

**Justice and Responsibility:
Cultural and Philosophical Foundations**

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620 Michigan Avenue, NE
Washington, D.C. 20064

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Printed in the United States of America

Library of Congress Cataloging-in-Publication

Names: Vila-Chã, João, editor.

Title: *Justice and Responsibility: Cultural and Philosophical Foundations* /
edited by João J. Vila-Chã & John P. Hogan.

Description: Washington DC: Council for Research in Values and Philosophy,
2018. | Series: Cultural heritage and contemporary change. Series VII,
Seminars: Culture and Values; Volume 36 | Includes bibliographical
references and index.

Identifiers: LCCN 2017055964 | ISBN 9781565183308 (pbk.: alk. paper)

Subjects: LCSH: Justice (Philosophy) | Responsibility.

Classification: LCC B105.J87 J86

Cultural Heritage and Contemporary Change
Series VII, Seminars: Culture and Values, Volume 36
General Editor
George F. McLean (†)

Justice and Responsibility: Cultural and Philosophical Foundations

Edited by
JOÃO J. VILA-CHÁ, SJ
JOHN P. HOGAN

The Council for Research in Values and Philosophy



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Introduction



Justice and Responsibility: Challenges for the World of Today

JOÃO J. VILA-CHÁ *

This volume brings together essays presented on the occasion of the two international Seminars I was happy and honored to conduct in Washington DC on behalf of the Council for Research in Values and Philosophy (CRVP) in the summers of 2011 and 2013. Under the title “Responsibility, Personal and Social: Foundations for Life in a Global Age” in 2011 and “Justice and Responsibility: Cultural and Philosophical Considerations” in 2013, both Seminars had as a starting point the recognition of the need to overcome the excesses inherent in a social paradigm based on self-centered individualism and, thus, were animated by the recognition of the need to move philosophical and inter-disciplinary reflection toward a more holistic sense of human existence. In a very lively, open-ended set of discussions, participants from different countries and backgrounds made constant efforts to explore in a philosophically relevant way the urgent need for a renewal of the ethical life in our global age. Hence the centrality of the two key concepts at the heart of the two Seminars: Responsibility and Justice. The goal pursued was to facilitate both philosophical articulation and practical

* As responsible for the academic side of the two editions of the International Seminar we had in Washington DC in the summers of 2011 and 2013, it is my duty and pleasure to thank both Hu Yeping for the outstanding work she did in hosting so many people coming from so many and different parts of the world as well as the Oblate Community for welcoming me personally. My particular gratitude goes posthumously to Professor George McLean, OMI for having issued the invitation in the first place. Special thanks are here also due to John P. Hogan for his many contributions into the manuscript. I am personally indebted to Dr. Hogan’s assistance throughout the process of preparing this volume. As editors, we both express our gratitude to Maura Donohue for her contribution. Finally, we would like to also recognize our special gratitude to Professors Richard Cohen, Vincent Shen, and Oliva Blanchette, for so generously having shared their wisdom with participants in one of the Seminars and now with all our readers.

application of an ethical order that is responsive to our global worldview, with all the problems and potentials that such a view necessarily entails. Current problems and divisions are a challenge for thought. Indeed, our common research was oriented towards the formulation of what might be a true “humanism of the other;” that is, a philosophical understanding of the social based on the premises of an authentic openness both to the neighbor, near and far, and to transcendence.

As in other editions of the CRVP Seminars, the participants were invited to arrive ready to present philosophical responses to current issues on the global horizon: individualism; rejection of the “other;” economic, social, racial, and gender inequality; and cultural and religious differences. This was the backdrop for the philosophical discussion we had during the weeks we were blessed to work together. Because of who was around the table, remote villages and urban centers were placed in proximity; Eastern and Western thought – classical, modern and postmodern heard and addressed the “other.” The ever-lively, sometimes heated, conversation was facilitated and filtered through systematic references to masters of thought such as Confucius, Plato and Kant, E. Levinas and J. Rawls, P. Ricœur and I. Young. Always present in the discussions were the relevant religious traditions and contexts.

The present volume starts with contributions on what we might call the *Meaning of the Other*, that is, a series of contributions on both the Confucian tradition and the most timely work of Emmanuel Levinas. In his contribution on “Confucian Altruism, Generosity and Justice: A Response to Globalization,” inspired as he is by the Confucian notion of the Five Relationships as by the Daoist concept of the Myriads of Things (*wanwu* 萬物) and the Buddhist concept of all sentient beings (*zhongsheng* 眾生), Vincent Shen puts at the center of his reflection the concept of the “many others” in order to express the “concrete ontological context in which we are born, we grow up and develop.” According to the author, human life would be much saner should we always keep in mind the fact that we live invariably “among many others.” Indeed, Shen manifests a clear preference towards the idea of “many others” as being more relevant than Levinas’ concept of the “third,” that is, of that mysterious other to the Other that for the Jewish author remains at the root of any ontological explanation and, of course, of the very concept of Justice. Hence the importance of “strangification” (*waitui*), that is, of the act of going outside of oneself to the “other,” to the stranger. In the end, it is Confucian generosity and reciprocity that seems to better allow for a better grasp of the potential embedded in globalization as a strategy for authentic “human universalizability.” As a matter of fact, and as our author strongly underlines, Confucius tried to revitalize the “institution-

alized human relationship of his own time (hierarchical institutions and codes of behavior), named *li*, by tracing back to its origin and basing it on *ren*, which signified the sensitive interconnectedness between a human being and other human beings as with nature and Heaven. *Ren* refers to the human being's inner self and responsibility, in the original sense of the ability to respond, in and through the processes of moral awareness. Thus, at the center of Shen's proposal is the idea that *ren* designates our "ontological innerconnectedness" and so represents the fundamental "responsiveness of human beings to many others, including beings other than human." The point of the article is: human beings are endowed with an inner dynamism of "generously going outside of one's self to many others" while at the same time remaining the self he or she is.

In his "Lukács and Levinas, and Kant," Richard A. Cohen takes into account both Lukács' defense of totality, as such linked to a critique of ethics, and Levinas' defense of ethics, in itself a major critique of totality. In this way, we are offered here a "critical juxtaposition" of these two important contemporary "European *émigré* intellectuals – both brilliant, both erudite, both extensively published, both political philosophers. Levinas never mentions Lukács by name, yet it must be assumed that *History and Class Consciousness*, published in 1923, was known to him; moreover, since Levinas' *Totality and Infinity*, published in 1961, begins with an extended discussion of political philosophy centered on the question of war, peace and ethics under the form of a severe critique of totality, it can be assumed that Levinas considered Lukács as one of his major interlocutors. Indeed, both Lukács and Levinas agree that it is in Kant's critical philosophy that perhaps we can find the culmination of Western thought while at the same time being critical of much of what Kant represents, Lukács in the name of the Hegelian-Marxist dialectic, and Levinas in the terms of the Husserlian phenomenology. For Cohen, and inasmuch as Levinas goes beyond phenomenology and affirms ethics as "first philosophy," the Jewish philosopher "retains the spirit of Kant's "primacy of pure practical reason" while saving it from the same debilitating "purity" which led Hegel, Marx and Lukács also to reject it." Therefore, we can say that in the confrontation between Lukács and Levinas, meaning is found in ethics, not dialectics: "Levinas stands against the reification of a process – call it dialectical – in which humans would be little more than puppets attached to strings pulled by historical reality." For some good reason, and one is here led to think of the Holocaust of the Jews during the Nazi regime, we are led to consider how the centrality of Totality in Lukács' thought corresponds to the notion of Ethics as "first philosophy" in Levinas. Ultimately, the author emphasizes how for Levinas freedom is not pure, but rather *difficult*, and this for a simple, and deep, reason:

we are always involved with others inasmuch as we are bound to others beyond freedom, that is, in incommensurable responsibility.

With his “Levinas’ Ethics of Responsibility,” Zhang Haojun gives continuation to this important conversation and all the more so as he recognizes that in Emmanuel Levinas we have one of the major philosophical molders of the notion of responsibility in our time. Zhang traces the priority of the “Other” through notions such as proximity-obsession, accusation-persecution, hostage-substitution. All of these pairs become pointers toward Levinas’ fundamental contention that the human person’s relation to the Other “is ultimately prior to his ontological relation to himself...,” another form of making explicit the notion of ethics as first philosophy. The author is particularly strong in recognizing that, as Levinas writes, “[T]o affirm the priority of *Being* over *existents* is to already decide the essence of philosophy; it is to subordinate the relation with *someone*, who is an existent, (the ethical relation) to a relation with the *Being of existents*, which, impersonal, permits the apprehension, the domination of existents (a relationship of knowing), subordinates justice to freedom.” This puts at the heart of the problem the fact that “in subordinating every relation with existents to the relation with Being, the Heideggerian ontology affirms the primacy of freedom over ethics,” an ambiguity that Zhang understands perfectly and discusses extensively both in terms of the critique that Derrida famously produces of Levinas, as well in those of the criticism raised by Paul Ricœur in his important article on “The Concept of Responsibility: An Essay in Semantic Analysis,”¹ in which the French philosopher proceeds to a semantic analysis of the concept of responsibility in order to identify its usage in juridical, ethical, and moral contexts. As Zhang shows, Ricœur thinks that obligation and responsibility understood in terms of juridical imputation have been excessively moralized and so even the Levinasian ethics of infinite responsibility for the Other can be seen as a typical example of a fall into the moralization of responsibility. Needless to say that for Levinas, juridical responsibility is always real and concrete, while the so-called ethical responsibility which is at the center of his thought also appears as rather abstract or simply, metaphysical. Zhang’s contribution, therefore, is inseparable from an understanding of the difference between ethical and moral responsibility and, thus, recognizes the importance of tempering the radicality of Levinas with Ricœur’s assumption that freedom must precede responsibility while at the same time recognizing how for Levinas

¹ Cf. Paul Ricœur, *The Just*, trans. by David Pellauer (Chicago & London: The University of Chicago Press, 2000).

it is ethical responsibility that precedes all the real, and concrete relationships of responsibility as given in human relationships.

Nguyen Tai Dong in “Levinas and Confucius on Responsibility,” gives continuation to the important dialogue between the perspective of Emmanuel Levinas and the major tenets of the Chinese tradition. The author makes a rapprochement between the ethical thought of Levinas and the Confucian tradition and in doing so attempts an understanding of classical Chinese thought in the light of Levinas’ notion of the “face” and of the meaning of the “Other.” According to the author, the notion of “responsibility” is not to be found in Confucius, and yet both he and many of his followers do indeed communicate a clear opinion about that most important Western notion, the one of responsibility. Indeed, and as quoted by the author, Robert Neville considers that there are now two main streams of thought in the world duly emphasizing the importance of human responsibility, one being Confucianism and the other European Enlightenment.² The point, however, seems to be the recognition of the role that Confucianism will have to play for the future of Capitalism, shall this economic system have a future. In any case, the text makes it very clear that in Confucianism responsibility always goes back to a major and consistent effort at understanding the human being in relation to the community and so relativizing the centrality of the individual. Hence the importance of the two ways, which in some way can be said to be part of the core of Confucianism, namely, the “Way of Heaven and the Way of Man.” Hence, and before giving examples of the role played by Confucianism in the cultural and philosophical outlook of Vietnam, the author shows the centrality in Confucius of the moral relations among human beings or, in other words, of how at the center of his ethical vision of the world are the human relations that constitute both the families and the state, namely, those that happen between “husband and wife,” “father and son,” “ruler and minister, each one of which are determined by a specific authority and ruled by the so called “five constant virtues:” righteousness on the part of the father, love on the part of the wife, brotherhood on the part of elder brother, respect on the part of younger brother, and filial piety on the part of the son. As always, at the center of the Confucian understanding of responsibility, both social and individual, is the promotion of human harmony.

Julanta Saldukaityte in “Responsibility beyond Ontological Difference,” deals with the manner in which Martin Heidegger treats the ontological difference and seeks to emphasize the importance and special

² Cf. Robert Cummings Neville, *Ritual and Deference: Extending Chinese Philosophy in a Comparative Context* (Albany, NY: State University of New York Press, 2008), p. 102.

relevance of Emmanuel Levinas' treatment thereof. For the Jewish philosopher, it is crucial to go "beyond the ontological difference, thinking *otherwise* than being." Levinas does indeed ask about being, yet he does so in a radically different way than Heidegger. The focus is now the ethical difference, that is, the one that can be preserved never by thinking alone, but rather as responsibility for the other person. The point, therefore, is real responsibility, not "the idea of responsibility," something that could make us connect with the principle of concreteness so central in the teachings of Pope Francis.

"How is Philosophy without Responsibility Possible?" is the title of Laura Junutyte's contribution, a text in which she discusses the significance of the work of Gilles Deleuze, a thinker that ventures to return to a kind of a pre-Socratic moment, to a tradition in which the problem of humanism was not yet so important. Deleuze emphasizes quite often the necessity to create a philosophy of nature, an attitude tendentially resistant to a long tradition ultimately crystalized in the notion of humanism. The author invokes Levinas' ethical metaphysics in order to show the limits of Deleuze's philosophy. She underlines the importance of Deleuze's notion of philosophy and, thus, emphasizes the relevance of a text such as *What is Philosophy? (Qu'est-ce que la philosophie?)*, a short reflection on Philosophy published by Deleuze and Guattari in 1991 in which the two authors present philosophy as the art of "forming, inventing and fabricating concepts," a formulation that then they push to the point of affirming that "philosophy is never contemplation, reflection or communication," but simply creation. For Deleuze, indeed, to be a philosopher does not mean to repeat what was already said by other philosophers, but to create something new, something that can renew our thinking, an affirmation demonstrative of the way in which Deleuze challenges the very idea of "the death of philosophy" and, most importantly, rejects the claims that everything had played out and everything has already been said. For Deleuze, indeed, so long as philosophers will be able to create concepts by renewing human thinking, the idea that philosophy came to its end will simply not make any proper sense. The critique of Deleuze in this contribution is mostly done through an invocation of Levinas' ethical metaphysics in the process of demonstrating the immanentist approach offered by Gilles Deleuze.

In "For Whom Does One Get Up? Culture as Responsibility on a Societal Scale," Angelli F. Tugado asks a simple question, one however that, in itself, is destined to fill our everydayness with meaning: Why bother to get up? What do we really stand for? Such questions can be asked in many different ways, and yet they always raise a more essential interrogation, namely, about the "significance of culture as a means of solidarity with others in society."

Following Levinas, the author assumes that responsibility for the other, although easily seen as fulfilled in politics, on the other hand can most easily be forgotten. Hence the importance we must continue to give to the way Levinas approaches the issues of justice and on how the notion of the Third makes us understand the role of culture, even more than that of politics, as it refers to the “contemporaneity of the multiple” as “tied about the diachrony of two.” Levinas insists on referring to culture even in full awareness of the fact that the same word had been used to refer to race. Indeed, it is through the creative works of poetry and art, and the like, which all involve the existence of an infinite number of men, that we are constantly put in contact with the ethical relation par excellence, that is, the relation of Self and Other.

In a Section oriented towards the deepening of the notion of Responsibility in more cultural terms, we take the contribution of Valerie T. Franks titled “Neurology and Spirit: Physical Science in a Metaphysical World,” as an example of the growing influence of the physical sciences in philosophy. The claim of the author is that philosophy has been forced to choose between experience and materialism, whereby the claim is that materialism, objectivity, and mechanical principles have won out and tend to be the dominating approach since the Enlightenment. Nonetheless, the desire for freedom, transcendence, creativity and purpose cannot be stifled as human beings necessarily seek order and purpose, justice and responsibility. Franks unfolds the theistic-experience approach of William James and Edith Stein to illustrate the need for human understanding and purpose. Indeed, inasmuch as both Edith Stein and William James were serious students of the complexity of human experience, the author also claims that between the two thinkers there are commonalities that go beyond their methodology. After all, C. S. Peirce, one of the founders of Pragmatism, considered it as a form of *Phenomenology*, a discipline that for Edith Stein was of the greatest importance and she so well practiced both as a student of Edmund Husserl and on her own.

