns composed by their priests in their new home were carefully handed down by word of mouth, and early in the first Millennium B.C. were collected and arranged. Even when the art of writing was widely known in India the hymns were rarely written, but, thanks to the brilliant feats of memory of many generations of Brahmins, and the extreme sanctity which the hymns were thought to possess, they survive to the present day. From internal evidence, they appear not to have been seriously tampered with for nearly 3000 years. This great collection of hymns is the *Rg Veda*, still in theory the most sacred of numerous sacred texts of the Hindus.

The periods of the *Vedas, Brahmanas* and *Upanisads* are a sort of transition from prehistory to history. If history, as distinct from archeology, is the study of the past from written sources, then India's history begins with the Aryans. The *Rg Veda*, and the great body of oral religious literature which followed it in the first half of the Millennium B.C., belong to the living Hindu tradition. The *vedic* hymns are still recited at weddings and funerals and in the daily devotions of the brahmin. Thus they form part of historical India, and do not belong to her buried prehistoric past. But they tell us very little about the great events of the time, except in irritatingly vague incidental references. Even on social conditions their information is scant; only on religion and thought is the historian more fully informed.4

Four 'ends' or goals, commonly known as *purusarthas*, underlie the Hindu attitude to life and daily conduct. The first of these, *dharma*, is characterized by righteousness, duty and virtue. There are other activities through which one seeks to gain something for oneself or to pursue one's own pleasure. When the object of this activity is of some material gain, it is called *artha*; when it is love or pleasure, it is *kama*. Finally there is the renunciation of all these activities in order to devote oneself to religious or spiritual activities with the aim of liberating oneself from the worldly life; this is *moksa*. These four are referred to as "the tetrad" (*caturvarga*).5

Dharma (Duty): The First Goal of Life

Dharma is very much related to *karma*: the former means duty which the latter expresses in terms of action. *Dharma* is derived from the root *dhr-* (or *dh-*) meaning "to support, to hold together, bear, carry, maintain, preserve," etc., and refers to the religio-ethico ideal which may be

translated as "virtue." The basic meaning of *dharma* is the moral law, which sustains the world, human society and the individual. Thus, it replaced the vedic word *ta*, the principle of cosmic ethical interdependence.6 Though generally it refers to religiously ordained duty, it has other meanings as well, such as morality, right conduct or the rules of conduct (mores, customs, codes or laws) of a group. When Upanisadic mysticism and `quietism' came to be included in the religio-ethical ideal, *dharma* was differentiated between activity (*pravrtti*) and retirement from life (*nivrtti*). *Nivrti* itself then became a separate end of man, called *moksa* or spiritual liberation. *Dharma*now refers not to the whole of religion, but to all ritual activities and such ethical duties and ideals as right, righteousness, virtue, justice, property, morality, beneficence and nonviolence. *Dharma* is a key facet of Hindu culture, which itself is designated *Sanatana Dharma*, the eternal *dharma*.

In the Hindu tradition the scriptures are divided into *sruti* and *smrti*, the former being considered divine revelation and having greater authority than the latter. The terms literally mean "that which is heard" and "that which is remembered," respectively. Thus *smrti* meaning "(human) tradition" is based on *sruti* from which it derives its authority. It is best represented in the lawbooks: the earlier *Aphorisms on the Domestic Ritual (Grhya Sutras*) and *Aphorisms on Dharma (Dharma Sutras*) in prose, and later in verse called *Dharma Sastras* and related texts. The most famous of these latter codes are the *Lawbook of Manu (Manu Smrti*) and that of Yajnavalkya (*Yajnavalkya Smrti*). The major period of *smrti* covers roughly a thousand years (c 500 B.C.-500 c A.D.). *Smrti* gave India an integrated philosophy of life and social organization which stood the tests, on the one hand, of foreign invasions and rule over several centuries, and, on the other, of the heterodox religions, furnishing a pattern and integration for both.

The central concept elaborated and emphasized by *smrti* was *dharma*. The word has been in use since *Rg* vedic times, and has denoted such different ideas as vedic ritual, ethical conduct, caste rules, and civil and criminal law. The concept of *dharma* is all-comprehensive and, broadly speaking, may be said to comprise precepts which aim at securing the material and spiritual sustenance and growth of the individual and society. Another important characteristic which deserves special note is that it was not regarded as static: the content of *dharma* often changed in the changing contexts of time, place and social environment.

In spite of the comprehensive character of *dharma*, in its most common connotation it was limited to two principal ideals, namely, the organization of social life through well-defined and well-regulated classes (*varnas*) and the organization of an individual's life within those classes into definite stages (*asramas*). Thus in popular parlance *dharma* came almost to mean simply *varna shramadharma*, that is, the dharmas (ordained duties) of the four classes and four stages of life.

Organization of Society and Stages of Life

The system of four classes has come to be regarded as the most essential feature of Brahmanic society. Even though later Hinduism differs from Brahmanism in many respects, it has scrupulously preserved this peculiar social organization. Though the word *varna-vyavastha* is generally translated as 'caste system', it should be remembered that strictly speaking*varna* does not denote caste as we understand it today. The caste system is *jativyavastha*, which, no doubt, represents a ramification of the original system of classes. It is well nigh impossible historically to discover its origin. The early Brahmanic texts furnish us with very little information. Their aim avowedly was to glorify and defend the social organization governed by the concepts of classes

and castes. They either speak of the divine origin of those social phenomena or give some mythical accounts of them. Such a complex social phenomenon as the caste system must be an interaction of a variety of factors.

The word *varna* means "color or complexion," which itself would indicate that one of these basic factors was racial distinction. In the *Rg Veda* there are references to the *arya-varna*, "the aryan color" and the *dasa-vara* "the dasa (slave or servant) color"; *dasa* is a name collectively given to all racial groups other than the vedic Aryans. In territories where the Aryans were dominant, the color line dividing the three upper Aryan social orders from the fourth, that of the *sudras*, was very strict. Draconian penalties were prescribed for the *sudra* who struck or insulted an Aryan, or even presumed to sit on the same seat with him.

The social cleavage was religiously sanctioned and thus was preserved to this day in the distinction between caste Hindus and Sudras. The *sudras* were denied all access to the *Veda*, the vedic sacrifices, and the Aryan sacraments, especially the investiture with the sacred thread, the symbol of Aryan child's admittance to membership in his class and of what is known as the "twice-born."7

Another important factor was magico-ritualistic in character. The four main classes were distinguished from one another on account of the specific roles they played in connection with the communal sacrifice. Corresponding to their roles in the ritual these classes were assigned distinct colors, which fact also seems to have confirmed the use of the word *varna* with reference to them. This magico-ritualistic origin of the four classes is indirectly indicated by their mention in the *Purusa Sukta* hymn of the *Rg Veda* (10:90) as the limbs of the cosmic sacrificial *Purusa*. In the initial stages these classes were more or less fluid and elastic, but in course of time they hardened into a definite social system characterized by a large number of endogamous and commensal castes, sub-castes and mixed castes.

Within these classes and castes, an individual's life was organized into four distinct stages, called *ashramas*, in such a manner that the individual would be able to realize, through a properly graded scheme, the four ends of life. The four stages of life are those of the student, the householder, the hermit or recluse (*sannyasin*) and the ascetic (*vanaprastha*). It will be seen that the system of four stages of life seeks to resolve the conflict between two ideals, namely, the consolidation and progress of society, on the one hand, and the spiritual emancipation of the individual, on the other. In connection with the scheme of the four stages, the texts of the Sacred Law have stated clearly and at some length the Brahmanic ideals regarding such topics as education, the position of woman and family life. Attempts have also been made to render the broad scheme of the four stages more viable and effective by prescribing various sacraments (*samskaras*), which are, as it were, the lampposts on the road leading to the full-fledged growth of man's personality. These sacraments extend over man's whole life beginning from parental and ending with post-modern conditions.8

Righteousness

Many quotations in *smrti* literature affirm the need of *dharma* and the aim with which *dharma* was proclaimed. In the*Mahabharata* we read: "For the sake of promotion of strength and efficacy among beings the declaration of *dharma* is made. Whatever is attended with non-violence (*ahimsa*) that is *dharma*. Such is the fixed opinion." As is well known*ahimsa* is one of the strong concepts of the Indian polity from time immemorial; Gandhiji made it a catchword of his life and of the freedom struggle he led. It must be practiced in thought, word and deed.

Violence of any kind disturbs the proper functioning of the individual and society, and, therefore, represents the negation of *dharma*. "*Dharma* is so called on account of its capacity for the sustenance of the world. On account of *dharma*, people are sustained separately in their respective stations."9 Confusion regarding the respective duties and functions of the different classes imbalances society, and it was incumbent on the king to avoid such a confusion.

Manu in his code instructs one not to violate *dharma* for such a *dharma* will destroy us. "*Dharma* being violated, destroys; *dharma* being preserved, preserves; *dharma* should not be violated, lest violated *dharma* destroy us." According to *Manu*, *dharma* follows us even beyond death. "The only friend who follows men even after death is *dharma* (justice), for everything else is lost at the same time when body perishes" (*Manu Smrti*, 8:15,17).

No Indian ideal could be inconsistent with *dharma* or 'righteousness'. This word brings cosmology into touch with the mundane details of private law. One who follows his *dharma* is in harmony and attains bliss. Without *dharma*, in however etiolated form, fertility, peace and civilized life are imperilled. In one sense *dharma* is natural in that it is not created or determined; but in another sense it is always to be striven for. *Dharma* is unnatural in that to achieve it one must make efforts of self-control which are painful and contrary to some natural reactions. If *dharma*, as contrasted with positive legislation, only in part resembles natural law it is nevertheless a code of moral obligations to which the uninstructed nations (*mlecchas*) cannot attain. As *dharma* means duty (*kartavya*), its study involves a discovery of the duties of individuals, groups, and, among them, their political leaders, for in the political sense *dharma* is an abstraction of *sva-dharma*, the 'proper dharma' of each caste and category of person. If one can state the age, caste and status of a person, he can be told what is his *dharma*. One deviates from this at one's spiritual peril, in any case, and to one's physical or financial peril also if the king is as alert as he ought to be to deviations.10

Adharma (unrighteousness) is the forerunner of chaos into which humans have a natural tendency to decline. *Dharma* and kingship are inseparable for every *dharma* had the king as its protector; and as a set of practical requirements the law could not effectively demand anything that was not at the same time morally and legally binding. If the subjects rebelled they did so because the king's duty to protect *dharma* was being neglected, or because his own life, conflicting with *dharma*, prejudiced their welfare from a religious point of view. The Brahmin's duties are to study, teach, officiate at religious ceremonies (including the *samskaras*), to advise, and, if necessary, to chide rulers. The duties of a king are to protect the good like a father and to put down evildoers with rigor. The 14 'faults' in a king to which the epics point are these: atheism, falsehood, hot temper, carelessness, procrastination, not seeing the wise, laziness, addiction to five pleasures of the senses, considering state matters by himself without consulting competent ministers, taking counsel with those who do not know politics, not undertaking that which is decided upon, not keeping state secrets, not practicing auspicious acts and undertakings in all directions at once.11

The notion of *ius strictum* was totally absent. The aim, even today, outside the regular courts, is to effect reconciliation: not even the king desired blind justice. As a blind guide to the solution of disputes, *dharma* had a built-in equity. What was abhorred by the public could not be *dharma*. Rule-of-thumb decisions were avoided and mutual adjustment favored, even at the cost of repeated adjournments. In all hearings an ancient maxim came into play, that the four feet of *vyavahara* (litigation) were *dharma*, *vyavahara* (court practice), *charitra* (custom) and *rajas sana* (royal decree). These were originally sources of law, but the notion that the king could not overrule *dharma* in its transcendental sense grew as time went on. *Dharma* had an isolated existence of its own; it was not adjustable to suit opinions and occasions. Officials were ruled by

customs and by *dharma*, under the ruler's oral or written instructions. The village assemblies were ruled by *dharma* in its most elemental sense, the conscience of the people understood through its customs.