With her “An Education for Responsibility: Edith Stein and the Formation of the Whole Person,” Katherine Baker puts anew the thought of Stein at the center of a reflection centered upon what amounts to a seminal diagnosis of the perils and the promises of education. Of particular interest in this case is to see how Edith Stein/Saint Teresa Benedicta of the Cross came to recognize the limits of the ideology being imposed on the German people and particularly the young. At the center of Stein’s thought was the concern for the particular human being and a model of education centered on the whole person. Edith Stein’s “ethic of responsibility” was indeed grounded on the notion of the person as in-relation

with others and with God. Her reflections on education revolved around a renewed anthropology and were framed by a deep understanding of the mission of both philosophy and theology. Hence the importance of recognizing how Edith Stein defended a curriculum intrinsically destined to develop the intellect, to integrate the emotions, to form the will and foster judgments of value. Hers was a pedagogy not abstract, rather totally intent on asserting the human person as being “in the flesh” as existing for others.

In “Buber and Buscaglia: In Search of the Responsible Life,” Peter M. Collins describes Buber’s “I-Thou” relationship and brings it into conversation with Leo Buscaglia’s project of “learning to love.” The author appeals to the philosophical principles at the root of any serious pedagogical process and focuses on the spiritual nature of the relationship between teacher and student. After a summarizing presentation of Martin Buber, the author shows how Buscaglia emphasizes the responsibility of the loving person towards the self-development of others: “This, it seems to me, is the essence of loving another, to assure them that we are dedicated to their growth, to the actualization of their limitless potential.” The contribution, furthermore, shows the following about love: that it can be learned, that it constitutes a dynamic interaction among persons; that it is a lived activity; that it regards all persons; that it needs to be expressed; that it involves trust and, last but not least, demands much patience in order to be fulfilled. The author underlines the fact that the proper aim of education is to assist *all* students to realize their specific human potential and the application of the insight that at the base of any personal development is the personal engagement of the student, even if aided by the teacher; is the promotion of the understanding of the art of teaching as based in the ability to gain the confidence of the students and that nothing is more important in teaching than the promotion of that sense of uniqueness proper to each student and which constitutes the base required for the promotion of that sense of cooperation needed for the development of the students sense of self-responsibility. The contribution offers important ideas about the importance of the formative process of today’s teachers.

In “Responsible or Responsive? Uncovering Environmental Economics’ Cultural Biases from Asian Perspectives,” Silja Graupe takes up the difficult global tasks involved in the complex relationships between environmental issues and concerns, economics and ethics. The author begins with Adam Smith’s game metaphor as a particular tool for the understanding of free market competition. In order to deal with environmental issues, economists must follow the rules of the economic game. The understanding is that there is no responsibility except to the rules of the game. Hence the importance of considering a thought such as the following by Milton

Friedman: “There is only one social responsibility of business – to use its resources and engage in activities designed to increase its profits so long as it stays within the rules of the game.” In order to resist this individualistic, and thus not environment-friendly approach to economics, the author draws on Chinese and Japanese resources inasmuch as they enable a fundamental criticism of the “core assumptions of economics’ methodological individualism.” Relationships, “belonging-with” – to one another and to the environment – are integral to the Asian vision. According to the author, in the Chinese and Japanese traditions we find a pre-analytic vision that does not depend on the notion of some “originative and independent source of order or, expressed differently, on a ‘two-world’ theory that categorically separates some independent source of order from what it orders.” The proposal, in the end, has to do with the recognition of the need to re-analyze the core assumptions of economics’ methodological individualism, a proposal that can only be enriched by the understanding how the Japanese culture, just to give an example, fosters not independent agency but rather the intimacy of a deeply rooted “belonging-with.”

Ilshat R. Nasyrov’s “Cultural Islam as an Alternative to Political Islam” presents cultural Islam as an alternative grounding for ethics in our global situation. The author seeks to avoid what he sees as an overly political and ideological reading of Islam. He looks at the “Arab Spring” and claims that, although Islam is the main factor in national identity, it should not be misread as a one-dimensional reality. The author emphasizes that, in principle, there is “no insurmountable wall between the West and the Islamic world.” Indeed, he claims that both Europe and the Islamic world constitute “two hypostases, two different incarnations of a single Mediterranean civilization” and that both are united by a common civilizational heritage and a common religious tradition, the Abrahamic tradition. In other words, the difference between the West and the Islamic world, however destined to stay with us for some time to come, does not constitute something substantial, rather it appears as transitory, as something radically contingent. After all, the economic and cultural development of the world is bringing the Islamic world and the West ever closer as time passes. Hence the prediction of the author: globalization will force the Islamic world to join the common global space and, therefore, Muslims will join the nations of the West in social and economic competition. Left without consideration, however, remains the eventual incommensurability of the corresponding worldviews.

The Section dedicated to Responsibility in the context of some of the major challenges of our time, Anna Krasteva offers in her “Globalization or Borders: Balkan Dilemmas” a series of reflections on the implications of the new field of “borderland studies.” The question is primarily about the meaning

of globalization and its impact upon the understanding of borders and of their enforcement. For the author, the question is illustrated with images associated with the thorny migrant issues in the Balkans. For Krasteva, *de-bordering* is being counterbalanced by a “spectacular flowering and diversification of borders” of all kinds. Indeed, while we see a diminishing significance of territory and national borders, the author considers that this is not the case in the Balkans.

On the other hand, and granted that our sociopolitical problems remain deeply rooted in philosophical questions, Richard Feist in his “Back to the Cave: Personal Ethics and Public Moralizing,” focuses on Plato’s “stubborn image” of the cave in order to foster a dialogue with thinkers such as I. Kant, Bernard Williams and Peter Singer. Regardless of his awareness of the label that philosophers risk whenever they attempt to shed light on the ethical implications of public policy – “moralizer” – the author defends that philosophers must precisely accept the “risk of moralizing” and so come back out of the cave in order to bring normative ethics into the public square. The author considers the plight of the philosopher in society, namely in the sense that he or she is to be “trained in the pursuit of the truth, to become a perfectionist in a sense, and yet to be a bearer of the responsibility to return to society, which is anything but a domain of perfection.” As it is obvious, this leads to clashes and puts the philosopher in the “danger of moralizing.” The author also presents what he calls the “Pecksniffian type” of moralizers as being particularly easy to spot, while the issue of moralizing is presented as having other, much more serious, dimensions. Hence the importance of Kant’s contribution inasmuch as he drives a “wedge in between moralizing and moral philosophizing by his separation of the doctrine of virtue and the doctrine of right.” Indeed, in philosophy, there is always a considerable “risk of moralizing,” since there is no moral philosophy that does not presuppose some kind of “normative ethics” and, thus, philosophers, as well as others, must routinely be confronted with the impossibility of not judging what people do as they go about their social life.

In “The Problem of Global Justice in a Global Corporate Economy,” Oliva Blanchette unravels the tradition in order to offer our readers some pointers toward a concept of global justice. He first considers how the ancient Greeks rose to their idea of political justice from a more primitive and more particular kind of communal justice. Secondly, the author proceeds to explain how this first form of political justice was “superseded in modern times by a more universal kind of justice, in terms of an entire people or a nation, where the idea of a city gives way to a much broader civil society or the modern state as the embodiment of the

universal common good, now constituted, not by a shared conviviality, but by social contracts entered upon by individuals, each supposedly free and each seeking his own advantage in joining with others in endeavors to promote a greater good for themselves or their corporation, without due consideration for the good of others, let alone the communal good of all within the state or what we now refer to as civil society.” Thirdly, the author faces some of the issues associated with the limitations of both modern individualism and “corporatist” social-contractualism whenever we try to “envision a communal justice, not just for a city, or a nation-state, but for the conglomeration of all cities, all nation-states, and of all who fall between the cracks of these institutions as well as of the multinational corporations.” The contribution faces the obstacles presented by large multinational corporations whenever they function in a reckless manner in the face of the global common good of all. Paraphrasing Karl Marx, the author concludes: “peoples of the world, not just workers, unite, as living communities, not as communism; you have only your chains to lose, not from the state, but from the large corporations taking over states and nations for their own self-interest.”

With his “Responsibility and the Bounds of Justice,” Denys Kiryukhin offers to clear up the relationship between justice and responsibility. He starts by exploring the contribution of Iris Marion Young, as well as François Raffoul, author of a book on *The Origins of Responsibility*,³ and Emmanuel Levinas, one of the key references in this volume. Kiryukhin also deals with John Rawls’ theory and suggests ways to overcome its limits, particularly in regard to the understanding of responsibility. He starts by dealing with Young’s work as a paradigm of **political responsibility understood as “collective responsibility for the reformation of the currently wide spread economic and political practices,”** particularly in regard to issues of trade. According to Young, poverty is not a result of personal bad fortune; rather, it goes back to background conditions such as the operations of political and economic institutions and the different practices in the distribution of social goods. For Young, thus, one of the most acute problems in modern capitalist society has to do with the need to replace the idea of personal responsibility with a paradigm of mutual responsibility of all the members of society. Indeed, only such a paradigm of mutual responsibility can become the basis for a socially oriented state as already being shaped within the framework of the capitalist system. **Accordingly, responsibility is to be understood as “collective responsibility of individuals for political, economic and social structures,”** whereby no individual can become responsible for them by himself/herself alone. The

³ François Raffoul, *The Origins of Responsibility*. Studies in Continental Thought (Bloomington: Indiana University Press, 2010).

article, furthermore, articulates, and promotes, the notion of environmental justice, a direct consequence of a rethinking of the notion of Social Justice, a notion that today is inseparable from the need to foster the “protection and realization of the rights of people to a healthy and favorable ecological environment, the possibility of people to participate in making executive decisions that influence the environment, and a fair distribution of the environment’s goods and evils.” We need, thus, to recognize that the source of human responsibility is inseparable from the fact that individuals realize their belonging to society and their identification with it (regardless of the way the latter is structured) in a way that can lead, or at least contribute, to the establishment of severe forms of injustice. In other words, we cannot ignore that as individuals we are responsible, not only for maintaining justice, but also for the implementation of the very principles of justice.

“Reconsidering Hierarchy: Responsibility and Justice in the Byzantine and Post-Byzantine (Early Christian) Societies,” is the instrument Dan Chitoiu uses to take up a reevaluation of the social concept of hierarchy – a notion that nowadays bears a rather negative connotation, and propose a radical paradigm of justice. For many westerners, the good functioning of society seems to come down to the restoring of some form of the social contract among equals. Here, however, the author suggests a different model and offers the Byzantine social idea of hierarchy, a model in which the idea of an “iconic Justice” corresponds the “hierarchical responsibility.” According to Christian history and theology, one is responsible for those below, a thought that might be compared with the corresponding position in Confucianism. According to the author, the paradigm of hierarchy was central for the articulation of the Byzantine society, but its understanding and purpose were different from the significations gained in Western modernity. The theme of hierarchy, central in the writings of Dionysius the Areopagite, was linked to another very important concept in the Byzantine thinking, namely, *analogy*. In this respect, the hierarchy was understood as an *analogous* participation to knowledge, and as a *participation in the Good*, that is, in real being. Since no one can directly unite with God, a *mediation* is always needed. Secularly speaking, mediation is equally necessary, because for the Byzantines the social good meant nothing else but the possibility of participation in transcendence by using the best possible means. Furthermore, the levels of the administrative hierarchy were seen as degrees of human participation in the Good and at the same time as manifestations of it towards the ones who find themselves on a lower level. As shown by Paul Ricœur, justice does not spring primarily from a deontological sense of duty, but is an integral part of the ethical intention to live a good life with and for others in just institutions. According to the author of the article, an interesting solution

to the problem can be found in the way the Byzantines developed the social idea of hierarchy, putting the accent on the analogous participation in the Good, thus finding a symbolic and inward reason for acting responsibly and for doing justice. Such hierarchy, indeed, does not contradict the ideal of human equality as it is understood as a way of communicating the Good to others. The presence of somebody on a higher step on the hierarchical scale is supposed to be the condition of possibility for a greater love of others and, consequently, for a deeper understanding of the Good. In Byzantine society, one it is said to be deeply marked by the notion of *betterment*, the human being is confronted with the challenges of a continuous “process of self-perfection through hierarchical responsibility.” Indeed, justice appears as the result of a collective assumption of hierarchical responsibility.

With “Justice as Love: Greek and Christian Origins of Aquinas’ Conception of Justice and its Relevance in Late Modernity,” David J. Klassen proposes to examine Thomas Aquinas’ conception of justice and in doing so investigate in particular the Greek and the Christian root of the concept as such. He gives particular attention to the classical understanding of justice as a virtue of persons and not only of institutions, to Aristotle’s distinction between complete justice and particular justice, to the issue of the attractiveness of justice, and to the relationship of justice and love. He cites Paul Ricoeur’s statements about the disproportionality between justice and love and uses that as a foil to reexamine the Greek roots of St. Thomas’ idea of justice. Then he goes on to explicate Aquinas’ understanding of justice as a virtue, based on love, so that we can move beyond Rawls’ institutional emphasis. For the author, Saint Thomas understands justice as virtue of the person based on love, a position that must be retained as being of the highest relevance for our time as well. The argument, after all, is that the classical understanding of justice implies that it be primarily seen as a virtue of persons and only secondarily as a characteristic of just institutions. Hence the importance of Aquinas’ conception of justice for today inasmuch as he sees justice primarily as a virtue of persons based upon love, a position that can but be taken as a relevant model for the understanding of justice in late modernity.

In “Creative Imagination, Culture, and the Origins of Democratic Politics in Giambattista Vico’s Conception,” Mihaela Czobar-Lupp sets out to demonstrate how Vico’s view of the relation between culture and politics does not lead to a narrow nationalism. Rather, her take on Vico is a very positive one and describes an imaginative and creative human capacity to build strong and sensitive relationships even “with the strange and unfamiliar.” Indeed, offers “the creative capacity to open up a world.”

Lupp makes her case by unpacking Vico's position in detail animated by the desire to demonstrate that, if properly understood, Vico's position is conducive to a conception of culture in which creativity, as an expression of finitude, and imagination, as an expression of the human capacity to keep a meaningful relationship with the strange and the unfamiliar, "are engaged in the making of a common world," but always avoiding the putting aside of local traditions. In other words, the article demonstrates that instead of being a critique of philosophical rationalism *tout court*, "Vico's quarrel with modernity aims at enriching the modern concept of reason, by making reason receptive to its corporeal, poetic roots, and thus to its world disclosive capacity." The critical point, therefore, is to demonstrate that Vico's deploring of the "withering of traditions does not mean that he sacrifices freedom for authority and religion"; rather, it means that for the great Neapolitan thinker born 350 years ago freedom is not so much understood as the "ability of the subject to criticize, but rather as the ability to create new cultural conditions of possibility for reason." Furthermore, it also demonstrates that authority is inseparable from the "capacity to make bridges that expand political identities in a direction that deepens the democratization of human societies as well as the meaning of what is human." The author does indeed prove that "creative imagination constitutes the vitality of a healthy culture for Vico, especially in connection with religion." The present contribution makes clear that "Vico's conception of the relationship between culture and politics is not conducive to nationalism, but to the pious creation of mankind, and that his conservatism, far from being reactionary, is a source of imaginative cultural and political creativity."

With "Young's Theory of Structural Justice and Collective Responsibility," Feorillo A. Demeterio III, offers a careful analysis of the work of Iris Marion Young and shows how the author, in a close dialogue with Arendt, Levinas, Rawls, Foucault, Habermas, Dworkin and Roemer, centered in the relationship between justice and responsibility. Iris Young did not shy away from tough issues and so faced questions on justice and responsibility within the context of real issues such as the Israel/Palestine conflict, economic inequality, and race, to just name a few. In her response, Iris Young offered alternative models of structural justice and collective responsibility and presented rigorous critiques of passed-on models. By given voice once again to Iris Young, Demeterio makes us realize once again the importance of a global discourse calling for justice and responsibility.