Dharma, in its wider sense of a general moral ideal, requires of every man truthfulness, abstention from stealing, absence of anger, modesty, cleanliness, discernment, courage, subjugation of the senses and right knowledge. This attitude towards moral qualities and forms of behavior leads us to the fact that equilibrium rather than equality, peace rather than liberty, were the fundamental ideals. Since *dharma* was the aim of all, there was the recognition of the need of others. Freedom of speech and freedom of movement were accepted, as were freedom to agitate and to propagate theories of an intellectual nature, whether or not these had practical consequences. No one seems to have ever desired freedom of property in the modern sense of the term, or of choice of occupation or of way of life in a chosen environment. Freedom to choose one's own direction seemed synonymous with insecurity and disorder—a dreaded state of affairs. One sought one's soul's comfort by practicing personal and social virtues. As soon as the fear of primeval chaos was actually removed a taste for reform, fundamental rights and civil liberties entered into the Indian mind.12

In the beginning the insistence on *dharma* surely served the stabilization of society; but as the caste system developed, branched out and took firm hold of Indian society the higher castes, especially the Brahmins, stressed *svadharma* or the*dharma* of one's caste, thereby making the legal system synonymous with *dharma*. The priestly class achieved supremacy, and the higher castes began to dominate to such an extent that even today, except in certain areas of the country, the unhealthy division of society into castes and subcastes exists. Some works of *smrti*, like *Manava Dharma Sastras*, have contributed to this state of affairs.

Artha (Wealth): The Second Goal of Life

Since we have tried to narrate in some detail the concept of *dharma*, the most important end of man, we shall briefly mention two of the mundane ends of man, which also are to be guided by *dharma*; these are material welfare (*artha*) and the life of pleasure (*kama*). As we have seen, the ancient Indian concept of *dharma*, as religiously ordained duty, touched all aspects of man's relation with society. One such aspect was political in character and often manifested itself in the form of the relation between the subject and the state. In view of the fact that the state in ancient India was mostly monarchical, this aspect of the *dharma* was known as the *Raja-dharma* or the *dharma* (duty) of kings. Naturally enough, the *Raja-dharma*, which by and large corresponded to political science, formed but one of the many topics within the larger scheme of *Dharma Sastra* which normally was divided into three main sections: rules of conduct (*acara*), civil and criminal law (*vyavahara*), and expiation and punishment (*prayascitta*). In the course of time polity came to be considered important enough to be recognized as an independent branch of knowledge under the name of *Artha-Sastra*, the science of profit or material gain.

As against *Dharma Sastra*, *Artha Sastra* might have given quite a new orientation to political theory and practice. This new orientation reflected, at least to a certain extent, the increasing intensity of the struggle for power in ancient India, and the development of the methods used to gain and keep control over the land and its peoples. It is possible to find some indications of this new political ideology in the *Mahabharata* itself. In order to overpower the Kaurava warriors like Bhishma, Drona and Karna, the Pandavas often employed, under the active direction of Lord Krsna himself, ruses and stratagems which were not in consonance with the traditional rules of righteous

war (*dharma-yudha*). The ultimate victory of the Pandavas over the Kauravas symbolizes, in one sense, the predominance of the new *Artha Sastra* ideal over the older epic ideal of chivalry. As for the essential difference between the sacred law and the science of material gain, it may be stated in broad and rather oversimplified terms as follows: while *Dharma Sastra* insisted on the righteousness of both means and ends, *Artha Sastra* concerned itself primarily with the attainment of the ends irrespective of the nature of the means employed for the purpose. The *Artha Sastra* ideology completely dominated the polity of ancient India. Attempts were occasionally made, however, to reassert the superiority of *Dharma Sastra* over *Artha Sastra* by prescribing that, in case of conflict between the two, *Dharma Sastra* should prevail.13

Kautilya's *Treatise on Material Gain (Artha Sastra*) is the basis of the theory of Indian polity. This work (4th century B.C.) is of exceptional interest and value, for it has almost revolutionized the traditional view regarding certain aspects of ancient Indian history and culture. *Artha Sastra* laid down policies aimed at welding together, into a more or less unified pattern and under the direct or indirect control of a single authority, the multiplicity of smaller states which crowded the stage of Indian history at that time. Kautilya defines *Artha Sastra* as the science which treats of the means of acquiring and maintaining the earth; indeed it deals more fully with practical government administration than with theorizing about the fundamental principles of political science. In social matters Kautilya has transcended the exclusiveness of ancient Brahaminism, and has at the same time successfully counteracted the renunciatory tendencies of the *Upanisads* and early Buddhism. The exaltation of the royal power in the legislative sphere and the elaboration of a complex bureaucracy in the executive sphere were certainly new to Indian polity. It is possible that in these matters Kautilya derived inspiration from foreign, especially Hellenistic, sources.

To the intense political and military activity of the early Maurya period there was a reaction in the reign of Ashoka (c 273 -232 B.C.). This grandson of Chandragupta and third Maurya emperor turned away from the Machiavellian ways of *Artha Sastra* to the ways of righteousness and, in particular, to the teachings of the Buddha.

Among other works that dealt with the subject of political science the following may be mentioned: *The Law Book of Yajnavalkya, The Essence of Policy of the School of Kamandaki (Kamandakiya Niti Sara*) and the *Policy of Sukra (Sukra Niti*). Among these the *Lawbook of Yajnavalkya* deserves our special attention for the sway it held during the Gupta period (4th-5th centuries A.D.). It reflects the social changes which had been brought about: no person was above the law; the Brahmans were denied the several legal concessions which they had previously enjoyed. It also did away with many legal inequities from which the *sudra* suffered. The law relating to women was also considerably revised and brought into line with their changed social status. *Thiru Kural* (A.D. 450-500), a comprehensive work in Tamil by Tiruvalluvar, deals with the three ends of man. Even a casual perusal of the section on polity in the *Kural* makes quite evident that Tiruvalluvar was closely acquainted with Kautilya's *Treatise* and derived inspiration and material therefrom.14

Artha Sastra provides a detailed description of state administration, the accumulation of wealth and the relationship between the different departments. As the purview of this chapter does not permit us to go into details, we shall just mention the seven constituents of the state mentioned by Kautilya: "The king, the ministers, the country, the forts, the treasury, the army and the allies" (6:1). These are called the seven limbs of the state.

Kama (Pleasure, Pursuit of Love, Aesthetic Bliss): The Third Goal of Life

Among the ends of man living in this world and actively engaged in it *kama*, 'pleasure or pursuit of love', plays an important part. In the Hindu scheme of life great importance is attached to the life of the married householder (*grhastha*). Certain texts consider the householder's life the greatest of the four stages of life. Hinduism does not hold up monasticism or eremitism as a common ideal for all. Rather, it considers the strains and trials of household management, family life and social obligations to be a useful discipline contributing to the preparation of man for the final life of retirement and spiritual endeavor. Pleasure is not to be suppressed, but rather to be enjoyed in a manner which helps in the achievement of a well-rounded personality. Constantly reminding the householder of his duties (i.e., *dharma*) as also of the higher nature of the Ultimate Reality as the final goal to be attained, the Hindu code of conduct kept the normal man from degenerating into an epicure or profligate. Love chastened by suffering was held as an ideal and was considered capable of effecting a lasting spiritual union. The longing of hearts in love was considered the most effective image to depict the yearning of the devotee for God or the seeking by the individual soul for the Supreme Soul. Hindu aesthetics explained the philosophy of beauty in terms of the enjoyment or perception of a state of sublime composure or of blissful serenity, which was a reflection, intimation, image or glimpse of the enduring bliss of the spirit in its true realization through knowledge.15

Detailed study of the science of love or of pleasure (*Kama Sastras*) was undertaken. The cultured person was supposed to be educated in the 64 *kalas* (arts and sciences) which include dancing, singing, acting, legerdemain, embroidery, metallurgy, cooking, chemistry, gymnastics, horology, architecture, engineering, etc. A cultured person enjoys the good things of life, and moves in the most refined social and artistic circles.

Beauty has been a subject of Indian comment and speculation since the earliest times. The *Rg vedic* poets reveled in the beauties of both nature and humankind; they attached the highest value to beauty of expression in their poetry. The *Upanisads*, which conceive the ultimate reality as the one imperishable substratum having the form of existence, knowledge and bliss, speak of it also as the fullness of perfection and the fountainhead of all enjoyment, *rasa*, from which proceed all forms of artistic expression. According to the *Bhagavad Gita*, whatever is beautiful in this world is so because of the spark in it of divine beauty (10:41). Music, art, drama and poetry were systematically developed in accord with the soul of India.

The aesthetic emotion is of the nature of serenity (*visranti*) of heart or of spirit, a condition in which the restlessness attendant upon mundane activity is stilled by the play of artistic presentation. In this respect aesthetic bliss is considered akin to supreme beatitude; of course, this is not the same as the supreme beatitude from which, once attained, there is no falling away. Realization of aesthetic bliss is a condition brought about or ended by the presentation and withdrawal of artistic stimulus. Yet it offers a momentary glimpse of supreme bliss, and continuous efforts to partake of it are a means of preparing the soul for its supreme self-realization.

Moksa (Liberation): The Final Goal of Life

Moksa or liberation is one of the main themes of Indian philosophy and life. The human longing for emancipation is a permanent factor common both to traditional philosophical systems and to the present mentality. This dynamism confers unity and purpose upon the philosophical enterprise. If the desire to know Being could be said to be the central thrust of Western philosophy,

the desire for liberation characterizes Indian philosophy. The study of what makes the human being free could be said to constitute the central philosophical question for our time. This concern with 'freedom' or liberation gives Indian philosophy a relevance far beyond its traditional boundaries, not only geographically and historically, but also philosophically.16

The fourth and final goal of life, *moksa*, is the culmination of the other three, but especially of the religious ideal associated with *dharma*. In the earliest phase of Indian thought the observance of cosmic and moral law (*rta*) and the performance of *dharma* in the form of sacrifice were believed to be a means of propitiating the gods and gaining heavenly enjoyment in the afterlife. From this idea there gradually evolved the theory of *karma* and its corollary, the doctrine of rebirth. But the thought of the endless chain of birth and death led to deeper reflections and to the inevitable conclusion that this life is perishable and capable of not producing real happiness. If there is something which is permanent and survives all these changes, it might yield the secret of restfulness, infinite peace and lasting happiness. To one intent upon the supreme good or everlasting bliss, even the pleasures of life were no different from its miseries: both lead to an endless cycle of experience which must be transcended. As anything done within the sphere of cause and effect was caught up in the same chain, action was no remedy. Only knowledge of the truth could help one rise above the transmigratory cycle or the world of cause and effect.