The fourth Section of the volume, duly dedicated to an exploration of the issues related to Justice and Responsibility in African, Indian, and Islamic traditions, starts with a contribution by Ogugua Patricia Anwuluorah

and Jude Chinweuba Asike on the “Nigerian Traditional Moral Values in the Context of Globalization: Approaches to Justice and Responsibility.” From an African perspective, the authors look at globalization as a given of our time and ask: Can traditional African moral values withstand the onslaught? What is good and what is dangerous in the new global situation? In order to understand and evaluate what deserves to stay and what should rather go, the authors look deeply into African concepts of justice and responsibility. Nigerian traditional thought is here the major dialogue partner, but the authors also call upon John Paul II for guidance in mapping out a moral response to globalization. They lay out an Igbo and Yoruba response to understanding and applying concepts of truth, justice, hard work, and character. Indeed, they reaffirm the importance of not depriving the poor of what remains most precious to them such as their religious beliefs and practices, and all the more so as genuine religious convictions represent the clearest manifestation of human freedom. Hence, the importance of recognizing that despite the diverse cultural forms, universal human values do indeed exist and as such, they must be projected as the guiding force of all human development and progress. The authors, thus, claim that Nigerian moral values can be proven to be universal and “resilient” even in the global context of today’s world.

In “The Human Rights Issue: An Indian Perspective,” Vensus George guides us through some of the socio-political history of Indian thought from its early hierarchical system of classes to the recent movements toward human rights. Beginning with the Indian metaphysical vision of the universe and the notion of *dharma*, the contribution provides a comprehensive treatment of the human person and human rights in classical Indian thought. The author shows how in the classical Indian sociopolitical thought, the sociopolitical system is presented as “a system of integrated living of human persons in which people of each caste do their specific functions as per the rules of the caste for the betterment of the society, and the political authority has, in fact, no control over the caste structure.” He also shows how Indian cultural tradition “emphasizes the concept of compassion and is sensitive enough to the distress and pain of the people one personally has to deal with,” whereby it becomes clear that Justice “compared to compassion is an abstract virtue and it is less dependent on personal involvement” as it is the case with compassion, a virtue best exercised in one’s immediate circle. As it seems, the Indian cultural tradition fosters concern and affection for one’s relatives, dependents and friends and even those who personally seek help, and yet is not concerned with social justice and individual human rights as is the case in the western cultural tradition. Finally, the author brings to our consideration the beginnings of the human rights’ movement in India in recent

years and the real contributions and changes it has made throughout the Indian society. He also looks to the many different areas prone to human rights violations and indicates some of the strategies needed for a more complete response to the issues.

In his “Subaltern Global Justice and National Identity,” R. C. Sinha, also from India, acknowledges that Rawls’ pivotal work fails to discuss the gross extremes of wealth and poverty that divide the “developed world” from the “underdeveloped world.” Rawls’ theory does not deal with global injustice. Sinha answers the challenge by proposing a “subaltern conception of global justice which is concerned with the uplifting of marginalized nations.” This conception of justice, however, is also protective of the reality of national identity. According to the author, the issue of justice presumes sovereignty; national identity comprises two indispensable components: sovereignty, on the one hand; cultural values, on the other. Although we can discover the true principles of justice by moral reasoning alone, actual justice cannot be achieved except through the sovereignty of nations. Indeed, justice is a property of the relations among human beings and, thus, the liberal requirements of global justice must include a strong component of equality among nations. Hence, the importance of paying attention to a political demand that applies to the basic structure of global society.

In “The Conjunction between Quranic Justice and Islamic Civilization,” Sayed Hassan «Aklaq» Hussaini takes the Islamic perspective and focuses on justice as an attribute of God as well as on the theological foundation for community, governance, and social ethics in Islam. He highlights the importance of justice in the Quran and shows how Quranic justice shapes Islamic culture – theology, law, politics, ethics, and economics. The author also underlines the fact that in Islam, as it is the case in any major monotheistic religion, the notion of justice is inseparable from personal responsibility.

In “What Role should China play in Bringing about a Just World?,” Gillian Brock opens up the fifth and last Section of this book, one in which we take up once again issues of Justice and Responsibility from within the socio-political and economic perspective. The author starts by noting the monumental strides China has made in the last 30 years, something that leads contemporary social scientists to speculate that by 2030 China will be the world’s largest economy and by then will be producing something like 200 million college graduates every year. Hence the relevance of the question: What will China’s role be in the construction of a better world? Brock considers four main areas of interest: fair trade; promotion of sustainable development and the protection of core global public goods;

fight against corruption. Indeed, from how China shall fair in these areas will be deducted the measure and impact of its role as a global leader. Will China harness its gigantic economic and social advances to accountability, transparency and open civic participation? According to the author, “[W]ere China to take up more responsibilities for improvements in all these areas it would be assuming an important role in helping to forge a less unjust world.” It is also clear, furthermore, that whenever China manages in a positive manner her global responsibilities, the country will at the same time be promoting her most important national interests. Hence the thoughtful recommendation here delivered: that China engages its many strengths in addressing the many challenges related to “trading arrangements that are fair and that help promote sustainable development” while at the same time promoting “measures to protect global public goods that sustain trade, including the goods of peace, social, political, and financial stability, effective law enforcement, and populations that enjoy adequate health.”

In “Representative Democracy vs. Direct Democracy,” Chrysoula Gitsoulis compares direct democracy with representative democracy. The author claims that representative democracy appears to be “the only way for democracy to function in an overpopulated world.” She looks for direction to the United States representative form of government and the vision of the Founding Fathers of the American Republic while at the same time raising pertinent questions about the effectiveness of this particular form of democracy, something all the more important as the “electronic” alternative of today is taking into serious consideration. Might “electronic direct democracy” allow for more participation and more accountability? Would it reduce dependence on ideology, party and party-loyalty? Those difficult questions promptly emerge, notably about the obvious possibility that computer voting might promote and/or fall-prey to “groupthink,” something to be seriously taken into account. Needless to say that both representative democracy and electronic direct democracy are facing serious problems, some of which are of vital importance and need to be solved in a rather urgent manner.

In “Living Wages and Economic Justice: Whose Responsibility?,” Micah Lott brings us back to the writings of Pope Leo XIII and his reaction to the “pure contract” approach to labor agreements of the late nineteenth century. Pope Leo’s response was to propose a standard for a “living wage.” Although this idea is aligned with a “leftist” position, in reality it has been a standard component of Catholic Social Thought and in the United States was first advanced by John K. Ryan’s 1906 classic, *A Living Wage*. Lott makes the point that objections to a living wage usually are

based on the “demands-of-business objection” that amounts to saying that workers are not currently being exploited and that a living wage would mean rendering a business non-competitive with firms that pay a lower wage. So, the question is left hanging – who then is responsible for low wages and the current gross economic inequality? Lott responds to this objection by clearly examining the concept of “background conditions” and articulating a notion of responsibility that is appropriate to these conditions. For this task, he also draws on Young’s “social-connection model” and the view that “shared responsibility... is a personal responsibility for outcomes or the risks of harmful outcomes, produced by a group of persons.” Indeed, each human being is partially responsible for the outcome inasmuch as it can never be produced by any person alone, so that, as Young used to say, human responsibility appears as fundamentally *shared*.

The concluding remarks to this volume are authored by John P. Hogan, of the CRVP. Here, the co-editor of the volume expresses important aspects of a more global and comprehensive analysis of both Justice and Responsibility. He underlines the importance of Pope Francis’ teachings expressed in the Encyclical *Laudato Si’* and so emphasizes how for the Holy Father the concept of *human ecology*, which is deeply connected with *ecological conversion*, represents a crucial message for our time, particularly as it relates to the integration of a renewed sense of the Common Good and the achievement of an authentic responsibility for the planet. As Pope Francis now so intensely teaches, the overall idea of this volume and of the CRVP Seminars we directed in Washington DC during the summers of 2011 and 2013 is this: both Justice and Responsibility require each other in order to be fulfilled. Accordingly, only when we regain the sense of a justice that is rooted in responsibility and a responsibility that brings about justice can we truly bring about the realization of the human condition as being-in-the-world and as being-for-others. Human responsibility is always differentiated and, as such, represents, and constitutes, the proper grounding we always need for a better justice in the world.



Part I

**Implications of the “Other”:
From Confucius to Levinas and Deleuze**



Confucian Altruism, Generosity and Justice: A Response to Globalization

VINCENT SHEN

I define globalization as “An historical process of deterritorialization or cross-bordering, in which human desire, human universalizability and ontological interconnectedness are to be realized on the planet as a whole, and to be concretized now as global free market, trans-national political order and cultural glocalism.”

Let me explain my idea about desire, universalizability and ontological interconnectedness. I take desire as the inner energy within us starting from our body towards many others (people and things) and ideas of an ever higher level of universalizability. This dynamism presupposes the interconnectedness of all things and persons on the ontological level, so that we direct ourselves always to many others and, in this dynamic process, is based the significance and meaningfulness of our life. I make the distinction between universality and universalizability. I don't buy universality pure and simple in this concrete and historical world. For me, in our temporal process, we are looking for the ever higher universalizability. Globalization is a process of implementing the universalizable in the process of time.

Human Nature Looking for Higher Universalizability

Since globalization is a process that concerns humankind as a whole, it should have some foundation in the nature of human beings. Philosophically speaking, it should be based on the human desire that goes always beyond and is longing always for higher universalizability. Globalization as a technological, economical and cultural process should be seen as the material implementation of this universalizing dynamism of always going beyond in human nature. For us humans, determined by historicity, there should be no universality pure and simple but only the process of universalization in time. This is to say that universality pure and simple is only an abstract ideal

existing in an ever-retreating horizon. The real human history is a process of unceasingly going beyond and towards higher levels of universalization.

Anthropologically speaking, this could be traced back to the historical moment in which a human being picked up the first chopping stone and came to use a utensil or instrument. In this way, the human being went beyond the determinism of physical nature and thereby, established a free relationship with the material world. Since then human beings stepped into the stage of hominization. *Homo faber*, though able to go beyond the determination of the material world by using instruments, was still depended on them, and therefore was not totally human. When human beings were able to communicate with others through language, a system of signs that concentrated the human experience, thereby revealing the intelligibility of things in communicating with others, they started to exist on a new level of universalizability. Moreover, when human beings came to engage themselves in disinterested activities, such as playing, sacrificing and artistic creativities... there emerged a higher level of freedom, even to the point of fusion with things and people. Just imagine how human beings got easily tired after a whole day's labor, however they would continue day and night dancing, playing and engaging in the ritual activity of sacrifice without any boredom or fatigue. This shows that human beings seemed to be more human in these free playful and creative activities.

Therefore, *homo loquutus* and *homo ludens* are more human, more universalizable and therefore more humanized, and not merely hominized. Starting with humanization, the universalizable dynamism in human nature came to the scene of the human historical process. Probably this is why philosophers, East and West, in the axial age that happened between the 8th and the 2nd Centuries BCE, a time of philosophical breakthrough, would understand reason as the most essential function of the human mind. In ancient Greek philosophy, human being was defined as "*to on logon exon*," later translated into Latin as "*animal rationale*," the proper function of which was *theoria*, which produced knowledge for knowledge's own sake, in looking for the theoretically universalizable. In ancient China, the concern was more with the impartial or the universal in human praxis, the practically universalizable. Theoretical or practical, there was an overlapping common interest in universalizability in both East and West.

The Need of Strangification (*Waitui* 外推)

Today, globalization brings with it the contrast with localization, also the contrast of homogenization with diversification. This is a moment of human history that people in the world feel so close to each other on the one hand, and so vulnerable and susceptible of conflicts of any kind on the other. Now

it is the critical historical moment of opening toward other instead of keeping within self-enclosure. In responding to today's urgent situation full of conflicts created by self-enclosure of different parts such as different disciplines, cultures, political and religious groups, etc., we human beings should be more concerned with one another and the possibility of mutual enrichment.

In order to overcome antagonism by appealing to effective dialogue, I have proposed the strategy of "strangification," or in Chinese *waitui* 外推, a concept that etymologically means the act of going outside of oneself to multiple others, or going outside of one's familiarity to strangeness, to many strangers. This act presupposes the appropriation of language by which we learn to express our ideas or values in language either of others or understandable to others. In their turn, "strangification" and "language appropriation" presuppose an original generosity toward many others, without limiting oneself to the claim of reciprocity, quite often presupposed in social relationship and ethical golden rules.

Three types of strangification could be discussed here: The first is linguistic strangification, by which we translate one discourse/value or cultural expression/religious belief into discourse/value/cultural expression/religious belief claimed by other scientific, cultural or religious communities. If it is still understandable after translation, then it has a larger or more universalizable validity. Otherwise, its validity is limited only to its own world and therefore self-critical reflection must be made on the limit of one's own discourse/value or expression/belief.

The second is pragmatic strangification. If one discourse/value or expression/belief can be drawn out from its original social and pragmatic context and be put into other social and pragmatic contexts and is still valid, this means it is more universalizable and has larger validity than merely limited to its own context of origin. If it becomes invalid after such re-contextualization, then reflection or self-critique should be done on one's limit.

The third is ontological strangification. A discourse/value or expression/belief, when universalizable by a detour of experiencing Reality Itself, for example, a direct experience with Reality itself, such as other people, Nature, or even with the Ultimate Reality, would be very helpful to be taken as a detour for understanding other's different scientific micro-worlds (disciplines or research programs), cultural worlds, and religious worlds. This is most important for religious dialogue today, that, instead of conceptual debates, it is better for one religion to understand other religion through the detour of one's Ultimate Reality, since that, if indeed Ultimate, would allow one to have access to its various manifestations.

Today, the most needed dialogue among different cultural traditions and religions should be understood, in this context, as a process of mutual stran-

gification. Religious and/or philosophical dialogue should be conceived as based on a mutual act of *waitui* (strangification). In the dialogue between A and B, on the level of linguistic strangification, A should translate his propositions or ideas/values/belief system into the language of B or a language understandable to B. In the meanwhile, B should translate his propositions or ideas/values/belief system in the language of A or understandable to A.

On the level of pragmatic *waitui* 外推 (strangification), A should draw his proposition(s), supposed truth(s)/cultural expression/value/religious belief out from his own social, organizational contexts and put it into the social, organizational context of B. In the meanwhile, B should draw his proposition(s), supposed truth(s)/cultural expression/value/religious belief out from his own social, organizational context and put it into the social, organizational context of A.

On the level of ontological *waitui* 外推 (strangification), A should make efforts to enter into B's micro-world, cultural world or religious world through the detour of his/her experience with Reality Itself, such as a person, a social group, Nature, or the Ultimate Reality. In the meanwhile, B should also make effort to enter into A's micro-world, cultural world or religious world through the detour of his experience with Reality Itself.

This is to say that communication and dialogue will never be conducted within one's self-enclosure. On the contrary, it starts with a mutual act of going outside of one's self-enclosure to the other that I call "a process of mutual *waitui* 外推 (strangification)." I go outside of myself to you and you go outside of yourself to me, so as to form a dialogue leading to mutual enrichment. When we conduct mutual *waitui* 外推 (strangification), we make our own scientific/cultural/religious life-world understandable to each other by translating our languages into the language of each other or understandable to each other, by putting it into other's pragmatic context or by going through the detour of Reality Itself or the other's life-world. This process of mutual *waitui* 外推 (strangification) is to be conducted not only in everyday life, in scientific research, in cultural and religious life, but also in economic and political life, where different political parties, interest groups, government and people, (...) etc., should always commit themselves in the process of communication leading to mutual enrichment rather than conflict or war.