This line of thought can be found in all the later systems. All agreed that experience in this life was on the whole to be considered miserable and that deliverance (*moksa*) from it or its cessation was to be sought. The *Upanisads* considered that knowledge of the truth would lead to realization of the self as such, beyond the conditioned existence in which it was involved. Behind this world of cause and effect, underlying the phenomenon of things that come into being, change, decay and disappear, there was one paramount reality: existence (*sat*), changeless and consequently sorrowless. Of this, knowledge was not a quality, but the very form. The *Upanisads*, for the most part, hold this monistic view of one transcendent Absolute, but at times they spoke also of the truth as a transcendent personality. The former view led to the monism of some schools like that of Sankara, while the latter view led to theistic schools which considered one supreme God as the creator, sustainer and destroyer of the universe, and developed the doctrine of devotion, love and surrender. To them release from the world (*moksa* or *mukti*) brought absorption into, or essential identity with, the Lord.

The whole of Indian philosophy sought release from the misery (*dukha*) of mundane experience and transmigration (*karma-samsara*); all emphasized knowledge of one kind or another. Actions, of course, could not be eliminated so long as a man lived; the most philosophy could do was to take the sting out of action. The monistic philosophers, recognizing the disciplinary value of acts and duties, as indeed of ethics, accordingly assigned them a place under the *sadhanas* or preparatory disciplines. Acts could function in this way as ancillary to knowledge provided they were done not with the expectation of personal gain, but as an expression of devotion if they were dedicated to the Lord: the doer abandoned not the act but the desire for its fruit. This reconciliation of action with knowledge and devotion was the great contribution of the *Bhagavad Gita*. In modern times, when increased activity has become a dominant feature of Indian life, it is this text with its philosophy of selfless and dedicated action to which the whole Indian nation has turned for inspiration.17

It is worthwhile to pivot our attention for some time upon this remarkable work of devotion: *The Song of the Lord (Bhagavad Gita*), or simply *The Gita*. This forms a part of the great epic *Mahabharata*, but has achieved an identity of its own. The whole book is a teaching based upon the devotion to a personal God—in this case, of Lord Krsna. The religion of Krsna differed

from the *Upanisads*, as well as from Buddhism and Jainism, first and foremost in its teaching about the goal of human life. For the *Upanisads* the phenomenal world and human existence are in some sense unreal; one should renounce this worldly life and aim at realizing the essential identity of one's soul with the Universal Self, which is the one and only absolute reality. Whereas the Upanisadic attitude to life and society is fundamentally individualistic, the *Gita* teaches that man has a duty to promote *lokasamgraha* or the stability, solidarity and progress of society. Society can function properly only on the principle of ethical interdependence of its various constituents. As an essential constituent of society one must have an active awareness of one's social obligations.

There is another fundamental point on which the *Gita* differs from Upanisadic thought. The Upanisadic ideal of spiritual emancipation through knowledge involves acceptance of the unreal character of the phenomenal world. Through his or her actions, one becomes involved in the tentacles of this fictitious world and is thus removed progressively from one's goal. A complete abnegation of action, therefore, came to be regarded almost as a *sine qua non* of a true seeker's spiritual quest. The ideal of social integrity (*lokasamgraha*) through *sva-dharma* enjoined by the *Gita*, on the other hand, implies an active way of life. The *Gita* most often speaks in terms of *yoga* (self-discipline) rather than *moksa*. The *Gitakara* (author of the *Gita*), discussed at length the why and how of *karma-yoga* (*yoga* of action). One does not attain one's goal by nonperformance or renunciation of actions. In explicit terms the *Gita* tells one to perform actions: "Do your allotted work for action is superior to nonaction." (3:8) But this action must be done in the spirit of detachment; only then is it capable of setting one free: "Therefore, without attachment, always do the work that has to be done, for a man doing his work without attachment attains the highest goal" (3:19).

The *Gita* essentially embodies a code of conduct. After having theoretically established the need to perform social obligations, the *Gita* lays down the practical course. By following this, even while engaging oneself in work, one can remain uninvolved in consequences, thereby meeting the most common objection to the way of work: "Those deluded by the *Gunas* of *prakti* (dispositions of matter) get attached to the functions of *Gunas*. The man of perfect knowledge should not unsettle the mediocre, whose knowledge is imperfect. "Surrendering all actions to Me, with your thoughts fixed on the Self, freed from desire and selfishness and cured of mental fever, engage in battle" (3:29-30).

The greatest contribution of *Bhagavad Gita* to Indian religious thought is the doctrine of devotion which can bring about the emancipation of an individual. As described in the *Gita*, devotion presupposes the recognition of a personal God, who is omnipresent, omniscient and omnipotent, and who confers His grace on the devotee—however lowly one may be—when one surrenders oneself unreservedly to Him. Whatever such a devotee offers to God is acceptable to the Lord: "Whoever offers Me with devotion, a leaf, a flower, a fruit or water, I accept that, the pious offering of the pure in heart" (9:26). The turning point in life comes in dedicating all of oneself to God instead of petitioning Him for things here and hereafter. When all good deeds are done for the glory of the Lord, the doer emerges as the divine. "Whatever you do, whatever you eat, whatever you offer in sacrifice, whatever you give away, whatever austerity you practice, O Kaunteya, do it as an offering to me" (9:27). Such a total surrender brings freedom from bondage. "Thus you shall be free from the bondage of actions yielding good and bad results. With the mind firmly set in the *yoga* of renunciation and liberated, you shall come to me." (9:28)

The *Bhagavad Gita* aimed at a philosophical synthesis of Upanisadic monism and the spirit-matter dualism of *Samkhya*. It tries to steer a middle path between these two, while at the same

time stressing *karma-marga* (the path of self-less action) and *bhakti-marga* (the path of devotion) as possible ways to *moksa*. In another context the *Gita* mentions the characteristics of the perfect man. He is referred to as one of steadfast wisdom, yogin, devotee, etc. "When one renounces all the desires which have arisen in the mind, O son of Pritha, and when he himself is content within his own self, then is he called a man of steadfast wisdom" (cf. 2:55ff). Such a one is unperturbed in sorrows and sufferings, and passion; fear, anger and the like have no hold on him or her. Free from attachment one is able to maintain equanimity in the midst of good and evil things. This self-discipline is *yoga*. It consists not in abstinence or in reveling but in moderation—the middle path. A *yogin* is one unafflicted by the world and free from fear, anger and anxiety. He behaves alike to foe and friend, he retains his balance through honor and dishonor and is free from attachment. Living in equanimity he is full of wisdom and devotion. Such a person is dear to the *Bhagavan* (Lord):18

> If an ancient Indian of the time of the *Upanisad* (sic), of the Buddha, or the later classical age were to be set down in modern India . . . he would see his race clinging to forms and shells and rags of the past and missing nine-tenths of its nobler meaning. . . . He would be amazed by the extent of mental poverty, the immobility, the static repetition, the cessation of science, the long sterility of art, the comparative feebleness of the creative intuition.19

India is a mixture of many races, religions and cultures. Hence, it is quite normal that there be some problems of understanding and integration. These problems must be traced not to a single factor, but to many factors active through centuries. Illiteracy has been a problem of independent India; even after 40 years of independence the rate of literacy has not reached 50 percent in most states of the country.

The caste system, to which we referred earlier, needs to be seen and interpreted in the present context. What started, perhaps, as a division of labor has degenerated into the bane of India. Since a religious sanction has been attached to it, rooting it out appears almost like cleansing the Augean stables. This Herculean task can be achieved only with a new understanding of the caste system and with the growth of literacy. When education is widespread and awareness of the value of every human person increases, no one will dare subjugate the other.

But it must not be forgotten that even educated people of the upper classes try to hold on to meaningless age-old traditions in order to retain their hegemony over the lower classes. Even political parties which vow to root out the caste system cater to the caste feelings of the people when they put up their candidates for election.

Some have gone even to the extent of including the caste system in the very structure of Hinduism. Asked to define a Hindu, the Bengali poet, Chandra Sen, said that a Hindu was "one who was born in India of Indian parents on both sides, and who accepted and obeyed the rules of his caste."20 There is nothing in the entire body of Sanskrit literature to show that the caste system was deliberately devised as a means to attain the coveted end of realizing the divine within man. The doctrine of the *gunas* (qualities) merely helped give a rational explanation of the phenomenon when the original fourfold classification hardened into a rigid system, and when the rapidly multiplying castes attached undue importance to outward form. So meticulously were the caste rules worked out that a *sudra* could not travel along the way with a *brahmin, ksatriya,* or*vaisya*. He was seen as a debased creature, described as `the servant of another to be expelled at will,' and considered untruth itself. In the course of time many subcastes grew up; each occupation became

the work of a particular caste with such rigidity that neither interdining nor intermarriage was permissible. One should hold to the viewpoint of Buddha that nobody is born a *Brahmin* or *candela,* but becomes a *brahmin* or *candala* by one's deeds.

So long as the people adhered to the ancient ideal of *dharma*, the caste system induced a moral cohesion of the different units and gave society its stability. When the ideal was lost sight of, the system developed fissiparous tendencies and evolved the code of inequities which have given it a bad name outside, as well as inside, India. Nevertheless, it still stands before the world as a marvelous attempt to develop a static social order. The essential basis of the caste system was the development of groups of individuals in consonance with their qualifications; the keystone of the structure was not detachment, but union. The element of exclusiveness and untouchability is repugnant to the social philosophy and tradition of the Aryan race. The main, if not the sole, object of the caste system should be to secure social efficiency on the democratic and socialistic principles of class collaboration and the rule of law.21

In search for the sources of India's present difficulties we might point to three important factors: the division of states based on regional languages, fanatic religious groups and a lack of proper planning on the part of the government.

Conclusion

In conclusion we can ask the questions: Will India survive her present problems; is India capable of such a task? The answer is an emphatic 'Yes'. With the immense wealth of her philosophy and culture she can liberate herself from self-imposed yokes, provided there be a concerted effort to revitalize the spirit of nationalism which was very active during the days of the freedom struggle. As a nation we have to struggle for the greatest integration; being a multi-faceted nation, to achieve unity is not an easy task. The factors which divide Indian society, such as the caste system and unequal distribution of wealth, must be fought with the intensity of a war. A few Buddhas are needed to fight the evils of discrimination.

The government as well as the people need to wage a war against poverty and illiteracy. These are manmade ailments of society and through selfless action in the spirit of the *Gita* the society can be cured. Among Indian peoples, especially the downtrodden, there is a sense of resignation which must give way to 'revolt' and enterprise. This does not mean becoming enamored of ever-increasing standards of living and the growth of luxury at the expense of spiritual and moral values. Like Gandhiji we must detest the soft life and prefer the straight way which is always hard. Moral values must prevail; the ends can never justify the means or the individuals and the race will perish. Making use of the immense labor power at her disposal, India must surge ahead to that 'heaven of freedom' which Tagore desired for his country. All of us must try to live the best in us.