Waitui 外推 (strangification) and dialogue in the form of mutual *waitui* 外推 (strangification) are more fundamental than the communicative action understood by Habermas as argumentation. For me, Habermasian argumentation presupposes a previous effort of *waitui* 外推 (strangification) in expressing one's proposal(s) in other's language or in a language understandable to others, without which there will be no real mutual understanding and no self-reflection in the process of argumentation. Habermas' four ideal claims for

understandability, truth, sincerity and legitimacy just cannot work in the real world. Without previous mutual *waitui* 外推 (strangification), I would think I'm sincere, but you would think I am hypocrite; I would think that I'm telling the truth, but you may consider that just absurd; and, since a commonly acceptable norm doesn't exist yet, or that the law necessary for legitimacy is still an issue under debate, there is no accepted legitimacy so to speak.

Generosity to Many Others

In the process of globalization, we should practice strangification and dialogue as mutual strangification with many others, now that we are facing multicultural traditions not only on the international level but also on the domestic level. I replace the idea of "the Other" (l'autrui, l'alterité) of French postmodernists such as G. Deleuze, E. Levinas and J. Derrida with the concepts of "many others." I should say that "the Other" still implies an implicit opposition between Self and Other. However, under the inspiration of Confucian concept of five relationships, Daoist concepts of the Myriads of Things (*wanwu* 萬物), and Buddhist concept of all sentient beings (*zhongsheng* 眾生), I prefer to use the term "many others," which for me is the concrete ontological context in which we are born, we grow up and develop. Life will be saner if we keep always in mind that we live among many others. The idea of "many others" is much more telling than Levinas' concept of "tiers parts," which means the Other of the Other.

Also, the original generosity implied in this first act of going outside of oneself should be seen as the condition *sine qua non* of all situations of reciprocal relationship. Philosophically speaking, before we can establish a sort of reciprocity, emphasized for example in Marcel Mauss' *Essai sur le don* as the principle of human society, there must be a generous act of going outside of oneself to the other, so that there can accordingly be established a relation of reciprocity. If in the classical world and modern world, golden rules have been so much emphasized and reciprocity has been seen as the basic principle of sociability, now in the post-modern world and the world of globalization, we need a principle more than that of reciprocity. The new principles for society and ethics that we are looking for should base themselves on original generosity and strangification as the act of going outside of oneself to many others.

Confucian *Ren* and *Shu*

All social institutions and processes, no matter what they are, should always be lived existentially and ethically with meaningfulness by human beings. The same with the process of globalization, developed by commu-

nication technology and implemented on economic, political and cultural levels, is now bringing humankind into more and more systematic networks. This situation of living in networks existentially exemplifies the ontology of dynamic relationships that we find long claimed by Confucianism. The Confucian concept of *ren* denotes somehow the internal relationships between human beings and all things existing in the universe (Heaven and earth). In reason of *ren*, human beings can be affected by and respond to one another, and by the act of *shu*, they can extend to larger realms of existence from oneself to others, to family, to social community, to the state, to all under heaven, now interpreted by the term globalization. The network of this dynamic relationship cannot be said to exist in the form of substance, neither can it be said not to exist, as nothingness. It's always there dynamically developing, not only on the ontological level but also on the ethical level.

Confucius tried to revitalize the institutionalized human relationship of his time (hierarchical institutions and codes of behavior), named *li*, by tracing back to its origin and basing it on *ren*, which signified the sensitive interconnectedness between a human being and other human beings, with nature and Heaven. *Ren* manifests human being's inner self and responsibility, in the original sense of the ability to respond, in and through his sincere moral awareness. Also, it means the ontological inter-relatedness giving support to all social and ethical life. Thus, under my interpretation, *ren* is the ontological innerconnectedness, therefore the responsiveness of human beings to many others, including beings other than human. As I understand it, with *ren*, human being has an inner dynamism of generously going outside of one's self to many others, in the meanwhile he will not lose his/her own self. That's why Confucius said that *ren* is not remote from or difficult for any human being, only when an individual will for it, *ren* is already there in him/herself. By this, Confucius laid a transcendental foundation to human being's interaction with nature, society and Heaven. In this philosophical context, responsibility was understood as the ability to respond to many others, rather than something heavy on people's shoulders, or merely the assumed liability of an agent seen under the philosophy of subjectivity. This means, in responding to the goodness in and for many others, one can achieve one's selfhood.

In my view, to go out of one's self-enclosure and be generous to many others are the most needed virtues in the process of globalization. In Confucianism, *shu* could be seen as such a basic virtue. Although quite often translated as "altruism" (Chan: 44), or "putting oneself in other's place" (Ames: 92), or even as "using oneself as a measure to gauge others" (Lau: 74), it's best understood and interpreted now in terms of strangification, in the sense that "he who practice *shu* knows how to strangify" (*shu zhe shan tui* 恕者善推) and "extend from oneself to other people" (*tui ji ji ren* 推己及人).

In the *Analects*, not much was said about *shu*, though it was related by Confucius himself to be the expression to act out until the end of one's life.

When Zigong asked, "Is there one expression that can be acted upon till the end of one's days?" The master replied, "There is *shu* 恕: do not impose on others what you yourself do not want." (*Analects* 15:24; Roger Ames: 189)

Shu is here understood in the spirit of a negative golden rule, "do not impose on others what you yourself do not want." The same negative golden rule was repeated by Confucius when answering Zhonggong's question about *ren*. (*Analects* 12:2, Roger Ames 153) From this repetition we can see a very close relationship between *ren* and *shu*, given the fact that they have the same definition. On the other hand, a positive golden rule was given as an answer to the question about the concept of humanity (*ren*), also to Zigong, thus we read, "A man of humanity, wishing to establish his own character, also establishes others, wishing to be prominent himself, also helps others." (*Analects* 6:30, Chan: 31)

As we can see, both negative and positive golden rules are, in Confucian terms, based on a reciprocal basis as to the relation between self and other. With *shu*, one extends one's existence to larger and larger circles. It is the act of going always beyond oneself to many others, from self to family, from family to community, from community to the state, and from the state to all under heaven. This is the act of "extending or strangifying from oneself to other people" (*tui ji ji ren* 推己及人). A Confucian existence is an ever-expanding life based on self-cultivation.

The Confucian way of life is extending one's humanness to the context of larger and larger circles basing on the perfection of one's self. Even if self-cultivation is in priority over many others in the order of moral perfection, strangification or *shu* is always necessary in the order of ethical and political implementation. That's why Mencius would say, "Hence one who extends his bounty can bring peace to the Four Seas; one who does not cannot bring peace even to his own family. There is just one thing in which the ancients greatly surpassed others, and that is the way they extended what they did." (*Mencius* 1: 7, Lau: 57)

In Confucianism, the tension between self and others is normally to be solved in reference to the golden rules, both negative and positive, based ultimately on the principle of reciprocity. In this sense, we can say that, in the Confucian world, in which human behaviors have to be regulated by *li*, even the act of going outside oneself to the other launched by *shu*, and the original generosity it implied, have to be regulated by reciprocity.

The principle of reciprocity becomes a guiding principle of social and political philosophy in the *Great Learning*. There it is called the principle of measuring square (*Jiejuzhidao* 絜矩之道). There seems to be a positive ver-

sion of the principle followed by a negative version of it. They are put in the context where it is explained the extension from “governing the state” (*zhiguo* 治國) to making peace within all under heaven (*pingtianxia* 天下). The positive version reads,

What is meant by saying that the peace of the world depends on the order of the state is: When the ruler treats the elders with respect, then the people will be aroused towards filial piety. When the ruler treats the aged with respect, then the people will be aroused towards brotherly respect. When the ruler treats compassionately the young and the helpless, then the common people will not follow the opposite course. Therefore the ruler has a principle with which, as with a measuring square, he may regulate his conduct. (Chan: 92)

The major point here is the governance by *ren* (humanity): when the ruler governs his people by respect and humanity, people will respond with peace and harmony, in form of filial piety, brotherly respect and submissiveness. The positive reciprocity is here expressed in terms of the filial piety, brotherly respect and compassionate for the young and the helpless, etc., initiated by the ruler. On the other hand, there is also the negative version of the measure of square:

What a man dislikes in his superiors, let him not show it in dealing with his inferiors. What he dislikes in those in front of him, let him not show it in preceding those who are behind; what he dislikes in those behind him, let him not show it in following those in front of him; what he dislikes in those on the right, let him not apply it to those on the left; and what he dislikes in those on the left, let him not apply it to those on the right. This is the principle of the measuring square. (Chan: 92)

As it is clear, the reciprocity here is extended analogically from one side to the opposite side: from superior to inferior; from inferior to superior; from right to left, from left to right; from front to behind, from behind to front, and thereby forming a cubic relationship, not merely a square, of reciprocity, though always taken in a negative sense. Within this cubic structure of reciprocal relationship, more attention have been paid to the horizontal, that is, from right to left, from left to right; from front to behind, from behind to front, than the vertical relation between superior and inferior, mentioned only once. Nevertheless, the concept of “extended reciprocity” plays a major role in this largest extension of human relation – from the state to all under heaven.

Confucius’ Generosity

In general, generosity could be understood in two senses: either as liberality or as magnanimity. When we look for Confucian virtues of generosity in

the sense of liberality or generosity, as to the giving or sharing of one's material goods, we might first think of Zilu. When assisting Confucius with Yan Hui, asked by Confucius, as to what they would like most to do, Zilu said, "I would like to share my horses and carriages, my clothing and furs, with my friend, and if they damage them, to bear them no ill will." (*Analects* 5.26, Ames: 102) This shows Zilu had a virtue of liberality. Even if it concerns the sharing, not the unconditional giving, of his material goods, nevertheless Zilu expressed his non-possessiveness and generous sharing with many others in the sense of friends. Zilu didn't say "share with any other in general," but "share with my friends," who were equal one with another and reciprocal in being good to each other. So it seems that Zilu cherished more friendship than material goods. Friendship in sharing one's own material goods, this is friendship in the strong sense. According to Aristotle, friendship is also a kind of virtue. Zilu therefore showed his generosity in the context of friendship in a strong sense.

But Zilu's generosity in terms of liberality as to his own material goods, even his ambition to govern well a state of a thousand chariots, were not highly evaluated under Confucius eyes, in comparison with those of others. Confucius preferred, and praised, in the same dialogue, what Gong Xihua had replied:

In the late spring, when the spring dress is ready, I would like to go with five or six grown-ups and six or seven young boys to bathe in the Yi River, enjoy the breeze on the Rain Dance Alter, and then return home singing. (*Analects*, 11.26)

To this, Confucius heaved a sigh and said that he agreed with Gong Xihua. From this we can see Confucius put emphasis on the existential feeling as a whole and the spiritual horizon that comes closer to the rhythm of nature. This shows the cosmic breath of Confucius mind in the sense of magnanimity. Indeed, Confucius mind was so great that, his virtue of generosity is not limited to liberality, but much closer to what Aristotle called "magnanimity." On the one hand, Confucius did not care much about the gain or loss in material goods, his spiritual horizon was much more lofty than any desire for fortune and position, as shown when he said, "To eat coarse food, drink plain water, and pillow oneself on a bent arm – there is pleasure to be found in these things. But wealth and position gained through inappropriate means – these are to me like floating clouds." (*Analects* 7:16, Ames: 114) His own ambition was much higher, which, according to his own words, is "to bring peace and contentment to the aged, to share relationships of trust and confidence with my friends, and to love and protect the young." (*Analects* 5:26, Ames: 102) This means what Confucius would most like to do is the existential comfort of all people at all ages, which might come from his inner demand of universalizing the virtue of humanness.

We should point out here that Confucius also understood generosity in the sense of reciprocity. He said, when answering to Zizhang's question about *ren*, "One who can practice five things wherever he may be is a man of humanity... Earnestness, liberality, truthfulness, diligence, and generosity." As we can see among these five virtues, *kuan* (liberality) and *hui* (generosity) were related to the virtue of being generous, although all five are related to reciprocal virtues, as Confucius himself explained, "If one is earnest, one will not be treated with disrespect; if one is liberal, one will win the heart of all, if one is trustful, one will be trusted. If one is diligent, one will be successful. And if one is generous, one will be able to enjoy the service of others." (*Analects* 17:6, Chan: 46-247) Note that Confucius said all these in the context of consequence, that one would not be treated with disrespect, would win the heart of all, would be trusted, would be successful, would be able to enjoy the service of others, etc. This shows us that Confucius considered moral matters also from the consequentialist, not only from the intentionalist point of view. But, liberality and generosity in the Confucian sense, and the consequences they invite, still stand on reciprocity.

Confucian Justice as Righteousness

Confucius understood justice as rightness or righteousness, which was traceable back to the basic ontological make up of human beings – *ren*, and realizable in institutionalized codes of behavior and social institutions called *li*. From *ren*, Confucius derived *yi*, rightness, which represented for him the respect for multiple others and the proper actions towards multiple others. Not much was said by Confucius about *yi*, though what was said was essential to Confucianism: "A wise and good man makes rightness the substance of his being; he carries it out with ritual order. He speaks it with modesty. And he attains it with sincerity – such a man is really good and wise!" (*Analects*, 15:18) Notice here that *li* was that which a wise and good man used to carry out *yi*, which was the substance of his own being. For him, rightness was also the criterion by which were discerned good men and base guys. (*Analects* 4:16) On rightness was based all moral norms, moral obligations, our consciousness of them, and even the virtue of always acting according to them.

Now, from *yi*, Confucius derived *li*, the ritual or proprieties, which represented the ideal meaning of harmony with a sense of beauty, and the actual meaning of codes of behavior, social institutions and religious ceremonies. Youzi, a disciple of Confucius, once said, "The most valuable function of *li* is to achieve harmony. This is the beauty of the way of ancient kings, who followed it in all occasions, large or small." (*Analects* 1:12) It is in this sense that *li* could be understood as a Confucian overall concept of a cultural ideal,

as harmony with a sense of beauty, or a graceful order leading to beauty and harmony. With it, human life in the past is worthy of being kept in memory; in the future, worthy of expectation; and in the present, full of meaningfulness.

As I see it, there are two concurrent dynamic directions in a Confucian moral experience. One is the dynamic direction of manifestation, in which *ren* manifests into *yi*, and *yi* manifests into *li*. Another is the dynamic direction of grounding, in which we trace back and ground *li* in *yi*, and *yi* in *ren*. Confucian ethics constitutes a model of interactive coming and going between these two dynamic directions.

Thus, in Confucian terms, the distributional concept of justice is based on moral righteousness, that respects each and everyone, and it's because of people's disrespect of each and everyone that there is no justice in the distribution of resources. However, moral righteousness comes from *ren*, the ontological interconnectedness and the ability to respond, though *ren* itself should always be realized through moral righteousness, and this by *li* (ritual).

Conclusion

From a philosophical point of view, the process of globalization should be seen as an historical process of realizing the ever-universalizing human nature going beyond borders of any kind. The dynamism behind this is human intelligence and desire, their universalizability and perfectibility, developed since humankind's humanization with language and art, and furthered in a self-aware manner after the philosophical breakthrough. In modernity, the human being has been searching for the resources in his own subjectivity and the rational construction of this world by way of representations. Now, in entering into the process of globalization, we need a new ethics based on the original generosity to many others through unceasing strangification.

Without globalization, human universalizability to a higher level would not be possible to implement. However, globalization itself should pay respect to and bring its resources from different cultural traditions. It should be an invitation, not an imposition. In this context, the Confucian concept of *shu* and its virtue of generosity will be a resource of inspiration, even if they have some limits as to their emphasis on reciprocity and therefore are in need of self-critique and further support from the almost forgotten original generosity. If the human being is not ready for further strangification and greater generosity to many others, he will not be ready, not even worthy, of a real globalization, or in the Confucian terms, to move on to the all under heaven (*tianxia* 天下).