What India needs today is a recall to the *dharma*, interpreted in accordance with today's idioms. Rather than caste-duty, duty based upon the inherent worth of a person is to be given priority. Today's *dharma* is based upon the dignity and freedom of the person; today's *adharma* is violation of human rights, oppression and discrimination of others on the basis of caste, class, creed or race. Hence a revitalization of the ancient values in order to serve modern culture is necessary. With a solid mooring in tradition—but not outweighed by it—and keeping abreast of modern development, India can build a culture which will be properly her own. Today's India needs the selfless action performed in a spirit of detachment which is so much insisted upon in the *Gita*. This will bring out the best in the people so that we can contribute to the best of our ability in building up a strong nation. India has a philosophy of which she can be proud, but this

has often avoided concrete issues. It has lived in an ivory tower, cut off from life and its day-to-day problems; it has concentrated on the ultimate purposes, but failed to link them with human life.

In the same manner and as it has in the past, religion too should serve humanity in its march towards development. As Jawaharlal Nehru notes:

> They [religions] have laid down values and standards and have pointed out principles for the guidance of human life. But with all the good they have done, they have also tried to imprison truth in set forms and dogmas, and encouraged ceremonials and practices which soon lose all their original meaning and become mere routine. While impressing upon man the awe and mystery of the unknown that surrounds him on all sides, they have discouraged him from trying to understand not only the unknown but what might come in the way of social effort. . . . Religion, though it has undoubtedly brought comfort to innumerable human beings and stabilized society by its values, has checked the tendency to change and progress inherent in human society.22

Realizing one's role, every Indian must choose the famous invocation for his/her motto:

Asatoma sad gamay:
Tamasoma jyotir gamay:
Mrtyorma amrtam gamayah.

"Lead me from the unreal to the real:
Lead me from darkness to light:
Lead me from death to immortality!"

Notes

1. Cf. H.L. Basham, *The Wonder That Was India: A Survey of the Culture of the Indian Sub-Continent Before the Coming of Muslims* (New York: Grove Press, 1959; Calcutta: Rupa, 1987), p. 3. Also Kewal Motwami, *India: A Conflict of Cultures*(Nagpur: Nagpur University, 1947), pp. 3-4.

2. D.D. Kosambi, *The Culture and Civilization of Ancient India in Historical Outline* (New Delhi: Vikas Publishing House, 1982, seventh edition), p. 72.

3. *Ibid*., p. 73.

4. Cf. H.L. Basham, *op. cit.*, p. 31.

5. Cf. Wm. Theodore de Bary, ed., *Sources of Indian Tradition* (Delhi: Motilal Banarsidas, 1972), p. 211.

6. Etymologically, *dharma* denotes the action of supporting, of giving firmness and cohesion. Thus there developed the meaning, 'statute, law,' etc. The term *dharma* as an action noun can denote not only an activity performed by the person, but also its effects. Hence, human fulfillment of the law promulgated by the gods or contained in the sacred books came to be named *dharma*. Thus the classical meaning of *dharma* is the fulfillment of one's duty. This is the sense of the term in the *Bhagavad Gita*.

7. *Ibid*., pp. 218-219.

8. *Ibid*., pp. 219-220.

9. *Mahabharata*, 12: 110: 10-11.

10. Cf. J. Duncan M. Derrett, "Social and Political Thought and Institutions," in *A Cultural History of India*, edited by A.L. Basham (Delhi: Oxford University Press, 1985), p. 126.

11. *Ibid*., pp. 128, 131.

12. *Ibid*., pp. 135-140.

13. Cf. Bary, *Sources of Indian Tradition*, op. cit., pp. 236-237.

14. *Ibid*., pp. 238-240.

15. *Ibid*., p. 258.

16. Cf. R. Panikkar, "The Vitality and Role of Indian Philosophy Today," *Indian Philosophical Quarterly*, V (1978), p. 681.

17. Cf. Bary, *Sources of Indian Tradition*, *op. cit.*, pp. 276-278.

18. Cf. *Bhagavad Gita*, 12: 13-19.

19. As quoted by Jawaharlal Nehru, *The Discovery of India* (Delhi: Jawaharlal Nehru Memorial Fund, 1986), p. 96.

20. Quoted by R.P. Masani, "Caste and Structure of the Society," in G.T. Garrett, *Legacy of India*, p. 125.

21. *Ibid*., pp. 159, 161.

22. Nehru, *Discovery of India*, *op. cit.*, p. 511.

Chapter XVII

Iniquity and Retribution in the Hindu-Buddhist Sources

Chanchal Bhattacharya

In this paper we mainly shall seek to develop the semantic space which underscores the concepts of iniquity *(steya)* and retribution *(danda)* in Classical Hindu Law. The primary reason for seeking to understand the motif of these concepts is to explore whether there are any common factors underneath the baffling diversities of myths, models and symbols of the Hindu-Buddhist and the Judeo-Christian textualities. An analysis of the above material, we believe, will contribute to our awareness of the roots and of some of the sensitivities which are foundational to the Hindu-Buddhist traditions. Such an effort, we believe, may enrich our understanding of the problematics and consequently, contribute to the process of reconstruction of civil society by facilitating the cognitive processes of such reconstruction. A deeper understanding of the above processes, we farther believe, may be catalytic in enriching the evaluative classification of Its types of governance of the futuristic civil society as well. An awareness of some of the hidden factors behind the sensitivities of the above value components in Classical Hindu Law will also enrich our understanding of the Hindu-Buddhist value systems which in turn may help the development of the solidarities, subsidiarities and intermediaries of civil society.

In this paper we shall refer to the Judeo-Christian frame of values through hermeneutic interrelations, and assume that since Brahminism was foundational to Buddhism the way Judaism has been to Christianity, an exploration of the contexts of the*steya* and *danda* in their sources will provide us with the semiotic environment common to both Hinduism and Buddhism.

The reasons for selecting the themes of *steya* and *danda*, stem from the following considerations:

(a) The concept of *steya* is foundational to the eighteen titles of Classical Hindu Law.

(b) The idea of *danda* is inseparable from the idea of *steya*. In addition, the negation of *steya (asteya) is* an indispensable prerequisite for pursuing the path of righteousness *(dharma)* which leads one to liberation *(moksa)*. Needless to say, the attainment of such a goal is central to the very quest of Hindu thinking and philosophy. Around this central theme of *moksa*, one may affirm, the Hindus developed the axis which remains central to their value systems. Besides, the concept of *moksa is* an invariable which underlines the non-rational components behind the 'lexical space' of *steya* and *danda* in Hindu Law.1

Before proceeding to develop the concepts of *steya* and *danda* in their primary and interpretative sources, however, it is necessary to outline briefly the spirit of *dharma* and the genre of literature called the *Dharmasastra* which provide the contextual references to the above concepts. The *Dharmasastras*, it should be noted, elaborate the concepts of *steya* and *danda* through two types of literature, i.e. the precise aphoristic material *(sutras)* and verse forms (*sastras*). The *sutras* and the *sastras* are interpreted through a body of commentaries which are the works of some scholarly members of an arcane ritualistic community.2

The *Dharmasastra* literature which consists of the *sutras* and the *sastras* forms a codified body of socio-religious mandates and seeks to complement the spirit revealed in the Vedas. The principal claim of the lawgivers and their interpretators, nevertheless, has been to seek to elaborate the insights of the original Vedic lore.

The symbolic and mystical nature inherent in the morpho-logical structure of the material, however, often suggest a degree of discordance with the spirit in which certain authorities, such as Manu and Yajnavalkya, had mandated certain given injunctions. The commentators on the *sutra* and the *sastra* material tended to reconcile such dissonances. The injunctions of interpreters, we need to add, form an independent tier with its own standing of authority in the tradition of classical Hindu law. The relationships in this three-tier system of *Vedas, Dharmasastra* and commentaries have to be understood in reference to the idea of intratextual coherence factor in the traditional classical hermeneutics of such material (*ekavakyata*).4

The philosophical system of *Purva-Mimamsa* stipulates that an unitary element (*ekavakyata*) characterizes the central axis of all rituals.5 Failure to penetrate the multi-layered rituals of linguistic or other ritual forms to the spirit of its one-wordness is to abort the very essence of such symbolic patterns. Rituals, customs and traditions which contribute to the social ecosystems of the Hindus in their totality are focused on the motif which in its unitary dimension has been called eternal*(sanatana)* by the classical lawgivers of Hinduism. The term *dharma* indicates the essential non-transient quality of this concept.

In this study, the term Hindu law is used synonymously with the *Dharmasastra*6 and the *Arthasastra*.7 However, before proceeding to analyze the concept of iniquity and the idea of punishment, I feel it is necessary to sketch briefly the nature of the laws of *dharma* and the genre of literature called the *Smrtis* or the *Dharmasastra* on which this paper is based.

Although the term *steya* has been traditionally translated as ‘theft’, in this paper I have used ‘iniquity’ instead of the traditional term ‘theft’. Thus the terms ‘theft’ and ‘iniquity’ will be used synonymously in this paper.

The Sources

The Law (Dharma)

The term "*dharma*" refers to the ordinances that extend beyond the rules dealing with and controlling the daily duties of a Hindu during his life span in two ways: (1) the ordinances of *dharma* prescribe the ways a man impregnates his spouse; thus, the laws have an impact on the process that generates a fetus. (2) The law codes also prescribe rules concerning the ways a dead person should be cremated.8

Since Hinduism believes in transmigration, the soul (according to the Hindus) continues to live after it is separated from the body.9 And the *dharma* codes lay down definite injunctions concerning the duties10 of one’s offspring to comfort the soul of the deceased.

The way of life that is regulated by the Hindu religious codes and is consistent with the tradition of the learned is *acara*. The*acara*11 codes regulate the details of one’s household duties and daily activities, starting from when one gets up in the morning until one retires at night. Such codes of *acara* constitute the essence of *dharma*. For instance, Manu says: ‘The highest code of *dharma* is *acara*."12 He also claims that all forms of penance are grounded on the codes of good conduct.13Thus sincere adherence to the codes of *acara* is central to *dharma*.

The *dharma,* according to Yajnavalkya, consists of the performance of *acara,* self-restraint (*dama*), non-violence, (*ahimsa*) acts of benevolence (*dana*) and engaging oneself in the study of the Vedas (*svaadhyaya*).14 In addition the duties of *dharma*also set up the norm that one should let one’s personality be molded by the spirit of the *Smrti* (law) and the *Sruti* (Vedas).

Adherence to such a life, Yajnavalkya declares, leads to self-realization (*atmadarsana*)15 and is the core of all good conduct (*sadacara*).16 The *dharma* codes require that while adhering to such a life-style, one should keep pace with the times and take into consideration the milieu in which one operates.

For example, the ordinances of *dharma* prescribe the giving of gifts to people. While making such a gift, one needs to take into consideration the time, the factors surrounding one's environment as well as the method of bestowing such a gift, prior to acting on it.17 Whatever the conditions under which such gifts are made, in order to conform to the spirit of *dharma* one must make a gift with due sense of respect to the recipient. Thus the *dharma* is not a mere mechanical observance of certain codes.

The *dharma*, however, is practiced within the frame work of the caste system and the traditions that govern the four stages of life (*asrama*). The ordinances of *dharma* enjoin that there are four castes and four stages of life, and the *acara* a person follows must be suitable for his particular caste standing and the given stage in his life. The entire theme of the *'Santiparvan*' of the *Mahabharata*, one of the most revered texts that deals with Hindu law, centers around the above precept. However, the *dharma* of a king primarily consists of duties related to protecting his subjects; a Brahman's *dharma*consists, among other things, of studying and teaching the *Vedas*.

The *dharma* laws enjoin that a person should live by the rules of the *asrama*. For example, a student who is properly initiated *(brahmacarin)* should study the Vedas in accordance with the dictates of the tradition, i.e. he should read the scripture in its proper order.18 Such a tradition also requires that a student *(brahmacarin)* should avoid consumption of honey. He should also avoid eating meat, using fragrance and indulging in intimate relationships with women.19

"The term *`dharma',* Professor Renou rightly observes, "includes not only religion but all the ethical, social and legal principles associated with religion and together they constitute the real meaning of life of the Hindu."20

In brief, the *dharma* consists of the ordinances that take the caste and *asrama* duties into consideration and becomes instrumental in upholding the eternal *(sanatana)* ways of life,21 of which the Vedas are the source.22

The Law-Givers

That certain laws are framed in order to perpetuate a given way of life indicates that some form of tradition existed prior to the time these laws were encoded. The codification of laws also presupposes that there were indications that people were tending to break away from the time-honored ways of life. In order to prevent such aberrations, the orthodox elements in the society codified definite injunctional signals or laws. It is difficult however, to observe whether such law codes were put together by some redactors such as Manu, Yajnavalkya, Harita, Kautilya, etc., or whether these were names of certain schools identified by the names of lawgivers mentioned above.

The Dharma Literature

The *dharma* literature can be classified into five sections:(1) *Dharmasutras*—the ordinances written in condensed prose; (2)*Dharmasastras*—written in verse; (3) *Bhasyas*—the commentaries or scholia written on the first two genres; (4) *Nibandhas*or digests; and (5) the epics and the *Puranas*.

Dharmasutras

The *Dharmasutras* are aphoristic statements on the ordinances of *dharma*. P.V. Kane23 and R. Lingat24 agree that the *Dharmasutras* were closely connected with the *Grhyasutras* in their themes and contents.25 The *Grhyasutras* deal with themes such as sacred domestic fire, various forms of household sacrifices, the rules for performing daily sacred rites, the liturgic principles for performing a wedding and other religious rites *(samskaras)* and certain rules that govern a Hindu's daily life.

The *Dharmasutras* scarcely elaborate upon rules concerning the above rituals. The works ascribed to the following authors were written in the aphoristic prose of the *sutras*.26 (1) *Gautama,* (2) *Baudhayana,* (3) *Apastamba,* (4) H*iranyakesin*, (5)*Vasistha*, (6) *Visnu* and the *Arthasastra* of *Kautilya*.

Dharmasastras

It is traditionally believed that this genre of literature was written after the Sutra period. The *Dharmasastras* were written mostly in Anustubh (meter).

The *Dharmasastras* deal with the same themes as the *Dharmasutras.* Professor Lingat, however, observes that the latter "give a much larger place to the rule of judicial character.27 The *Dharmasastra* literature, unlike the *Dharmasutras,* are unattached to any Vedic carana (i.e. Vedic school). One of the significant differences between these two classes of literature lies in the fact that each *Dharmasutra* is of interest to a particular liturgic group *(carana)* while the *Dharmasastras* are of interest to all Hindus.28

The *Dharmasastra* literature bears the names of Manu, Yajnavalkya, Brhaspati, Narada, Parasara, Katyayana, among others. Of these (1) the Laws of Manu, (2) the Canons of Yajnavalkya and (3) *Naradasmrti* are available in their entirety. The*Brhaspati-Samhita* and the *Katyayanasamhita* have been reconstructed by scholars from various sources. Recently professors Lallanji and K.K. Gopal have reconstructed the *Pulastya Smrti* and are in the process of reconstructing the *Devala Dharma-Sutra.*

Bhasyas (commentaries). These are the scholia written on both the *Dharmasutras* and the *Dharmasastras*. Each commentary *(Bhasya, Vrtti, Vivarana,* etc.) is devoted to a particular text. It is possible, however, that more than one scholar would have contributed to a scholium on a particular text. There are however, several commentaries on works on lawgivers such as Apastamba, Gautama, Manu, Yajnavalkya, etc. Among such commentaries mention should be made of Maskarin's *Bhasya* and *Ujjvala* on *Apastamba-dharmasutra,* Govindasvamin's *Vivarana* on *Vivarana* on *Baudhayana Dharmasutra* and Nandapandita's *Vaijayanti* on *Visnusmrti*. There are several other commentaries such as Medhatithi's *Bhasya*, Sarvajnanarayana's *Vivrti*, Kulluka's *Manvarthamuktavali*, Ramacandra's *Manubhavarthacandrika* on the *Manusmrti* and Vijnanesvara's *Mitaksara* and Mitra Misra's *Viramitrodaya* on the *Yajnavalkyasmrti.*

It is necessary to note in this context that the genius of Sanskrit scholarship has expressed itself through the various commentaries. Even though the commentators do not necessarily agree on the analysis of the morphological implications of all the terms or on the grammatical structure of given sentences, the sophistication that is peculiar to Sanskrit literature and particularly to the law codes of the Hindus are manifested through such commentaries.

This paper has borrowed insights from various commentators, who true to the spirit of the tradition, brought out the possible nuances on the meanings of the passages on which they elaborated, thus adding to the wealth and charm that are the characteristics of Sanskrit literature and of Indian civilization and culture in general.

Nibandhas (digests). These are the compilations of passages on a given theme such as: (1) *steya* (theft), (2) *Sahasa* (robbery), (3) *Saksin* (witness), (4) *Prayascitta* (expiatory rites), etc.

The *Dharmakosa* is a rather recent compilation similar to *Nibandha.* Laxmnan Shastri Joshi, the compiler of this series, has collected extracts from ancient and medieval lawgivers, commentators and *nibandhakaras* on such topics as (1) *vyavahara* (judicial proceedings), (2) *upanisat* (esoteric doctrines), (3) *samskara* (sacraments), (4) *rajaniti* (polity and state craft). The *Dharmakosa*, whether a *nibandha* or not, is possibly the most outstanding and useful tool for the purpose of research and scholarship, even though it tends to disturb the personality of the source from which one collects the material.

In my endeavor to study the concept of iniquity and retribution which is one of the titles of criminal law (*vyavaharapada*) in classical Hindu law codes, however, I have compared the passages on iniquity *(steya)* in the above text with the original sources. On the basis of my comparison, I am convinced of the accuracy and unparalleled wisdom of the editor of this series. The editor of the *Dharmakosa* has compiled almost all the essential passages on *steya* (theft) from the *Dharmasutras,* the *Dharmasastras*, the *Arthasastra,* the epics and the *Puranas.*

Epics and Puranas. The *Mahabharata*, one of the two Indian epics, is regarded as an independent source of Hindu law, and the *nibandhakaras* have often cited verses from this epic to substantiate their interpretation of verses or aphorisms relating to Hindu law. The *Puranas*, a heterogeneous body of material, have also been cited by the *nibandhakaras* as a source. The editor of the series *(Dharmakosa*) includes most of the major and significant commentaries that are available on the collected passages. Laxman Shastri Joshi also includes in this series the relevant passages from the epics and the *Puranas*.

The Dates

It is perhaps useful to say something about the historical context in which the codes were written. Since the laws of Manu are considered to be one of the most valuable sources of Hindu law, we shall begin with Manu. According to some of the internal evidence available in the text, Manu descended from a self-created entity called *Svayambhu* who divided himself into two halves, male and female. A colossal being entitled *Virat Purusa,* ensued from that primeval male and female. The above colossal being created Manu through penance. Thus Manu, unlike other mortal beings, did not have a physical birth. Although such an account of Manu's origin defies any attempt to discuss the times of Manu, one can hypothesize, however, on the basis of some external and internal evidences, the time frame in which the Manu codes were redacted.

Before we attempt even to arrive tentatively at Manu's times, it is important to note that the corpus known as the *Manusmrti* establishes the fact that a person called Bhrgu compiled the material that is referred to as *Manusmrti*. The mythical Manu does not have much to do with the redacted version of the *Manusmrti*.

The date of the *Manusmrti*, however, should be placed within two limits, i.e. the upper limit and the lower limit. The lower limit being the times of Kalidasa in whose works Manu is

mentioned. Apart from some reference to Manu in Kalidasa, an analysis of the passages on *steya* in Kautilya shows that Kautilya's *Arthasastra* was redacted after the codes of Manu and Yajnavalkya had received their final forms. This presumption is based on two facts: (1) Kautilya elaborates points such as what constitutes iniquity and what kind of punishment should be enjoined; (2) he mentions two kinds of iniquity (on which all the lawgivers agreed) without elaborating the nature of such forms of transgression. Thus it seems that by the time the *Kautilya* codes were systematized, the forms and contents of the concept of *steya* as elaborated by Manu, Yajnavalkya, et al., had been established and codified.

Secondly, the time of *Manusmrti* can also be inferred from the facts that, unlike the *sutra* literature, the material in Manu does not represent the interest of certain particular Vedic sects (*Caranas*); on the contrary, *Manusmrti* deals with material that may have been gleaned from the *sutra* literature in general.

Thus, since Kalidasa and Kautilya are dated between the third and the fourth centuries A.D. and the *Dharmasutras* between the fourth and fifth centuries B.C., we can claim that the *Manusmrti* was redacted between the second century B.C. and the third century A.D. Since the other *smrtis* such as *Brhaspati, Vasistha,* and *Narada* all refer to Manu, they were evidently written after Manu.

The commentary literature, needless to say, was written after the original *sutra* texts were redacted. P.V. Kane, however, has reasons to believe that this genre of literature was composed 'over a period of a thousand years from about the 7th to the 18th century A.D.'

In any event, regardless of the date of the above lawgivers, one may ascertain that since Gautama, Sankha, Vasistha and Kautilya, among others, did not consider it necessary to develop the philosophical structure of the concept of *steya*; because, on the contrary, they focused on discussing punishments for various forms of *steya*, I shall draw most of my data on the punishment section from the above lawgivers. But since Manu, Yajnavalkya, Brhaspati and others developed a philosophical structure of the concept *steya*, in addition to discussing modes of punishment, I shall refer to them throughout the analysis of both the motif of *steya* and the ideas of *danda*.