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Lukács and Levinas, and Kant: Totality and Infinity

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No philosopher of the twentieth century has made the notion of “totality” more central or important to thinking and action than Georg Lukács (1885-1971). It is the lynchpin of his Marxist worldview, whose “orthodoxy” he defends for precisely this reason: concrete historical reality, driven by class conflict, is a dialectical totality. And no philosopher of the twentieth century is more opposed to totality, as indicated in the title of his major philosophical work, *Totality and Infinity*, and as argued in all his writings, than Emmanuel Levinas (1906-1995). “The visage of being that shows itself in war,” Levinas writes on the first page of the Preface of *Totality and Infinity*, “is fixed in the concept of totality, which dominates Western Philosophy. Individuals are reduced to being bearers of forces that command them unbeknown to themselves.”¹ In view of Lukács’ defense of totality, which he joins to a critique of ethics, and Levinas’ defense of ethics, joined to a critique of totality, it is surprising that these two contemporary European émigré intellectuals – both brilliant, both erudite, both extensively published, both political philosophers² – have not yet been put in critical juxtaposition.

Although Levinas never mentions Lukács by name, given that Lukács was of the just previous generation, the generation of Levinas’ teachers, and that their lifespans included sixty-five years of overlap, given that Lukács’ books, especially his magnum opus *History and Class Consciousness*,³ published in 1923, would almost certainly have been known to Levinas, and given that Levinas own masterpiece, *Totality and Infinity*, published in 1961, the word

¹ Emmanuel Levinas, *Totality and Infinity*, trans. Alphonso Lingis (Pittsburgh: Duquesne University Press, 1969), 21. (Henceforth TI.)

² I say nothing of the fact that both were born of Jewish parents into Jewish homes because Lukács, to my knowledge, never defines or even thinks of himself in such terms.

³ Georg Lukács, *History and Class Consciousness: Studies in Marxist Dialectics*, trans. Rodney Livingstone (Cambridge, MA: The MIT Press, 1983). (Henceforth HCC.)

“totality” emblazoned on its title,⁴ begins with an extended discussion of political philosophy centered on the question of war, peace and ethics approached *via* a critique of totality, it is very possible that Levinas had Lukács consciously in mind as a major interlocutor. Whether he did or not, however, the dispute between these two thinkers – made even more poignant owing to Levinas’ avowed and profound sympathy with the inspiration and aspirations of Marxism⁵ – is substantial, far ranging and consequential. It is the topic of the present paper. However, because their debate is multi-layered and complex, the present paper narrows its focus – in an admitted still abbreviated and incomplete fashion – to only one of its aspects, namely, their opposition to Kant’s ethics.

In many respects Kantian ethics is the “middle term” of their entire debate. Both Lukács and Levinas are explicit and radical critics of Kant, yet in their different reasons and different solutions lies all the differences separating them. Given the great philosophical achievement of the critical philosophy, it is not surprising that Kant’s ethics is at once closest and most distant from them both, albeit in very different senses. So, Lukács’ defense of totality is the indirect heir, via Marx, of Hegel’s “dialectical” overcoming of representational thought in Kant. As such Lukács’ rejection of Kant is total, a shift to a different sort of thinking with different aims altogether. Levinas, too, rejects the very form of Kant’s thinking, but as a Husserlian phenomenology rather than Hegelian-Marxist dialectic. Furthermore, Levinas both builds upon and goes beyond phenomenology into ethics as “first philosophy,” and thus in this

⁴ Given the prominence of Heidegger as a philosopher and as Levinas’ primary protagonist, it would not have been surprising if Levinas had called his magnum opus *Being and Infinity*. Nor, given the then prominence of Jean-Paul Sartre, and Levinas’ disagreements with his existentialism, would it have been surprising had the book been named *Finitude and Infinity*. The actual title, however, *Totality and Infinity*, with the first of its four sections entirely section devoted to political philosophy, to the question of justice, can hardly not call to mind Lukács, and behind Lukács, Marx and Hegel. For further reflections on the significance of the title of Levinas’ masterpiece, see chapter six, “Some Notes on the Title of Levinas’ *Totality and Infinity* and its First Sentence,” 107-127, in my book, *Levinasian Meditations: Ethics, Philosophy, and Religion* (Pittsburgh: Duquesne University Press, 2010).

⁵ In an interview with François Poirié conducted in 1986, Levinas says the following: “The end of socialism, in the horror of Stalinism, is the greatest spiritual crisis in modern Europe. Marxism represented a generosity, whatever the way in which one understands the materialist doctrine which is its basis. There is in Marxism the recognition of the other; there is certainly the idea that the other must himself struggle for this recognition, that the other must become egoist. But the noble hope, consists in healing everything, in installing, beyond the chance of individual charity, a regime without evil.” “Interview with François Poirié,” trans. Jill Robbins and Marcus Coelen, in *Is it Righteous to Be?: Interviews with Emmanuel Levinas*, ed. Jill Robbins (Stanford: Stanford University Press, 2001), 81. To be sure, Levinas denounced “the horror of Stalinism,” and the horrors of all totalitarianism. To be sure, Lukács, living in Moscow, was compromised in this regard.

two-pronged way retains the spirit of Kant's "primacy of pure practical reason" while saving it from the same debilitating "purity" which led Hegel, Marx and Lukács also to reject it. Thus in both cases the differences from Kant are decisive.

Lukács and Levinas agree that the Kantian critical philosophy represents the culmination and epitome of classical Western thought. More specifically, for both thinkers Kant is the modern culmination and epitome of the effort to rationally unify a mind and body, spirit and matter, freedom and necessity, metaphysically separated and opposed to one another from the very beginnings of Western thought in ancient Greece. Naming his own solution "transcendental idealism," Kant brilliantly "solves" the problem by showing its necessary and unsurpassable *insolvability*. Thus he limits philosophy to what it can know, which includes modern science, or to what it cannot refute, which includes ethics, by protecting it from what it cannot know, namely, empty or dogmatic metaphysical speculation. The Kantian edifice is an intellectual tour de force and forever changed the map of European philosophical thought.⁶

It is precisely the internal split celebrated and defended by Kant as the very limit of human understanding that Lukács attacks as "irrational." His attack is a resumption of Hegel's polemic against Kant and, more importantly, on the positive side, the adoption of Hegel's "solution," namely, the unifying dynamism of *dialectical* thinking. Dialectical thinking is the thinking of totality not in the sense that the thinker represents totality in thought, seeing in it a limit, as would a Kantian, but in the sense that thinking is itself the thought of totality, totality's thinking, hence unlimited in the sense that no "other" or "outside" stands exterior to it. It is interesting to note that Heidegger, too, makes this move in attempting to free himself from Kant: shifting to Being's thinking from Kant's thinking about beings. Both thinkers also see the new sort of thought as historical, unfolding in history, though for Hegel there is a determinate and knowable logic to history, while for Heidegger, apparently, there is not.

Be that as it may, in adopting the dialectical totality Lukács also adopts Marx's critique of Hegel. So instead of the dialectic concluding in the Concept (*Begriff*), the Concept thinking itself, as in Hegel, it concludes instead in the real, the historical, a dynamic driven by class conflict, which is the concrete historical-economic meaning of the dialectical "negation of negation." Thus

⁶ The magnitude of Kant's accomplishment can only be compared to that of Socrates, who by turning philosophy from natural science to questions of ethics and politics, made all prior philosophy seem "pre-Socratic"; likewise, since Kant philosophy is either "pre-Kantian" or "post-Kantian."

for Lukács Kantian philosophy, limited as it is to representational thinking, is in truth – though unknown to itself – the conservative representative of “bourgeois” class interests, a partial, distorted, ossification of the real, in contradistinction to Lukács’ defense of the more advanced awareness of the historical dialectical totality which is thinkable only in and through classless “proletarian” self-consciousness. Levinas, too, will also reject the mind-body dualism of Kantian philosophy, but his alternative is quite otherwise. This is because Levinas will agree with the larger Kantian thesis regarding “the primacy of practical reason,”⁷ a primacy whose exigency operates otherwise than the sciences of nature, and otherwise than the Marxist dialectic of Lukács. Turning not to the dialectic of Hegel’s phenomenology and its science of logic, Levinas turns rather to Husserl’s science of phenomenology, and by means of its rigorous methodological “reduction,” pursuing “the things themselves,” escapes the inherited presuppositions which debilitated Kantian philosophy. But then, just as Lukács’ Hegel is one recast by Marx, Levinas moves from Husserl’s science to the primacy of ethics, ethics as the primacy of concrete singular moral responsibilities for the other person, and the exigencies of the call for justice, justice for all, demanded by and regulated by such responsibility.⁸ Avoiding mind-body dualism, made concrete not by a historical dialectic but by rigorous phenomenological studies, Levinas’ ethics thus opens a new ethical path freed of Kantian problems.

Before turning to closer analyses of both thinkers, I want first to underscore the centrality and importance of the notion of “totality,” and more particularly totality as concrete historical dialectic determined by class conflict, to Lukács’ critique of Kant and, more significantly, to his entire Marxist outlook. The first of the following Lukács citations are taken from an article entitled “What is Orthodox Marxism” and the last from *History and Class Consciousness*, both of which were published in 1923. “The dialectic insists upon the concrete unity of the whole in opposition to all of these isolated facts and partial systems, it unmasks this illusion of appearances which is necessarily produced by capitalism.”⁹ And elucidating this point: “Only in this context can one integrate the different facts of social life (inasmuch as they are elements of a historic becoming) into a *totality*, only in this way does the knowledge of facts become the knowledge of *reality*. This knowledge begins with simple determinations which are pure, immediate and natural (to the capitalist world). It goes from them to a knowledge of the concrete totality,

⁷ See, Emmanuel Levinas, “The Primacy of Pure Practical Reason” (1971), trans. Blake Billings, in *Man and World*, Vol. 27 (1994), 445-453.

⁸ No doubt Lukács’ rebuttal would be to paint Levinas’ ethics as merely bourgeois. The argument is not easily ended, if it can be, or even ought to be, ended at all.

⁹ MHL, 27.

as the conceptual reproduction of reality. This concrete totality is, of course, never immediately apparent. 'The concrete is concrete', Marx writes, 'because it is the synthesis of many determinations, i.e., the unity of diverse elements'.¹⁰ Or, more simply and directly: "The concrete totality is thus the fundamental category of reality,"¹¹ to which Lukács appends a footnote discussion of Hegel's *Logic*. Yet another: "The intelligibility of an object develops in terms of the object's function in the whole, and only the conception of totality makes it possible for us to comprehend this *reality as a social process*."¹² Finally: "The different forms of fragmentation are so many necessary phases on the road towards a reconstituted man but they dissolve into nothing when they come into a true relation with a grasped totality, i.e., when they become dialectical."¹³

I will conclude this litany by giving Levinas the last word, with a citation taken from an article entitled "The Ego and the Totality," published in 1954. It is a rich and complex citation, one that will make more sense at the conclusion of the present paper; one that really requires a reading of the entirety of Levinas' article, but one which I have selected because it challenges – invoking the "outside" of ethics – Lukács' idolization of totality with another approach, one that still demands real economic justice, and at the same time rejects Kant: "To serve the totality is to fight for justice. The totality is constituted by violence and corruption. ... Justice can have no other object than economic equality. It does not come to birth out of the very play of injustice; it comes from the outside. But it is an illusion or hypocrisy to suppose that, originating outside of economic relations, it could be maintained outside of them in a kingdom of pure respect."¹⁴

Lukács *contra* Kant

Lukács must confront Kant's *ethics* because "practical reason," as its name suggests, operates on the plane of action, which is the plane to which dialectical thinking, integrating theory and practice, is closest. Therefore the "irrationality" of which Lukács accuses Kant will be expressed most concretely there. Indeed, "this configuration of consciousness," so Lukács writes of the rent tearing Kantian thought apart, "can only be found really and concretely in the ethical act, in the relation of the ethically acting (individual) subject

¹⁰ MHL, 30.

¹¹ MHL, 32.

¹² MHL, 36.

¹³ HCC, 141.

¹⁴ Emmanuel Levinas, "The Ego and the Totality," in Emmanuel Levinas, *Collected Philosophical Papers*, trans. Alphonso Lingis (Dordrecht: Martinus Nijhoff, 1987), 44. (Henceforth CPP.)

to itself.”¹⁵ The basic problem of Kant’s ethics is its “formalism.” To see what Lukács means by this we turn to his two extended discussions of Kant in *History and Class Consciousness*. Both are found in its central chapter, “Reification and the Consciousness of the Proletariat,” the first in the second of its three subsections, “The Antinomies of Bourgeois Thought,” and the second in the third subsection, “The Standpoint of the Proletariat.” As these subsection headings suggest, and as the logic of Lukács’ argument demands, the first discussion is primarily an inner criticism of Kant, a “critique,” while the second, building on this critique, is a Marxist criticism, one that locates Kant’s ethics within the concrete historical dialectic, where it is then seen to be a one-sided “bourgeois” philosophy in opposition to the total or dialectical “proletariat” standpoint.

Lukács delineates four specific ways in which Kant’s ethics fails owing to the unresolved split that runs through his entire philosophy. First, Kant begins with “ethical facts,” which beyond their illegitimate isolation (which we saw criticized in the citations above about totality) are here criticized because they are taken as simply given, there, the way things are, the case, and thus are incapable of being truly “conceived of as having been ‘created’.”¹⁶ Certainly Lukács is here on solid ground. Readers of Kant cannot but be aware, as Kant makes explicit, that his ethics is not constructive or constitutive but *transcendental*. Morality is given, that is not at issue. One should not lie. One should not steal. One should not murder, and so on. What is at issue for Kant is how moral judgments are possible in the face of the strict causal necessity that completely determines nature according to scientific knowledge. Kant’s ethics, then, is nothing more or less than an explanation of how it is possible that morality, which is given, is possible. Because his thinking is grounded in the ongoing dynamic or process of a historical dialectical-totality, Lukács does not believe that anything is simply given. Everything is a product of historical becoming, which Kantian “facts” and the “givenness” of morality mask.

Second, because Kant never resolves, never unifies the natural world of necessity, the “true” world discovered by the sciences, and the moral realm of freedom, the freedom which according to Kant is the condition for the possibility of morality, his account of morality ends up “reduced to a mere *point of view from which to judge* internal events.”¹⁷ Everything external, that is, nature, remains strictly determined, untouched by moral judgment. Therefore ethics, or the moral actions and judgments of which ethics is the expla-

¹⁵ HCC, 124.

¹⁶ HCC, 124.

¹⁷ HCC, 124.

nation, must be entirely internal, so internal, indeed, as to have no external manifestation whatsoever. Lukács' attack is powerful and telling: how can morality be *effective*, *how* can it be anything more than a nominalist set of *judgments*, propositions of a certain form, whose very enunciation is strictly ordered by natural laws, rather than something that makes a real difference, if the real world, nature, even if Kant calls it "phenomenal," operates exclusively according to the laws of a strict and unbroken causal necessity as discovered by science? Ethics – entirely ineffective – would be less than an epiphenomenon; it would be, as Spinoza had already declared, nothing real at all, sheer ignorance, verbal smoke and mirrors.

Third, Lukács complains that Kant was not content to bifurcate the world, but the human subject as well. "Even the subject is split into phenomenon and noumenon and the unresolved, insoluble and henceforth permanent conflict between freedom and necessity now invades its innermost structure."¹⁸ Glorify it as "moral conscience" or not, for Lukács to end with such an unresolved inner split is tantamount to defining humans by a disease, prescribing that they buck up to lives of torment and pain, when in fact there is a cure. Because his thought is based in totality, one that resolves itself historically in end of class conflict, Lukács believes there is a resolution to this torment, a non-alienated way of being, ridding humanity once and for all of its self-laceration.