The Idea of Iniquity in Classical Hindu Law

The concept of iniquity *(steya)* in Hindu law in its various nuances transcends the act of taking an object that a person does not own. Steya is a transgression *(pataka)* which occurs when a person fails to perform his duties or discharge his responsibilities. Such a transgression also results when a person engages in activities that are forbidden by *dharmic*injunctions. *Pataka* occurs when someone fails to perform his required daily sacrificial rituals (*sandhyopasanadi*) or ritualistic bathing (s*nanadi*).31 The idea of *pataka is* related to the concept of seven limits (*saptamaryada*) mentioned in the*Rgveda*.32

Yaska interprets the above passage to mean that the seers (*rsis*) instituted seven limits, a violation of even one of which constituted a transgression. The limits are as follows: (1) iniquity (*steya*), (2) incestuous relationships, including having illicit sex with one's preceptor's spouse (*talparohana*), (3) assassination of a Brahmanan (*brahmahatya*), (4) the destruction of an embryo (*bhrunahatya*), (5) drinking intoxicating beverages (*surapana*), repetition of a mischievous act (*duskrtasya karmanah, punah punah seva*) and (7) false allegations (*patake'nrtodya*).33

Any violation of the above prescriptive limits constitutes negation of *dharma* which is *adharma*. Criminal proceedings (*vya-vahara*) were instituted to cleanse a man of the smear

of *adharma,* known *as pataka*.34 It is necessary to emphasize, however, that the Hindu lawgivers also perceived punishment as a means to streamline the society as Manu proclaims:

> If the king did not impose punishment on criminals with constant vigilance, the stronger elements in the society would have roasted the feeble ones like fish on a stick, the right to ownership would also have been abolished, and chaos would have prevailed.35

However, a criminal proceeding (*vyavahara*) is an operation which unveils the 'wrong' that is not known between two disputing parties.36 A criminal proceeding (which is used synonymously with judicial proceeding in this work) involves a plaintiff (*vadin*) and a defendant (*prativadin*). The plaintiff files a complaint to which the defendant responds..In such proceedings, Bhatta Nilakantha claims, means of evidences as witnesses (*saksin*), possession (*bhoga*), etc. are also used to arrive at the unknown truth, the verdict.38

The Idea of Retribution (danda)

The concept of punishment (*danda*) is presented in the Hindu law *(smrti)* as a divinity. Manu writes:

> To serve the purpose of the king, i.e. to protect all beings, the Lord (Brahma) created *danda* (punishment) which in essence is *dharma* and it is imbued with the spirit of the Brahman. It is the offspring of Brahman.

The idea that *danda* (punishment) is a personified entity created by Brahma and that it is identical with *dharma* can also be traced to Yajnavalkya. He writes: 'In ancient times, Brahma devised *danda* which is identical with *dharma* itself.'39 Manu identifies *danda* (punishment) with the king and his ruling power when he says: 'He *(danda)* is a person *(purusa)*; he is the king, the leader and ruler.'40 Kulluka, in his commentary on the above hemistich, writes: "In reality *danda* (personified punishment) is the king and in conjunction with the power of the king, he is the only male person, the rest are females."

Thus, both Manu and Yajnavalkya personify punishment. The difference lies in the fact that in Manu the *danda*(punishment) is identical with the king, while in Yajnavalkya it *(danda) is* the same as *dharma*. *Danda* (punishment), the Hindus believe,41 is a form of expiation (*prayascita*)42 that purges the evil (*kilbisa*) created by the inequitable transgression of acts (*steya*).43 Gautama adjoins that, if an accused is assaulted, he is purified.44

Maskarin, in his commentary on the above *sutra,* indicates that whether the offender lives or dies as a result of such punishment, he is purified. Manu declares that to punish an offender and to protect the good citizens is incumbent upon a king, and that it is by punishing the offender and protecting the law-abiding citizens that a king goes to heaven.45

The *Smrti* lawgivers, however, differ among themselves concerning the extent of the transgressional demerit a king receives if an act of iniquity occurs in his kingdom. Gautama affirms that all the sins *(papa)* resulting from thefts in the kingdom pass on to the king in the event the king shows any compassion for a thief and abstains from punishing him. He writes, 'A king who (out of mercy) does not kill is a sinner.'46

Maskarin, in his commentary on the above *sutra,* says that when a king abstains from inflicting punishment he receives all the transgressional demerit of the thief. Manu states that a king who collects taxes but does not punish the thieves is precluded from his seat in heaven and his kingdom is in turmoil.47 Apastamba maintains that a benevolent king must free his entire kingdom from any fear of thieves. He says, 'A prosperous king is he in whose jurisdiction, either in village or in forest, there is no fear of thieves.'48

Haradatta, in his gloss on this passage, emphasizes that unless such a condition is secured in one's kingdom, one cannot obtain *ksema* (prosperity) in spite of giving a hundred units of money to everyone. Thus, unless the king is able to uproot all the possibilities of *steya* throughout his domain, he incurs the *kilbisa* resulting from it.

In such an instance, inability strictly to live up to the code becomes the object of *steya,* in the sense that the agent incurs the demerits for not measuring up to the standard called for by his particular situation in life. Cleansing takes place either through the punishment inflicted by the king or through self-inflicted penance.

In any event punishment has two goals: (1) to cleanse the agent of the blemishes of wrongdoing so that he stands corrected spiritually, and (2) to establish justice. There is a consensus among the lawgivers on certain notions, i.e. (1) punishment must be administered in accordance with the caste status of a particular offender, and (2) a Brahmana never receives physical punishment. An analysis of the punishments recommended by various lawgivers indicates that the Hindu's idea of punishment for offenses evolved through various stages. Gautama, Apastamba, Visnu, Sankha, Harita did not develop any significant theories of punishment. In Manu, for the first time, we come across some important statements on punishment that are mixed in with other considerations such as duties of various castes, duties of a king, problems of polity, etc., which spread over various sections of the book (i.e. chapters VII, VIII, IX and XI). Yajnavalkya eliminates the spurious elements from his theories of punishment and organizes his ideas into a definite system which is elaborated in a chapter calle d*Vyavaharadhaya*. In this section Yajnavalkya defines various forms of felony and recommends modes of punishment to fit the transgression. In Kautilya, however, we find a much higher form of systematization of the theories of punishment which is an improvement on both Manu and Yajnavalkya.I shall provide a synopsis of Gautama's injunctions, because he is the uncontested prototype of all the successive lawgivers. In addition, Gautama's *Dharmasutra* is a remarkable account of early Hindu theories of punishment. He begins with the statement that *sudras* pay in fines eight times the value of an object they take as a non-given object.49 A member of a higher caste pays considerably more than a *sudra* because members of a higher caste are supposed to be more responsible. Gautama makes it clear that the punishment for thievery for a merchant *(Vaisya) is* twice the fine a *sudra* pays, a warrior *(Ksatriya)* pays twice as much as a merchant, and a Brahmana, who is supposed to be most enlightened of them all, pays the highest fine, i.e., twice as much as a warrior.50 The learned get more punishment for their transgressions. The author of the *Maskaribbasya* brings out that a learned man not only pays higher fines for his transgressions, but also performs more severe retributory penances.51 Purificatory cleansing resulting from such penances is a *sine qua non* for salvation (*moksa).* Thus, the various schools of *Dharmasastras* as well as the traditional commentaries, while seeking to understand the spirit of *dharma,* through the concepts of *steya* and *danda,* remained focused on *moksa,* the ultimate goal of human life. The relations, between *dharma* and *moksa,* however, are non-linear in character and encompass multiple factors rooted in traditional forms of socio-religious rites and rituals.

Finally, the motif of *steya* (which is traditionally translated as 'theft') as discussed in this paper becomes synonymous with 'insincerity'52 and can be the ground for voiding all convenental relationships. Such an element, we believe, can contribute to, and perhaps be equated with, the superficial quality of emotion that Dante had attributed to troubadour poetry.53 The model of *danda* for such *steya*, is found in Sen and Nassbaum's thesis on promoting inner growth.54 An awareness of such a semantic gap between the original Sanskritic textualities and their traditional translated synonyms could help us sharpen our sensitivities and help us conceive and structure a civil society that lays the foundation for bringing poetry back into our lives with a deeper sense of humanity.55

Notes

1. Chanchal Bhattacharya, *The Concept of Theft in Classical Hindu Law, passim*.
2. Commentators on the *Dharmasastra* such as Medhatithi, Vijnaneswara are comparable to Thomas Aquinas or Augustine in terms of their authority in the Hindu interpretative tradition.
3. Noam Chomsky, *Reflections on Language*, p. 137.
4. *Mimamsa Paribhasa,* p. 2.
5. *Ibid*.
6. P.V. Kane, *History of the Dharmasastras: Ancient and Medieval, Religious and Civil Law*, (Poona), vol. I, pp. 13 ff.
7. R.P. Wangle, *The Kautiliya Arthasastra: A Study*, pp. 3-5.
8. *Manu,* II:16; see also P.V. Kane, *op. cit.*, vol. IV, pp. 35ff; Robert Lingat, *The Classical Law of India,* trans. D. Derrett (Berkeley), pp. 171ff.
9. *Bhagavat Gita,* II:22.
10. *Yajnavalkya*, I:41-46.
11. Robert Lingat, *op. cit.*, pp. 14-17
12. *Mann,* I:110.
13. *Ibid*.
14. *Yajnavalkya*, I:8.
15. *Ibid*.
16. *Ibid*., I:6.
17. *Ibid*., P.V. Kane, *op. cit.*, vol. I, pp. 1-4.
18. *Manu*, II:1-7.
19. *Manu*, II:177.
20. Louis Renou, *Religions of Ancient India*, p. 48.
21 Robert Lingat, *op. cit.*, p. 6.
22. Ganganath Jha (ed. & tr.). *Manusmrti: The Laws of Manu with Bhasya of Medhatithi* (Banaras, 1924), vol. I, pt. 1, pp. 172-222.
23. P.V. Kane, *op. cit.*, vol. I, p. 11.
24. Robert Lingat, *op. cit.*, p. 18.
25. P.V. Kane, *op. cit.*, vol. I, pp. 11-12.
26. Robert Lingat, *op. cit.*, p. 73.
27. *Ibid.*, p. 73.
28. *Ibid.*, p. 74
29. *Dharmakosa*, vol. I, pt. 1, p. 1.
30. *Manu*, XI:44; see also P.V. Kane, *op. cit.*, vol. IV, pp. 1-23.

31. See Kulluka's commentary on *Manu, XI.* 44
32. *Rgveda,* X:5-6.
33. *Nirukta,* VI:27.
34. *Mann,* VIII:3-18.
35, *Ibid.,* VII:20-21.
36. Bhatt Nilakantha, *Vyavaharamayukha,* ed. P.V. Kane, p. 17.
38. *Ibid.*
39. *Yajnavalkya,* 1:8.
40. *Manu,* II:177.
41. A.D. Taylor, "The Basic Patterns of Hindu Personality," *The Journal of Abnormal Psychology,* pp. 7-12.
42. P.V. Kane, *op. cit.* (1953), vol. 1, p. 59.
43. Julius Jolly, *Hindu Law and Customs,* trans. B. Ghosh (Banaras, 1975), pp. 251-265.
44. *Gautamadharmasutra,* XII:41.
45. *Manu,* IX:254.
46. *Manu,* XII:42.
47. *Manu,* IX:254.
48. *Apastamba Dharmasustra,* II. 25.15.
49. *Ibid,* XII.12.
50. *Ibid,* XII.23.
51. *Maskaribhasya* on *ibid.*
52. Lionel Trilling, *Sincerity and Authority* (Cambridge, MA.: Harvard, 1971), pp. 2-25ff.
53. Butler Jefferson Fletcher, *Dante* pp. 24-25.
54. David Crocker, "Functioning and Capability: The Foundations of Sen's and Nassbaum's Development Ethic", *Political Theory,* 20 (1992), p. 584 ff.
55. George F. McLean, "Philosophy and Civil Society: Its Nature, Its past and Its Future", Chap. I above.