Fourth and finally, Lukács bemoans the fact that Kantian ethics "becomes *purely formal and lacking in content*."¹⁹ Several problems lie therein. Since moral content is simply given, Kant's ethics would be applicable in principle to any morality that happens along. So if stealing, say, or lying, were morally valued, the moral agent would still have to be free to choose to lie or to steal, that is to say, the whole apparatus of the Kantian transcendental explanation could be applied pretty much at will to any set of moral imperatives. This emptiness, this lack of content, this form without content, cannot be remedied within the confines of Kantian thought. Furthermore, making matters worse, the Kantian ethic disguises its own emptiness. It is the specific problem and the specific way of deception of its smokescreen that Lukács is here remarking. "The moment this ethic attempts to make itself concrete," Lukács continues, "i.e., to test its strength on concrete problems, it is forced to *borrow* the elements of content of those particular actions from the world of phenomena...."²⁰ Close readers of Kant's ethics will see in this fourth critique the problem of the *interest* or the *inclination* which, paradoxically,

¹⁸ HCC, 124.

¹⁹ HCC, 124.

²⁰ HCC, 124-125.

drives “pure practical reason.” How can an interest motivate a moral agency said to be moral precisely because it is *disinterested* or *pure*? While Kant admits that humans are not angels, are not pure rational agents, and that having inclinations morality is a *duty* for humans, such an admission – which at the same time must be denied even as it is made, or “overcome,” the apparent contradiction of such a structure, this is precisely what bothers Lukács. In the Kantian ethic the flesh and blood human being *at its very best is a failure*.

The unifying thread of these four criticisms is that they all result from Kant’s formalistic detachment from historical totality: “the relation between form and content, as the problem of the irreducibility of the factual, and the irrationality of matter.”²¹ Calling to mind Kant’s “metaphysical solution,”²² which he will address and attack in his second discussion, Lukács concludes his first discussion of Kant with the following programmatic result: “When the question is formulated more concretely it turns out that the essence of praxis consists in annulling *that indifference of form towards content* that we found in the problem of the thing-in-itself.” The separation of form and content undermines the entire Kantian project, and renders its ethics formal, abstract, detached from reality, and hence ineffectual.

In the second discussion of Kant in *History and Class Consciousness*, Lukács picks up where he left off: Kant’s formalism not only renders ethics ineffectual, a mere judgment, words, sounds, but in so doing, in leaving the real as it is, unaltered, Kant positively accepts it as given. Thus Kant ratifies and buttresses the status quo, which by means of his brilliant conceptual presentation “is philosophically immortalized.” Do not be fooled, so Lukács is saying, by the seeming call to action of the ethical imperative, the “ought,” when in fact nothing in the world is changed or can be changed. “Whenever,” Lukács writes, drawing this conclusion from Kant, “the refusal of the subject simply to accept his empirically given existence takes the form of an ‘ought’, this means that the immediately given empirical reality receives affirmation and consecration at the hands of philosophy: it is philosophically immortalized.”²³ The “ought,” far from being the motor of real change it would claim itself to be, is actually an ideological marker of capitulation to the real, a sign of assimilation to, agreement with, indeed, affirmation of the status quo. “For precisely in the pure, classical expression it received in the philosophy of Kant it remains true that the ‘ought’ presupposes an existing reality to which the category of ‘ought’ remains *inapplicable* in principle.”²⁴

²¹ HCC, 125.

²² HCC, 125.

²³ HCC, 160.

²⁴ HCC, 160.

To be sure, Lukács rejects the notion of givenness or “immediacy” in the human sciences, and most emphatically he rejects its absolutized form in Kant. Because history is a totality, its dialectic producing itself from out of itself, with no remainder; it is able to resolve all problems which in the end are always of its own making. Rejecting “every theory of the ‘ought’,” *Lukács rejects ethics as such* as a real solution to humanity’s social problems. Ethics, he argues, faces a “dilemma”: (1) either accepting its own ineffectuality it allows and affirms the stark givenness or “meaninglessness” of the real relative to any alleged improvement or progressive development, i.e., ethics serves as an ideological cover for resigned fatalism, or (2) it rejects and “transcends the concept of both what ‘is’ and what ‘ought to be’ so as to be able to explain the real impact of the ‘ought’ upon what ‘is,’”²⁵ i.e., it shifts from ideology to revolution, from ethics to self-conscious dialectics. This latter alternative is, of course, the route taken by Lukács, following Marx. The latter will not be Levinas’ path, but in rejecting it Levinas will also break the very horns of Lukács’ dilemma.

Anticipating Levinas, let us note that at this juncture Lukács draws attention to what seems like a third line other than resignation or revolution, namely, “the popular solution of an infinite progression.”²⁶ But for Lukács this alternative, “which Kant himself had already proposed,” is neither a solution nor a real third alternative. Indeed, it is a variant in the ideological manipulations produced by the first horn, the ethical, and “merely conceals the fact that the problem is insoluble.”²⁷ This is because the carrot of “infinite progression” toward an ideal merely *postpones* rather than solves the original and root failure of Kantian ethics. Turning the “ought” into a “regulative ideal,” dangling a future as yet unrealized “kingdom of ends” before the present, masks the real reasons for the hardships of today with an empty, indeed impossible dream of tomorrow. It is no accident, from this point of view, that in naming this postponed future the “kingdom of ends” Kant alludes unmistakably to the Christian “kingdom of God.” For Lukács, Kant’s kingdom and the Christian kingdom are equally illusory, equally ideological masks. “The task,” Lukács writes, “is to discover the principles by means of which it becomes *possible in the first place* for an ‘ought’ to modify existence.”²⁸ Replacing Kant’s futile formalism, overcoming the irreparable split between subject and object, Lukács insists upon the dialectical principle of *mediation*. Historical mediation, dialectics, totality, with these notions, which are all equivalent expressions of the same solution, Lukács *shifts* to the *unity of subject and object*

²⁵ HCC, 161.

²⁶ HCC, 161.

²⁷ HCC, 161.

²⁸ HCC, 161.

as the “*authentic objective structure*”²⁹ of the real itself. What Hegel understood *conceptually* is what Marx *realizes concretely*: the historical-dialectical totality. Such is Lukács’ teaching contra Kant. Marxism is the thinking-and-acting, the *praxis* of concrete history, history thinking and history acting at once in the veritable and real dialectic of producing-produced, the genuine concrete totality, as it becomes conscious in and through the proletariat. It is to awaken from the lucid dreams of Kant’s slumber, to break free from “reification,” “self-alienation,” the “fetishization” of the status quo.

The split between subject and object, freedom and necessity, humanity and nature, producing and produced, the “ought” and the “is,” these splits, and the stasis-quoism they justify, are not *for the proletariat* absolute “immortal” givens. “For the proletariat social reality does not exist in this double form. ... In every aspect of daily life in which the individual worker imagines himself to be the subject of his own life he finds this to be an illusion that is destroyed by the immediacy of his existence.”³⁰ That is to say, the proletariat, the one who labors, who produces, sees first hand that the world is produced, that it is made, that it is the product of labor, and therefore that reality does not stand against the worker as an unalterable given. Whether this dialectically whole and liberating self-awareness is that of the laboring masses (as per Rosa Luxemburg) or of a vanguard of intellectuals (as per Lenin), here is not the place to decide. Kant, far from being a true visionary, would be but the last and greatest classical ideologue of the bourgeois, philosophical mouthpiece of its vested interest in maintaining the status quo of a divided capitalist totality.

Levinas *contra* Kant and Lukács

Levinas is certainly cognizant of Lukács’ general line of critique, the charge of formalism, which after all is not exclusive to Lukács. Along with all scholars who are not diehard Kantians, Levinas agrees with this general line. The failure of Kantian Critical philosophy, despite the inner logic, cleverness, and discipline of its self-limitation, is no doubt the same failure of all classical philosophy, regardless of this or that philosophical rationalization, namely, an irresolvable mind-body dualism.³¹ Agreeing with the critique, however, does not entail agreeing with Lukács’ “solution.” Rather, adhering more closely to the open-ended and self-correcting spirit of the empirical sciences

²⁹ HCC, 162.

³⁰ HCC, 165.

³¹ This abstract dualistic metaphysics probably originates in India, and came to the Greeks, and to the Western tradition thereafter, via Persia. When Nietzsche speaks of Christianity as “Platonism for the masses,” he is referring to this gnostic dualism, but in the masses determined through passions, emotion, feeling (“faith”) rather than reasoning, the mind, ideas (“truth”).

than to one or another party line of dialectics, Levinas is not at all convinced that in Hegel, Marx or Lukács, one escapes the distorting dogmas of classical thought. The true corrective lies not in dialectics, whose alleged superiority often seems to the outside observer (a status, by the way, whose very possibility is denied by such a dialectic) more wishful and willful – more rhetorical and political – than real, but more modestly, so Levinas contends, in Husserl's rigorous science of phenomenology. Thus Levinas writes:

Kantian philosophy itself, which has lent reason its form and figure, was still misled by a traditional logic accepted as fixed, and needed a phenomenology, whether Hegelian – overcoming the separations of logical understanding by a form of reason in movement, or, more humbly but more radically, Husserlian – seeking full lucidity on the hither side of logic in a *living present*, in its proto-impressions and their syntheses and “passive explications.” In Husserl's view that full lucidity has already been diminished by the first constituted structures of objectivity, which block the horizons of critical scrutiny.³²

So, in the first sentence of this citation, Levinas agrees with all critics of Kant: his thought is deformed by its formalism. In the second sentence, in the choice of Hegel or Husserl to overcome this formalism, Levinas finds Husserl's phenomenology more scientific than Hegel's. And in the final sentence, without opting for the dialectic, Levinas agrees with the dialecticians that the Kantian notion of “objectivity” is not a fixed given but is “constituted,” and furthermore, again in agreement, that the very “structures of objectivity” “block the horizons” which reveal its constituted character.

Thus in rejecting and opposing the dialectic Levinas does not defend naïve realism, does not revert to the “immortalized” representations of classical thought. Indeed, even with regard to religion, an approach to the meaningful which one would think completely resistant to constitutional analysis, Levinas declares in *Totality and Infinity* that: “Everything that cannot be restored to an interhuman relation represents not the superior form but the forever primitive form of religion.”³³ To oppose the naïveté of common sense, or the realism of philosophers, is not the monopoly of dialectics. Indeed it is precisely the first methodological requirement of Husserl's phenomenology, the technique he named “*epoché*” or “reduction,” which is precisely a disciplined self-conscious detachment from the realist presuppositions of the “natural attitude.” So for the phenomenologist, not unlike the dialectician, the meaningful world is not given but is constituted. Thus it is not the issue of consti-

³² Emmanuel Levinas, “Martin Buber, Gabriel Marcel and Philosophy,” in Emmanuel Levinas, *Outside the Subject*, trans. Michael B. Smith (Stanford: Stanford University Press, 1994), 31. (Henceforth, os.) Levinas often discusses Marxist thought in relation to Martin Buber, who was of course an active Socialist.

³³ TI, 79, my translation.

tution, per se, that divides Lukács and Levinas, but the issue of whether dialectics or phenomenology is closer to grasping the nature of the real constitution of the meaningful.

No doubt there are various ways to interpret phenomenology, some favoring its idealist dimensions and others favoring its existentialist aspects. Husserl's work – enormous in depth and range – covers all bases. Nevertheless, in some of his publications, particularly in *Ideas Pertaining to a Pure Phenomenology* (1913), Husserl can be seen to be leaning toward an idealist reading. Levinas, in contrast, always favored a concrete existentialist reading, a reading Levinas as commentator explicates in *The Theory of Intuition in Husserl's Phenomenology* (1930) and then, as the title highlights, in *Discovering Existence with Husserl and Heidegger* (1949; 2nd rev. ed. 1967). Accordingly, as we see in the above citation, Levinas argues that the "rigorous science" of Husserl's phenomenological method, because it is more humble, i.e., more attentive "to the things themselves," and more radical, i.e., disburdened of inherited intellectualist baggage, is superior to the Hegelian based dialectical analyses which claim the mantle of science but in fact once again import and impose presupposed theoretical constructions alien to the concrete. The most basic of such constructions is the dialectic itself, its alleged "movement" by means of the famous (or infamous) "negation of negation." Negation is in fact an operation of propositional logic. Except for a devotee of the dialectic, doubling negation does produce movement, and even less, except for a Marxist devotee of the dialectic, does it represent the basic structure of historical movement. Logic and history operate on different planes; to understand history one must apply a hermeneutics, not a logistics. Bergson was the first to introduce genuine movement into thought, with his notion of "duration," and then Husserl provided the method for its rigorous and specific elaborations. So it is little wonder that Levinas rejects dialectic as a Procrustean bed for grasping history or, for that matter, any real process of constitution. Just as Lukács faults Kant for formalism, here Levinas faults the dialecticians for logicism – both formalism and logicism being unacceptable as merely artificial and therefore arbitrary constructions imposed upon the real, even if they carry the inherited prestige of the propositional logic which held classical philosophy in thrall.

In turning to Husserl's phenomenology rather than to Hegel's, then, Levinas is merely being a better scientist, convinced of its greater felicity, its greater respect for "the things themselves," for the concrete, without falling prey to the quietism of a formal or logicist "immortalizing" of contents.³⁴ Husserl,

³⁴ Martin Buber makes a similar criticism of Hegel (and Marx), decrying their lack of concreteness, their intellectualist abstraction from "real man," i.e., charging Hegel (and Marx) with "a radical alienation from the anthropological setting": "the dispossessing of the concrete human

it should not be forgotten, was no less a critic of objectivism in science than Lukács. The entire argument of his last published book, written under the shadows of Fascist Italy and Spain, and within hearing of the jackboots of a Nazi Germany, *The Crisis of European Sciences and Transcendental Phenomenology* (1936), is precisely a radical critique of the then regnant objectivist interpretation of science. Objectivism is for Husserl and paradoxically not positivist enough.³⁵ Having erroneously limited science to a mathematical-quantitative mold, all that is thereby left out and peremptorily excluded from science, does not disappear, but in a “return of the repressed” comes out all the worse under the unregulated category of the “irrational.” What Husserl saw was that the search for justified truth which is the essence of science does not limit *science* exclusively to *objects*, as in the natural sciences, but rather to that for which there is *evidence*. Therefore – and this is one of the great strides forward made by phenomenology – all regions of being, e.g., imagination, sentiment, will, art, temporality, history, having their own appropriate evidences can be studied and elucidated scientifically. Furthermore, because genuine science so conceived is an ongoing and self-correcting set of *tasks*, an “infinite progression” of research, its investigations will also contribute to the long and arduous personal, social and political process of dampening the harm caused by the irrationality of unexamined prejudices. Therefore, under the banner of phenomenological science, Husserl would recall humanity to its highest vocation, that – and what is philosophy if not this battle cry? – Truth will set us free.

But for all that Levinas adopts phenomenology only up to a point. Or rather, he adopts it as far as it goes, but it does not go far enough, *even and especially* given the legitimacy of Husserl’s infinite expansion of the horizons

person and the concrete human community in favor of universal reason, its dialectical processes and its objective structures.” Martin Buber, “What is Man?” (1938), in Martin Buber, *Between Man and Man*, trans. Ronald G. Smith (Great Britain: Collins, 1963), 170. “Thought confirms it [“the Hegelian house of the universe”] and the word glorified it; but the real man does not set foot in it” (Ibid., 173). There seems to be a battle over who can be more concrete. To be sure, by everyone’s account Marx is more concrete than Hegel in the sense that he clearly intends to see Hegel’s philosophical conceptions “realized” in – and appropriately transformed by and through – concrete history, especially economic history. Buber and Levinas, in contrast, argue that precisely an inattention to the concrete, and an excess of rationalization, undermines the entire Hegelian and Marxists dialectics as merely abstract and hence arbitrary (from the point of the concrete) constructs imposed upon the real, despite – and indeed because of – all their talk of “dialectics.” Cf. Unfortunately for Buber, so it seems to me, his legitimate criticism rests positively upon the unfortunately all too vague grounds his “dialogical” philosophy of “meeting,” and not, as with Levinas, upon rigorously scientific investigations conducted according to the phenomenological method.

³⁵ See chapter twelve, “Absolute Positivity and Ultrapositivity: Beyond Husserl,” in my book. Cf. *Elevations: The Height of the Good in Rosenzweig and Levinas* (Chicago: University of Chicago Press, 1994), 274-286.

of science. To remain science, after all, phenomenology must remain blind or must reject as “false” those significations – if one can call them “significations” – which exceed the evidences of intentional consciousness. For Levinas this is what happens with ethics: its *significance* is outside of and irreducible to the *significations* constituted by intentional consciousness and its analysis. And yet precisely ethics makes science possible. The real break with phenomenology, then, comes from its essential inability to account for the *surplus* of significance which transpires in face-to-face proximity, which is from the first a moral imperative, beginning with the very otherness of the other person, received in the accusative rather than the nominative, that is to say, in my asymmetrical moral responsibility for-the-other, a “diagonal” vector, as it were, aiming upward to the good against evil, and to the just rather than injustice. Here is not the place to rehearse Levinas’ ethics, which is the heart and soul of his thought. The point at hand is that it is not only by turning to phenomenology rather than dialectics for his science that Levinas parts company with Lukács. More importantly, and in frontal confrontation with Lukács, it is in seeing the true source of the meaningful in ethics rather than dialectics, in the singularity of one person taking responsibility for another, and for all others, that Levinas stands against the reification of a process – call it dialectical – in which humans would be little more than puppets attached to strings pulled by the historical totality. Ethics, not the totalizing comprehension of science, whether natural, transcendental, phenomenological, or dialectical, is for Levinas “first philosophy.”

The first “evidence” for such a position, the first rupture, that is to say, is language itself: language itself becomes possible in and owing to moral responsibility. Meaning does not arise in the world as an alien invasion, coming from an anonymous transcendental intentionality, or the upsurge of a reservoir of being, or through a class-conflicted dialectical totality. These are contexts, configuration of sense, to be sure, what Levinas will call the “said.” The said is limited by a tendency analogous to the Marxist notion of reification, because the said, once said, pretends to having never been said, or, what amounts to the same thing, it pretends to having said itself by itself. In this regard Lukács’ dialectical-history is little better than Heidegger’s ontological-epochal-history. But the said, despite its rhetoric, is not its own source: saying says the said, first person singular saying, the speaking of a flesh and blood person to another flesh and blood person, of one person speaking to another, or, even more precisely, of one person *responding* to another. For Levinas the source of meaning is not the said, not found by totalizing it and pretending “it” gives meaning, but rather, and more humbly, and more nobly, the “saying” of one person to another, a saying that begins as a response, and hence a responsibility for the other to whom it speaks and to whom and for whom it is responsible. “Speech is thus a relationship between freedoms which

neither limit nor negate, but affirm one another. ...The term respect could be taken up again here, provided that it be emphasized that the reciprocity of this respect is not an indifferent relation, like a serene contemplation, and that it is not the outcome of, but the condition for, ethics."³⁶ Notice in this citation that Levinas combines the concrete discoveries of phenomenological investigation, regarding the primacy of speech for meaning, with an acknowledgment rather than a suppression of the *surplus* of a *moral* responsibility which alone make sense of the exigency of such a priority, going beyond the confines of both critical philosophy and dialectical totality and yet remaining faithful to the concrete and real. By starting and always remaining grounded in the concrete constituted realities discovered by phenomenology, realities which are of necessity restarted, recharged, indeed overcharged by the ethical surplus of "proximity," the one-for-the-other of moral responsibility, Levinas overcomes the "formalist" problems of Kant, while at the same time remaining faithful to the "primacy of practical reason," by refusing to escape into the logicist reification of historical totality which is precisely where Lukács' attempted solution fails.

Thus where Lukács sees the unacknowledged origin of scientific knowledge in the historical-totally graspable only through an immanent historical dialectics, Levinas sees scientific knowledge, including knowledge of history, historiography, and all the sciences of the human, originating in the irreducible transcendence – the "infinity" – which transpires in the ethical encounter of one person with another. What I known is first spoken, is first for-the-other. We see this binding of science (phenomenology) to ethics, where the very notion of "priority" comes from the exigencies of moral responsibility in the first person singular, in the very structure of *Totality and Infinity*. The second section of *Totality and Infinity*, entitled "Interiority and Economy," is a series of close and careful phenomenological studies wherein Levinas elaborates the intentional constitution of subjectivity and world. (These studies, by the way, *scientifically* correct Heidegger's earlier phenomenological studies of similar topics in *Being and Time*.³⁷) The results of these investigations are then re-interpreted in terms of the non-intentional transcendence of ethics which Levinas elaborates in the third section of *Totality and Infinity*, entitled "Exteriority and the Face." These two sections, the second and third of *Totality and Infinity*, are what provide the concrete basis and impetus for its first section, entitled "The Same and the Other," i.e., Levinas' political philosophy based in ethics, like Aristotle's *Politics* which depends on and builds upon his *Nico-*

³⁶ Emmanuel Levinas, "The Ego and the Totality," 43.

³⁷ For a comprehensive exposition of Levinas' relation to phenomenology, including his relation to Heidegger as well as Husserl, see my article, "Emmanuel Levinas," in *The Routledge Companion to Phenomenology*, ed. S. Luft and S. Overgaard (New York: Routledge, 2012), 71-81.

machean Ethics. “The transcendence of the face,” Levinas writes in the first section of *Totality and Infinity*, “is at the same time its absence from this world into which it enters, the exiling [*depaysement*] of a being, his condition of being stranger, destitute, or proletarian. ... To recognize the Other [*Autrui*] is to recognize a hunger. To recognize the Other is to give.”³⁸ The proletarian is not defined by class, not a commonality, but the one who faces, from a height, thus also a solicitation. The face of the other person shatters the totality, breaks with its context, piercing it with obligations and responsibilities which cannot be foisted upon a reified history awkwardly stalking about like Frankenstein’s creature, a jerky dialectical “negation of negation.” The burdens of responsibility in the first person singularity of proximity, responsibility for the good of the other and for justice for all, cannot be so easily shunted aside, blamed on history. “The interlocutor appears as though without a history, outside of system.”³⁹ “Faithful to the Real, refractory to the System”⁴⁰ – in this expression we find the true motto of Levinas’ phenomenological-ethical approach, an advance upon Kant, and a critical alternative to the totalizing dialectical-political vision of Hegel, Marx and Lukács.

The findings of section two of *Totality and Infinity* articulate the results of concrete phenomenological investigations – always subject to revision, to be sure – into the various layers of intentional meaning which constitute subjectivity and worldliness, results which from the start have disburdened themselves from the formalist and logicist heritage of classical, Cartesian, Kantian and, let us now add, Hegelian and Marxist philosophy. Despite its rejection of formalist dualism, the Hegelian dialectical phenomenology and logic – with Marx in train, and then Lukács – does not break free of its inaugural Parmenidean prejudice equating *physis* and *logos*. Let us be even more explicit on this point: Marx’s reorientation of such a totality from concept to history is not at all sufficient to undo the logicist *violence* – the error, to say this more modestly – of its initial and guiding prejudice. The stronger language is tempting, however, because Marx’s reorientation has had very real and quite dreadful consequences of its own. What had been the philosophical prejudice of a few professors and intellectuals became transformed from an error in thought to a terror in deed, one masked by an ideology – “It is history which acts” – hiding in the most righteous terms, or in the most allegedly scientific terms of necessity, slaughters and oppressions of millions, indeed, hundreds of millions. Surely this cannot be, should not be ignored, just as Heidegger’s worship of historical being lacked any resistance to being’s “gift” of Nazism and the Holocaust. To ignore such things, to brush them under this or that sophisticated intellectual shuffle would be ideology squared.

³⁸ TI, 75.

³⁹ CPP (“The Ego and the Totality”), 43.

⁴⁰ OS (“The String and the Wood”), 130.

Freed of formalism, freedom of logicism, freed of dialectical (or hermetic) historical totality, phenomenological analyses of human subjectivity and worldliness tell a different story, describe a different set of meanings. It is the discovery of sense in sensuous being as self-sensing, the initial “autonomy” of the self not through law or logic or dialectic but as embodiment and vulnerability, not defined by totality but loosened from anonymous being. “Sensation breaks up every system; Hegel places at the origin of his dialect the senses,” Levinas writes, “and not the unity of sensing and sensed in sensation.”⁴¹ Hegel begins with “being” and “non-being” and the “becoming” he artificially constructs from their “contradiction.” But construct all you will, there is no real movement in such propositional logic. Because the logic, the dialectical logic, is an artificial “movement,” and not a real movement, the entire edifice built upon it is equally artificial, even and especially when it shuts off all exits. Levinas begins with the human rupture from anonymity in the embodied hypostasis or sensuous fold of a self-sensing sensuality. Such a being is no holomorphic pastiche of form and content, mind and matter, necessity and freedom, or being and non-being, but a being with desires, whose highest manner of being – and here Levinas will revert to the ancient view according to which one defines the human by what is most precious rather than what is common or most base – is desire for the “most desirable,” i.e., responsibility for the good and for a just world. It is a long journey from beginnings in self-sensing to morality and justice, but at least when one rises to these challenges the human subject is no abstraction but a vulnerable being, one who suffers, can be wounded, becomes ill, is hungry, needs shelter, and the like. In the face of these concrete phenomenological studies, and in the face of the pressing moral exigencies and the difficult tasks of justice which ennoble and burden flesh and blood human beings, one comes to see just how abstract and artificial – and irresponsible – is the dialectical totality.

The face of the other person bursts upon me, myself in my singularity, embodied, here, now, through the exigencies of my “non-intentional” responsibility to respond to that other person, to help and to aid that other person, to alleviate the suffering and the needs of that other. No escape here into pure freedom or pure necessity. No escape here to history to take care of things. Nothing precedes responsibility, neither a hypothetical contract nor an objective position within a dialectical totality, and nothing trumps such a responsibility, its exigency is exceptional, unprecedented, and inescapable (though one may refuse to be responsible, the responsibility nevertheless comes first), and irreducible to any immanent structure of my own or of the world. The other person cannot be reduced to his or her context, to race,

⁴¹ TI, 59.

religion, creed, class, gender, nation, and the like. These significations are not therefore negligible. They cannot be dismissed or ignored in the task of creating a just world. Nevertheless, the “face” of the other person bursts upon my scene irreducible to its context, beyond my prejudices and preconceptions, an absolute “deformalization,” a breaking with any and all horizons of meaning, including those of history and its configurations of power and influence. “To stay noncommunist,” Levinas is thus able to say, “comes down to preserving one’s freedom of judgment within a clash of forces.”⁴² Not retreating to the formal or abstract freedom of Kant, not unaffected by the clash of real forces, but responsibility shouldered as a “difficult freedom,” involved in the first person singular, moved, vulnerable, but maintaining a distance, maintaining its independence and difference as a “non-indifference,” for-the-other, the responsible self is called in its thoughts and actions to determine whether and how that clash, history as a real force, is moving forward or backward, toward justice or away from it. “Freedom consists in knowing that freedom is in peril. But to know or to be conscious is to have time to avoid and forestall the instant of inhumanity. It is this perpetual postponing of the hour of treason – infinitesimal difference between man and non-man – that implies the disinterestedness of goodness, the desire of the absolutely other of nobility, the dimension of metaphysics.”⁴³

Freedom is not pure, it is *difficult*, which is to say, it is involved with others. “You are not just free,” Levinas writes, “you are also bound to others beyond your freedom. You are responsible for all. Your liberty is also fraternity.”⁴⁴ Or, referring to his contemporaries – critically to Sartre, and positively to Merleau-Ponty – who had also broken from Kant: “The famous finite liberty of the philosophers is responsibility for that which I have not done.”⁴⁵ For Levinas ethics opens the possibility, impossible for the dialectic, of *judging history*, of calling history to account, in the name of the moral fraternity I uphold in the first person singular, in proximity to the neighbor, the “widow, the orphan, the stranger,” to bear witness to and to act for the equality of justice which demands human solidarity. “Justice, society, the State and its institutions, exchanges and work are comprehensible out of proximity. This means that nothing is outside of the control of the responsibility of the one for the other.”⁴⁶ *Liberté*, inalienable human dignity; *égalité*, social, political

⁴² Emmanuel Levinas, “Dialectics and the Sino-Soviet Quarrel” (1960), in Emmanuel Levinas, *Unforeseen History*, trans. Niddra Poller (Urbana, IL: University of Illinois Press, 2004), 107.

⁴³ *Id.*, 35.

⁴⁴ Emmanuel Levinas, “As Old as the World,” in Emmanuel Levinas, *Nine Talmudic Readings*, trans. Annette Aronowicz (Bloomington: Indiana University Press, 1990), 85.

⁴⁵ *Ibid.*

⁴⁶ Emmanuel Levinas, *Otherwise than Being or Beyond Essence*, trans. Alphonso Lingis (The Hague: Martinus Nijhoff, 1981), 159.

and economic justice for all; *fraternité*, ethical solidarity of responsibility for the other.

For his part, taking the part of totality, Lukács would abdicate the judgment of history for history's judgment. While this may give more authority to history than an ineffectual judgment "immortalizing" it, is not Lukács no less ineffectual and no less reifying history by siding with the victors? In place of human failure, Lukács would install success: taking for right whatever happens to happen. As such, having given up ethics as ideology, dialectical thinking would have no legitimacy greater than an ahistorical rationalization of the real, of whatever comes along. Once again the old adage of conquerors that "Might makes right" would be the final arbiter. By a peculiar reversal, the dialectical totality, and not Kant, and certainly not Levinas, would be the philosophy of the status quo. Such, after the Stalinist purges and show trials of the 1930s, was Arthur Koestler's thesis in *Darkness at Noon* (1940), and it stands unrefuted. "What is 'reflected' in the consciousness of the proletariat," Lukács declares at the conclusion of *History and Class Consciousness*, is the new positive reality arising out of the dialectical contradictions of capitalism. And this is by no means the invention of the proletariat, nor was it 'created' out of the void. It is rather the inevitable consequence of the process in its totality."⁴⁷ *History*, we are being told, *not humans, ultimately makes history*. The evasions of such circular reasoning, the worship of success for which it claims to be the ultimate expression, was Heidegger's tale, and it is Lukács' too – strange bedfellows indeed, united by a shirking of responsibility in the name of a totality: history with or without class conflict. Levinas' ethics demands a far more difficult freedom than such accommodationism, the opportunism of the future perfect. It is the ethics of responsibility, for the other and for all others, a struggle for justice, real concrete social, political and economic justice, without absolute guarantees – call it "utopian," nothing is more real.

We can now grasp why Levinas would argue against Lukács that it is "in the eventuality of a totalitarian state" that "the promise of an ultimate return to the rights of man is postponed indefinitely." And that in contrast to totalitarianism it is the open-ended and ongoing struggle for justice enabled by the social-democratic liberal state which "describes the modality according to which the conjunction of politics and ethics is intrinsically possible."⁴⁸ Levinas does not aim to ameliorate "bad conscience" but to prod it to do better. Against the totalitarian state, with its "reasons of state," and against the libertarian state, with its abstract self-interests, there are many texts in

⁴⁷ HCC, 204.

⁴⁸ OS ("The Rights of Man and the Rights of the Other"), 123.

which Levinas declares his allegiance to the liberal state conceived as a *social-democratic state*, a state, that is to say, driven positively by the difficult freedom of fraternity to strive for an every greater justice for all, rich and poor alike. The following is a rich and representative sample.