Chapter XVIII

Civil Equality of Religions in Society

Florencio R. Riguera

As a way of life, that is, as a system of beliefs and norms of behavior, religion has a great impact on society. As a force which can foster solidarity among those who profess a particular religion, it confers a sense of identity through their shared beliefs and norms: there is a sense of unity among co-religionists. But by the same token, this identity also distinguishes one group from others, or certain individuals from others.

Inasmuch as there are norms of behavior for members of a given religious group, there is a region of subsidiarity: the religious group need not be governed from the outside, that is, by a broader authority when the issues in question are within the competence of the group. However, in a pluralistic environment, problems are bound to arise: what is prescribed by one religious group might even be proscribed by another. The individual believer/member must reconcile the perceived conflicts, especially of behavior, which can affect others in a given society. At the basic level, one has to exercise his/her freedom and responsibility and determine how to be faithful to one's religious identity, while at the same time respecting the religion of others.

In this context, boundaries between different religions are areas for the exercise of freedom by individual believers. In the context of society, the question arises how the "official positions" of particular religions regarding certain questions ought to be observed in a manner which fosters social order and cohesion. Freedom in the exercise of one's religion in a pluralistic environment necessarily entails some order or pattern under which differences do not disrupt social life.

It is within this framework that the present effort explores how changes came to be adopted by a religion in terms of religious freedom. What is sought are clues toward some reconstruction of civil society. By looking into its official position on religious freedom in the context of its relations to other groups or institutions, the Second Vatican Council had to address precisely this question; it will be of special interest here.

The process through which Vatican II developed its position on religious freedom will be reviewed on the basis of the debates and comments regarding the proposed draft or Schema on religious freedom. What principles or values appeared to be in jeopardy? What advanced the positions it advocated? With these as guides, it will be asked whether the affirmation of religious freedom was possible only because of the Church's unique character, or, whether the "seed of unity" is inherent in other institution as well. If so, what was there in the action of the Catholic Church which can be adopted more broadly in the work of social reconstruction?

It may be observed here that religion is not limited to doctrines and observance of rites for worship. Rather, concrete behaviors flowing from the commandment to love one's neighbor are constitutive of the observance and exercise of religion. Faith without good works is dead (James 2,17); one who says he loves God but does not love his neighbor is a liar (I John 4,20); and one who does not feed the hungry fails to feed the Lord Himself (Mt. 25,31-46). In such passages as these Catholics are enjoined to participate in public life, up to the point of advocating particular policy options which eventually would be enforced or administered by the State (*Gaudium et Spes*, #75—also #43). It can be asked: Is this not somehow imposing the beliefs or norms of one group on others; is it not some measure of theocracy?

If religion may not be limited to the so-called private sphere, the question of how the Church and the State must relate to each other must be resolved. If, on the other hand, Catholics must

participate in social and political life, certain official positions on particular issues eventually will be questioned. How did the Council treat this problem?

A Change of Attitude

The bulk of the proposed draft was approved in substance by the Council, and promulgated as the *Declaratio Dignitatis Humanae*. This Declaration defines the place of religious freedom in civil society: the freedom to fulfill its mission of salvation and all that is sacred and necessary. This freedom "is the fundamental principle in what concerns the relations between the Church and governments and the whole civil order."(#13)

When the Schema was being evaluated at the Commission level—that is, prior to its submission to the Council itself—the debates were very spirited. An understanding of this matter requires a thorough review of related doctrines or positions. For convenience, the "minor" changes which resulted in the draft before the final version of the Declaration may be pointed out first. The statement that the Church is superior to the State was rejected and the relevant passage in *Dignitatis Humanae* merely recognizes that Church and State have distinct areas of competence. The appeal that these institutions avoid encroaching on each other's "domain" is found not in *Dignitatis Humanae*, but rather in *Gaudium et Spes* (#76).

The passage which spells out particular areas where religious freedom may be exercised was deleted so that the promulgated version does not point out economics, family, health, politics, etc., as such areas.

Another change between the Schema and the promulgated version consists of an added acknowledgement that the Church itself had resorted to coercive means in certain times through history. This was not in the draft, but is found in the promulgated version (#12). A veritable confession of fault in even more explicit terms appears in *Gaudium et Spes* (#43). This signals a change in attitude on the part of the Church, not only in the way it understands its relation to other institutions or groups, but also in its attitude toward these relations. In the context of the privileged position of the Church in some countries, the acknowledgement is a significant step towards an attitude of equality with other institutions or groups. This willingness to renounce its privileges appears also in *Gaudium et Spes* (#76): in witnessing to the faith it is sincerity that is important; privileges are to be renounced when they jeopardize this witness. When this attitude of equality is related to doctrine and principle, the character of the change or development in the position of the Church comes into focus.

Equality of Religions in the Juridical Order

An affirmation of an equality of religions is the central development in the Church's understanding of the right to religious freedom in society. Aside from this point, there has been a constant and unchanged affirmation—notwithstanding the fault which was acknowledged—of religious freedom. This requires some clarification because of the way the question had been formulated in the Schema, and the way the responses, observations and debates took shape before the Schema was discussed by Vatican II.

Phases of the Exercise of Religious Freedom

Dignitatis Humanae declares that "the human person has a right to religious freedom. This freedom means that all are to be immune from coercion on the part of individuals, social groups or any human power, in such wise that in matters religious no one is to be forced to act in a manner contrary to his own belief. Nor is anyone to be restrained from acting in accordance with his own beliefs, whether privately or publicly, alone or in association with others, within due limits." (#2)

There are two phases in which the exercise of religious freedom may be encroached upon or coerced. One is when an individual is still considering or inquiring into a particular religion—when he/she has not yet decided to embrace and live by the said religion. The other is when the individual already has embraced a particular religion, and thus is decided to practice or exercise it, that is, to live by the beliefs and norms of the religion embraced.

Sacred Scripture, when read "in depth," from the example of Jesus' life while on earth, draws the scriptural foundation of the doctrine that one has a right to religious freedom. While the Scriptures do not teach this doctrine expressly, the whole spirit behind certain passages and the patience of Jesus in calling people to Himself manifest respect for human freedom. The teaching of the Church Fathers that no one may be forced to believe, that is, to accept the Christian faith is observed to be a constant and unshakable foundation of this right. Human nature itself as endowed with intellect and will, and hence with self-determination, is pointed out as a matter of human dignity. With insufficient freedom, one's response to God's call would be meaningless. This development in the awareness of human dignity and freedom is itself viewed as a contribution of the Gospel to history.

Thus far we have been concerned with the phase before a faith is accepted by a person, with regard to which there was rapid consensus. As to the phase after a faith has been accepted there were areas of uncertainty, and thus debates.

Implicit Positions

The positions advocated by the Commission members in their deliberations were stated in quite explicit terms as regards doctrine or principles. Other points were left implicit or as entailed by the arguments.

One such point is the sphere of the exercise of religious freedom in a social context. Those who objected to the proposal of safeguards for all religions in society—i.e., an equality of religions in the juridical order—had two significant positions with regard to the sphere in which religious freedom is exercised. Some urged that it was the individual believer who had to resolve such extreme issues as the choice between martyrdom and apostasy, as during the period before Constantine. This suggests on the part of some a weakness with regard to the social dimension: in their view the Gospel is preached (and accepted/rejected) by individuals, not by groups/communities. The point is not that this is not valid, but that their implicit position would limit the scope of the problem to the individual sphere. The opposing side urged rather that what is in the individual conscience must be carried into the sphere of external behavior. This is to translate the faith into the civil or juridical order.

Another implicit point pertained to the role of the Church in society. One option was to view the Church as guardian of the deposit of faith; another was to view it as servant bringing the Gospel to serve mankind. As guardian, it would have the mission, and therefore the right ultimately to "enforce" the true faith. As servant, it would have the mission of merely preaching the Gospel,

relying on persuasion on the human level and on grace on the supernatural level to allow the truth to "win" the individual.

The "guardian" role can be understood from the status of the Church as a privileged and honored group in the Constantinian and subsequent eras. The guidance provided by the Church in the affairs of the State was reflected in the honor and respect accorded to the Church. In contrast, the "servant" role is consonant with the status of a persecuted community. The believers could not coerce anyone to accept their faith; indeed there were great risks attendant on being identified as a Christian. They could only witness to their faith by their lives, and hope that perhaps others too would have the courage and grace to accept the Gospel.

The above positions are historically conditioned in response to the prevailing conditions in which the Church found itself. The next question is more fundamental in nature, and was central to the deliberations of the Commission. The questions of the sphere of exercise and of the role of the Church in society are secondary in relation to the question of truth which influences or shapes the attitudes and behavior of a person. The debates showed a clear awareness of the primacy of this question. Whether "enforced" or merely "offered in persuasion", whether in the "private sphere" or in the "public sphere" of action, the main concern above all was that of truth.

Because of the critical importance of this issue, a number of pronouncements were made early on which had to be taken into account by anything new which was to be said about religious freedom.

The One True Religion

The Catholic Church holds in faith that it has the one true religion. This is based on trust in divine revelation. Outside the Church, the validity of this position is difficult to verify, mainly because revelation is not accessible to unaided reason, or because the content of revelation is not available to the people concerned, or simply has not been accepted. The give-and-take indicates that there was a clear awareness of this within the Commission. But the problem was something else: truth and non-truth or error cannot have the same status, the contrary would be revolting to the health of the mind which essentially is oriented to, and axised upon the truth: anything else would create a spiritual vertigo at the center of the person. Further, to grant juridical safeguards for "non-true" religions would be to allow error to be propagated. In 1953, Pius XII had laid down the principle that the State can use its coercive power to curb the propagation of error. The problem than was not merely the externalization of an intent or resolve. It was already accepted that what one holds in conscience may be externalized in action, and the principle governing invincible ignorance extends to this. But to add juridical safeguards for the exercise in society of all religions, whether or not true, could be taken as "stamps of approval" on what is actually erroneous.

The side which favored the Schema had to go back to the question of the role of the State. A neutral State—that is, without the competence to determine positively which religion is true or not—would merely be ordering society or its functioning. Civil equality of the different religions in a given society would promote good will by fostering fairness. The problem of truth seems to have been held in abeyance as far as the comments go in the proceedings, and this with the purpose of avoiding resentment among the different religious groups in a given society.

Still, the Church did not mean to "abandon" the people who already professed the Catholic religion. What would be promulgated eventually was respect for the popular sentiment (*ratio populi*), which meant that if the majority of the population professed the Catholic faith, arrangements in society should be made to suit their chosen way of life. But in any case, there

should be guarantees for a certain minimum of rights for all religious groups in terms of religious freedom.

It is easy to see that the Church can "offer" this measure in societies where the majority of the population professes the Catholic faith. In societies where the Catholic population is in the minority, the Church can only appeal for such an arrangement. This sociological consideration was explicitly addressed by Cardinal Bea as a reason for "enshrining" religious freedom in the juridical order: there would be no need to distinguish between respecting the right of a religious group, on the one hand, and merely tolerating the exercise of a religion by, say, a minority group on the other.

The parable of the tare and the wheat was used to point to the need of at least tolerating those who are in error: everyone will render an account for himself on the last day. The responsibility sincerely to seek truth and abide by it is amply treated in the Declaration.

Profession of but One Religion in Society

This is related to the question of true religion. Allowing all religions to be practiced in a society could lead to confusion among the people, to relativism or indifferentism. Therefore, at times it had been considered necessary that only one religion be professed in a given society. In countries where the majority of the population already professed the Catholic religion, not only was the truth of religion a consideration by also respect for popular sentiment.1

Another consideration was the obligation of society to worship God, for the social nature of man, and hence society itself, are from God. Thus, the obligation of society to profess its gratitude to God.2 Here society is taken as one entity or unity, but one that is merely accidental: it is not an organic unity, but only an aggregation of its parts. Hence, the responsibility lies on the individual persons constituting the society. The Gospel is preached to individuals rather than to groups: society itself is not a subject of rights and responsibilities.

Hence, "*cuius regio, eius religio*" does not hold; there is no argument for a "state religion". The importance of this point for religious freedom in society is that by having what in effect is a state-sponsored, favored, or state-enforced religion, religious pluralism is discouraged or suppressed outright. Where there are already a number of religions in a given society, the freedom of the minorities—that is of "the others"—is at least indirectly denied or suppressed.

In *Immortale Dei*3 Leo XIII had called for concord, not confusion or conflict, between State and Church in "mixed matters", e.g., marriage and education of children. This would lose its sense with regard to "other religions" if the norms entailed were in accord with the majority religion, but opposed to those of the minorities'. Pius IX's pronouncements, which Leo XIII strove to respect, appear to have favored the Catholic Church in some so-called Catholic countries at the expense of their non-Catholic populations.4

It should be observed that the pronouncements were made in response to concrete cases where the rights of the Church recognized in the civil laws of the four countries concerned had been violated. To some extent, the governmental acts encroached even upon the administration of specifically ecclesiastical matters (e.g., the appointment of pastors). Nevertheless, the pronouncements were over-generalized to the level of principle: immigrants should not have the right to practice their own religion in public—in response to actions of the government of Colombia; the free exercise of whatever religion would lead to indifferentism—in response to acts of the government of Mexico; a country should continue to profess only one religion—n response to what the government of Spain had laid down; and modernism in its pernicious form should not be accepted—in response to tendencies in Italy.

Thus, the debates and observations in the Commission which evaluated the Schema had to come to terms with the spirit of the pronouncements of earlier pontificates, while arriving at a more adequate, if not new, understanding of the role of the State in matters of religion, and of religion in society. By holding that the State has no competence in matters of religion—e.g., regarding which religion is true or not true, which religion may be promoted under the aegis of the State, etc., the Catholic Church understood itself as "merely one among others". And with this change in understanding, it became possible to move towards the civil equality of religions. With civil equality among religious groups, no one group should be impeded from the public exercise of its own religion—not even indirectly.

The more ample appreciation of human dignity advanced by *Pacem in Terris* in 1963 enabled or inspired the Council itself to develop a new and more adequate understanding of religious freedom where a particular religion had already been accepted by an individual, and in the exercise of religion as a right which must be guaranteed to individuals or groups in the juridical order. In this understanding, religion is viewed as a constitutive element of the common good, and therefore something which the State must foster, subject to the exigencies of the order required so that the society could "function".

In a way, *Pacem in Terris* was also a response to the request made by some members of the Commission when the Schema on religious freedom was voted on, that is, because of the gravity of the question the Supreme Pontiff should decide and pronounce on the question. In some cases, a Commission member abstained from voting, and made this appeal; in other cases, a vote was cast with an appeal for the action of the Pope. The majority of the votes were cast with qualifications, i.e., "*iuxta modum*", that is, in the light of accompanying comments or observations.

Family and State

The final document, *Dignitatis Humanae*, addresses specific questions in applying its new understanding of religious freedom. The family has the right to choose what religion to transmit to the children; no one may be forced to accept or renounce a faith, nor impeded from doing either; the school curriculum may not be structured so as to deny choice on the part of the students in matters of religion; educational systems may not, in effect, promote a religion against the conscience of the students; religious communities or groups may not be persecuted for their faith.

It can be gleaned from these that the coercive power of the State, exercised through the government, has for its purpose ensuring the order of society. As an institution, the State is not equal to other institutions for then it would not be able to enforce measures designed for the promotion of the common good. The reason for the existence of the State and the only reason for its ability to employ coercive means in exercising "public authority" is to serve society as a whole, and the other institutions therein. Respect for popular sentiment and responsiveness to the articulated needs of its constituents is then enjoined on the exercise of public authority .

"The Known" in Truth

There seems to be an opening for the interpretation that *Dignitatis Humanae* accorded higher priority to "truth about man" than to "truth about anything else". The distinction in terms of what is known makes it possible to grant juridical rights to religious freedom without actually determining which religion is true. In this understanding, that man is free is manifest by the fact that he applies universal ideas to particulars as "concretizations": universals in knowing to

particulars in acting.5 The human being himself is the known, the subject of which freedom of choice is predicated. Whether an individual is aware of this truth or not, he/she is acting freely: humans cannot avoid so doing; when they act, they necessarily act in freedom. This truth of human freedom is already operative, even before an individual gets to the point of determining which religion is true. Religion is "something else than man himself"; and when the term "the true one" is predicated of a particular religion a number of "intervening factors" come into play (e.g., exposure, personal response). The action of grace must be considered. This is beyond the philosophical level, which pertains more to the phase before a particular religion is accepted as one's norm. What is involved in freedom is precisely what has been embraced as the religion by which to live.

In view of the above, the case of those who might be said to be in error can be viewed in terms of the "disparity" between the general truth of human freedom, on the one hand, and the truth about something particular, on the other. The respect called for here would be a minimum requirement. In the context of the concerns of the Commission members in evaluating the Schema, this minimum would lead to an harmoniously functioning society, particularly at the level of institutions in the ambit to be ordered by the State.

By stressing the responsibility to seek the truth and live by it, only in appearance would the Declaration allow the truth with regard to the true religion to be held in abeyance. There has been no change in the doctrine and understanding of the true religion, but only in the way of looking at the response to truth in view of what is known.

Mission of Overcoming Divisions

By emphasizing its mission to preach the Gospel to all the world, the mission of the Church is precisely to "break the divisions" by "making the outsiders to be insiders", or, more accurately, by joining together. This is a long run goal; Christianity is a "minority religion" at the global level, as it was in the Roman empire before Constantine.

But this says something about the self-understanding of the institution of the Church. The Church is a servant; put differently, like the State its reason for existence is "others" or "outside itself" to whom those in the Church go in hope. When it asks for freedom, the Church asks for a necessary condition for carrying out its mission. While the walls of division stand between particular religions, the Catholic Church asks for safeguards for all religions—and, in effect, for a recognition of the institution of religion in the ordering of society. This recognition pertains to the value of religion as a response to the human need for transcendence.

Notes

1. *Acta Sanctae Sedis*, *Tomus* XX, *Fascia* CCXL (1888), p. 604.
2. *Ibidem*.
3. *Acta Leonis XIII* (1885), p. 130.
4. The four allocutiones of Pius IX are found in *Acta, Pius IX*: "*Acerbissimum*", Pars I, Vol. I, pp. 383-395: no right to public exercise of just any religion by "outsiders"; "*Nunquam Fore*", Pars I, Vol. II, pp. 538-549: no right to publicly express `harmful' opinions; "*Nemo Vestrum*", Pars I, Vol. II, pp. 441-446: policy of just one "state religion" must not be rescinded; "*Iamdudum Cernimus*", Pars I, Vol. III, pp. 220-230: modernism is unacceptable.
5. *Summa Contra Gentiles*, Liber II, Caput 48.

References

Acta et Documenta Concilio Oecumenico Vaticano II Apprarando, Series II (*Praeparatoria*), Vol. II, Pars IV,*Typis Polyglota Vaticanis*, 1961. *Acta Pontificiae Commissionis Centralis Praeparatoriae Concilii Oecumenici Vaticani II; 12-19 Junii* 1962; pp. 657, ff.

Contitutiones, Decreta, Declarationes, [Sacrosanctum Oecumenicum Concilium Vaticanum III, *Typis Polyglota Vaticanis*, pp. 511-532 (for the text of the Declaration).

Acta Apostolicae Sedis, *Tomus* XX, *Fascia* CCXL, 1888, pp. 593-613.

Acta, *Leonis XIII* (1885), pp. 118-150.

Acta, *Pii IX*: *Pars Prima*, Vol. I, pp. 383-395 (27 Sep 1852); Vol. II, pp. 441-446 (26 Jul 1855); pp. 538-549 (15 Dec 1856); Vol. III, pp.220-230 (18 Mar 1861).

Summa Contra Gentiles, Liber II.

Discussion

What *Dignitatis Humanae* did was to respond to the need for a more just ordering of social life—a juridically guaranteed equality in the functioning of social institutions. Insofar as it made the Catholic Church equal to other religions in some countries, this "friendly gesture" can easily be replicated by other groups which work for the religious interests of their own members, whereas resentment or ill will on their part would make the work more difficult. The State must retain its privilege by virtue of its function in society to use coercive power.

At a different level, that is, in stipulating that the human response to God's call must be free if it is not to be meaningless, there seems to be something unique in the Declaration. The sources advanced are the example of Jesus as shown in the Scriptures, the witness of the Church Fathers, the unfolding of the concept of freedom through history, and the philosophical treatment of freedom. Freedom is a requirement in this matter. The same can be seen in institutions of learning, where the pursuit of knowledge is based on the "cogency of truth" itself. The freedom to inquire and pursue the truth is safeguarded in spite of the errors committed by some which can be corrected only in later generations. When institutions of learning ask for safeguards for their freedom, they are asking for the conditions which are necessary in order for them to carry out their function.

The document concerns freedom in relation to the action of God, that is, in relation to the human conscience, "the most secret core and sanctuary", where man is alone with God. It views freedom as inherent in the "functioning" of conscience, and thus as beyond the reach of coercive power. Juridical safeguards operate on the premise that ultimately coercive power may be employed to ensure compliance; these are called for in the Declaration. But these are merely safeguards, that is, they are intended to foster or promote freedom. There is "something beyond all this world", "beyond human capacity", which must be respected at the individual level.

Conceived in this way, the freedom that must be promoted in matters of religion springs from the very understanding of human limits, and a recognition of mystery. If this conception be adopted as a starting point, then impeding the exercise of freedom in matters of religion in a social context would mean impeding man in his task of transcending the limits of which he is aware. Even if there are errors with regard to a currently held norm, the effort to search is itself the point of contact with the mystery. Hence, so long as the common good is not jeopardized by the exercise of an individual's freedom, the attitude of *Dignitatis Humanae* is to keep open that point of contact with the mystery beyond humankind.