Since justice constantly has a bad conscience, the demand of charity [morality] which precedes it remains and beckons it. And justice, the justice that deserves its name, does not forget that the law is perfectible. It leaves open the possibility of a revision of a judgment once pronounced. And this is very important. Because justice – summoned by charity – nevertheless founds the State and its tyrannical component. By admitting its imperfection, by arranging for recourse for the judged, justice is already questioning the State. This is why democracy is a necessary prolongation of the State. It is not one regime possible among others, but the only suitable one. This is because it safeguards the capacity to improve or to change the law by changing – unfortunate logic! – tyrants.⁴⁹

Levinas defends the state, as such, because it establishes and upholds the law, and thus makes equality and justice possible. Levinas' defends the social-democratic liberal state for two more specific reasons. First, it safeguards justice by being founded upon and by having constant and/or periodic recourse to the singularity of the individual, via town hall meetings, or election of representatives, recalls, plebiscites, the pressure of public opinion, letters, lobbying, assembly, and the like. This respect for the singular person is implied in the combination of the terms "liberal" and "democratic." No doubt singular individuals come from families and unite in various groups, groups which as groups can then appeal to the state for justice. But this too is a reflection of the moral character of human singularity, its solidarity with others. Second, the liberal-democratic state safeguards justice by acknowledging and institutionalizing both (a) the necessity of the State and (b) the inherent limitations of the state, its inner tendency toward the abasement of individuals in the name of present law, leader (tyrant), or the anonymity of sheer numbers, by constantly remaining *open to change*.⁵⁰ Levinas is not being politically naïve here; he is not asserting that social democracy *guarantees* that justice will be done⁵¹; rather he is affirming that the liberal democratic state is the best possible state, the greatest chance for real just in a world of vast injustices: "It is not one regime possible among others, but the only suitable one."

⁴⁹ *Is it Righteous to Be? Interviews with Emmanuel Levinas*, ed. Jill Robbins (Stanford: Stanford University Press, 2001), 194. See, also, 51-52 ("liberal State"), and 185-186 ("Western democracies," "liberal society," "the force of liberalism in Europe").

⁵⁰ Plato, in his *Politics* (294a), perhaps in contrast to the *Republic* on this score, also comes to recognize the need for a politics open to change: "Men and actions change so continually, that it is impossible for any science to make a single rule that will fit every case once and for all."

⁵¹ I believe in the force of liberalism in Europe. But I also have too many memories to be certain in my answer." Emmanuel Levinas, *Is it Righteous to Be*, 186.

Genuine freedom, “difficult freedom,” and the concrete but still human striving for justice through the state by means of law and institutions, thus *breaks with totality*. Neither the state, which institutionalizes justice, nor history, which provides a concrete horizon of possibilities, has the final say or determines ultimate meaning. “This also means (and it is important that this be emphasized) that the defense of the rights of man corresponds to a vocation *outside* the state, disposing, in a political society, of a kind of extra-territoriality, like that of prophecy in the face of the political powers of the Old Testament, a vigilance totally different from political intelligence, a lucidity not limited to yielding before the formalism of universality, but upholding justice itself in its limitations.”⁵² The source of meaning lies in good and evil, which derive from the inordinate responsibility of each person – and I myself first – for-the-other; obligations which also demand justice for all, hence require knowledge and the state. But in this world none of these is ever good enough, never sufficient, nor can one rest from such difficult freedom, whose irksome unsettling infinity is not, as Lukács thought, the bane of existence, but rather its very nobility, the wakefulness or vigilance of the “better than being.”

⁵² Ibid.

Levinas' Ethics of Responsibility

ZHANG HAOJUN

The twentieth century was full of wars and disasters, entire peoples were plunged into an abyss of misery, countless individuals were eliminated or assimilated in a violent way. The misery of war, the gravity of suffering, the desolation of human nature, and the degeneration of morality surpassed any time in history. In spite of the efforts of thinkers like Emmanuel Levinas (1906-1995), the persecution of the “other,” the tyranny of Being over the beings, the trampling of war over ethics and morality, and the indifference of freedom to responsibility and justice, went to horrible extremes.

What kind of crimes were committed so that so many had to suffer from such pain? Do we have the right to offend, suppress, deprive, kill or murder the other? Is the relationship between human beings the relationship of ruling with being ruled, of enslaving with being enslaved, or the ethical relationship of reciprocal recognition, reciprocal respect and responsibility? Is there really a difference between superiority and inferiority, good and bad, advanced and backward among races, nations, and religions, different political and social institutions, different cultures and civilizations? With these questions, and with the traumatic memory of his own life and the life of the Jewish people to which he belonged, Emmanuel Levinas crystallized his ethical thought of infinite responsibility for the other by absorbing diverse resources of thought within the Western tradition of thought such as philosophy, phenomenology, Judaism, and Christianity.

This article is an attempt to reconstruct the thread of Levinas' ethics in terms of his basic works about the theme of responsibility for the other, by bringing forth questions and critiques from other philosophers, and in particular, from Jacques Derrida. From this discussion some conclusion will be drawn about Levinas' thought.

The Predicament of Western Thought

Levinas claims that nostalgia for totality can be seen everywhere in Western Philosophy.¹ Theoretical reason and conceptual thinking, which alleges that only the knowledge originating from the subject, from the ego, is true, reasonable, and acceptable, has dominated Western Philosophy since Socrates. Thus, the task of cognition is “the neutralization of the other who becomes a theme or an object,”² to reduce it to the same (*le même*) as a moment or part of the ego through categorial judgment or universal synthesis. In other words, all kinds of others would be thematized and conceptualized, and consequently deprived of the particularity or alterity, and finally be totalized by the same. Indeed, “consciousness embraces the world, leaves nothing other outside of itself, and thus becomes absolute thought.”³ As Levinas writes: “philosophy is an egology.”⁴

In Levinas’ view, the trend of totalization of Western Philosophy culminated in the philosophy of Hegel, which, for good reason, can be considered as the culmination of philosophy itself.⁵ However, there have been few protestations and critiques in the history of philosophy against this totalization, including Franz Rosenzweig’s philosophy, which is essentially a discussion of Hegel, and for the first time constitutes a radical critique of totality.⁶

As a successor of Rosenzweig, in the sense of being dedicated to criticizing the totalization of philosophy, Levinas makes the phenomenology initiated by Husserl a target of critique, for, in his eyes, phenomenology is the contemporary representative of the philosophy of totality.

Levinas was deeply influenced by Husserl in his early days. His dissertation, *Theory of Intuition in Husserl’s Phenomenology* (1930), is the fruit of a serious investigation into Husserlian philosophy, and a contribution to the study of phenomenology in France. Whereas it is Husserlian phenomenology, from which Levinas benefits immensely, that becomes the main aim of his critique in the sequel with regard to the theory of intentionality. Husserl took over the theory of intentionality, which issued from medieval scholasticism, from his teacher Franz Brentano, endowed it with a new connotation, and put

¹ E. Levinas, *Ethics and Infinity*, trans. by Richard A. Cohen (Pittsburgh: Duquesne University Press, 1985), p. 76.

² E. Levinas, *Totality and Infinity*, trans. by Alphonso Lingis (Pittsburgh: Duquesne University Press, 1969), p. 43.

³ *Ibid.*, p. 75.

⁴ *Ibid.*, p. 44.

⁵ E. Levinas, *Ethics and Infinity*, p. 76.

⁶ *Ibid.*, pp. 75-76.

forward a very famous slogan, that is "consciousness is always consciousness of something." What the slogan essentially means is that to a *Noesis* always corresponds a *Noema*, which is the intended object and, at the same time the product of consciousness.

Levinas argues that the slogan of phenomenology, "consciousness is always consciousness of something," incarnates the spirit of the philosophy of totality, and can be considered as the typical *modus operandi* to reduce the other to the same typical of Western Philosophy. Because consciousness embraces the world by objectifying it, or by the representing act, everything is reducible to noema, which is constituted and given meaning by consciousness. The other is the intelligible in the form of a proposition or judgment, its alterity or particularity is totally effaced in the sight of the ego. Just as Levinas says: "the object of representation is reducible to noemata. The intelligible is precisely what is entirely reducible to noemata and all of those relations with the understanding reducible to those established by the light. In the intelligibility of representation the distinction between me and the object, between interior and exterior, is effaced."⁷ In his view, intelligibility is equivalent to representation; the representable is thus the intelligible, and representation is at the same time the possibility for the other to be determined by the same without determining the same.⁸

There is no doubt that the influence of Heidegger on the thought of Levinas is remarkable. This can be reflected in the appearance of Levinas at the famous Davos debate, in 1929. between the great neo-Kantian philosopher Ernst Cassirer and the young phenomenologist Martin Heidegger.⁹ And Levinas

⁷ E. Levinas, *Totality and Infinity*, p. 124.

⁸ *Ibid.*, p. 124.

⁹ Levinas attended the Davos debate in 1929 as a young graduate assistant at the invitation of Heidegger. He also participated in a short student play mocking the debate, all the participants, including Heidegger, Cassirer, and Cassirer's wife attended the farce in which, powdering his hair white, Levinas played Cassirer. In order to express Cassirer's noncombative and somewhat woebegone attitude, Levinas continually repeated: "I am a pacifist." In May 1933, just four years after Davos debate, Cassirer, who had been appointed the first Jewish rector of the University of Marburg, had to flee with his wife and child from Germany under pressure of Nazi persecution, later peregrinated to England, Sweden, and finally to the United States. Whereas Heidegger, to the contrary, accepted the rectorship of the University of Freiburg as member of the Nazi Party by then, delivered his infamous inaugural address endorsing the Nazi program. As a result, Levinas quickly came to regret his favoring Heidegger and his part in the student revue at Davos when Hitler took over power. This regret stayed with him for a lifetime. Forty years afterward, in 1973, Levinas came to the United States as a visiting professor and he inquired of the whereabouts of Mrs. Cassirer so that he might be able, in his own words, "to ask pardon of her." Cf. the "Introduction" by Richard A. Cohen in *Humanism of the Other*, in see E. Levinas, *Humanism of the Other*, trans. by Nidra Poller (Urbana and Chicago: University of Illinois Press, 2003), pp. xiv-xvi.

indicates over and over again that Heidegger is a genius of philosophy; his talent and profundity refracted in *Being and Time* can be surpassed by none of the philosophers in twentieth century despite his political engagements and his participation in National-Socialism: "I think, despite these reservations, that a man who undertakes to philosophize in the twentieth century cannot but have gone through Heidegger's philosophy, even to escape it. This thought is a great event of our century. Philosophizing without having known Heidegger would involve a share of 'naivité' in the Husserlian sense of the term."¹⁰ However, according to Levinas, even though Heidegger objects to Husserlian idealism and intellectualism, to discuss the issue of the other in the context of intentionality and epistemology, his so-called "fundamental ontology" still could not escape from the hedge of the philosophy of totality, and ineluctably became the philosophy of violence, which reduces the other to the same in the name of Being.

For Heidegger, *Dasein* takes priority over all other entities, and the investigation into the meaning of the Being of *Dasein* constitutes the *fundamental ontology*, which alone founds all other ontologies, whose objects and fields of study are other entities excluding *Dasein*.¹¹ "The 'essence' of *Dasein* lies in its existence."¹² Thus, existence is the sole aim of *Dasein*. In order to sustain and develop its existence, *Dasein* engages in the world in various ways, it grasps, understands, possesses, and rules the entities through tools, labor, techniques, institutional arrangements, and even wars. The relationship of *Dasein* with the other becomes the relationship of knowing without being known, of reducing without being reduced, and of ruling without being ruled. This relationship is mediated by Being as the third term, the middle term, or the neutral term.¹³ Since Being is prior to the existent, the comprehension of the existent presupposes the comprehension of the meaning of Being. Being, as a result, becomes ultimately an impersonal, anonymous, neutral will of power; the existence of *Dasein* becomes a violent conquest and combat without ethics. Therefore, Levinas says: "To affirm the priority of *Being* over *existents* is to already decide the essence of philosophy; it is to subordinate the relation with *someone*, who is an existent, (the ethical relation) to a relation with the *Being of existents*, which, impersonal, permits the apprehension, the domination of existents (a relationship of knowing), subordinates justice to freedom."¹⁴ And, "in

¹⁰ E. Levinas, *Ethics and Infinity*, p. 42.

¹¹ Martin Heidegger, *Being and Time*, trans. by John Macquarrie and Edward Robinson (Oxford: Blackwell, 1962), p. 34.

¹² *Ibid.* p. 67.

¹³ E. Levinas, *Totality and Infinity*, pp. 42-45.

¹⁴ *Ibid.*, p. 45.

subordinating every relation with existents to the relation with Being, the Heideggerian ontology affirms the primacy of freedom over ethics."¹⁵

Justice subordinates to freedom, freedom precedes ethics. It is the terrible conclusion which Levinas deduces from the fundamental ontology of Heidegger. According to Levinas, the primacy of freedom signifies the primacy of the same, "which marks the direction of and defines the whole of Western Philosophy,"¹⁶ and signifies that the other is incapable of escaping from the destiny of being comprehended, possessed, dominated by the same, which is completely active, which has absolute freedom,¹⁷ because the definition of freedom is precisely such: "to maintain oneself against the other, despite every relation with the other to ensure the autarchy of I."¹⁸

In Levinas' eyes, Western Philosophy is equivalent to ontology,¹⁹ insofar as Being is the central theme of Western Philosophy. Since Parmenides, Being has been sought for as the first cause, *arche*, origin, principle. While ontology, whose object of study is Being, has been correlatively considered as the first philosophy. In Levinas' view, ontology reached the extreme in the form of Heideggerian philosophy after two thousand years' development, and its outcome seems to be the most serious. The reasons why Levinas seldom calls the philosophy of Heidegger by the name "fundamental ontology," but merely "ontology" as a rule, lies in that on the one hand, in his view, Heidegger's ontology is not "fundamental" enough. In other words, the problem of Being is originally not fundamental at all. The title of his article "Is Ontology Fundamental?" (1951)²⁰ apparently illustrates his questioning of Heidegger. On the other hand, Levinas considers that the ontology of Heidegger is merely the contemporary representative of ontology in the history of Western Philosophy, thus he sometimes calls Heideggerian ontology by the name "contemporary ontology."²¹ Levinas argues that, in subordinating the relation of *Dasein* with the other to the relation of *Dasein* with Being, Heideggerian ontology destroys the peace of the same with the other, results in the servitude and

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Heidegger says: "It is not man who possesses freedom; it is freedom that possesses man." See E. Levinas, *Totality and Infinity*, p. 45.

¹⁸ E. Levinas, *Totality and Infinity*, p. 46.

¹⁹ Ibid., p. 43. Levinas says: "Western philosophy has most often been an ontology: a reduction of the other to the same by interpretation of a middle and neutral term that ensures the comprehension of being."

²⁰ "Is Ontology Fundamental?" is Levinas' first explicit and extensive critiques of Heideggerian philosophy. The reasons why Levinas, despite his lasting recognition of and respect for Heidegger, departs from Heidegger are clearly stated and remain constant in all his later work.

²¹ E. Levinas, "Is Ontology Fundamental?" in *Entre Nous: On Thinking-of-the-Other*, trans. by Michael B. Smith and Barbara Harshav (New York: Columbia University Press, 1998), p. 2.

suffering of the other. Hence, he says: “ontology as first philosophy is a philosophy of power.”²² Inasmuch as this philosophy of power never calls the same into question, it leads inevitably to a philosophy of injustice, to imperialist domination, and to tyranny.²³

The Face of the Other

In Levinas’ terminology, the same is always confronted with the other (*autre*) or the Other (*autrui*). What is the very relationship between one and the other? “[T]he absolutely other is the Other,”²⁴ Levinas answers. In the tradition of Western Philosophy, the role of the absolute other is usually played by God, the idea of the Good, and Being. Whereas, for Levinas, the Other wins the crown of the absolute other. Why? Because, in his view, the Other is neither alter ego constituted by our consciousness (Husserl),²⁵ nor another *Dasein* discovered by the Being of the *Dasein* in a structure of *Mit-sein* (Heidegger).²⁶

²² E. Levinas, *Totality and Infinity*, p. 46. Derrida says: “Phenomenological neutralization, one might be tempted to say, gives the most subtle and modern form to this historical, political and authoritarian neutralization.” Cf. Jacques Derrida, “Violence and Metaphysics,” in *Writing and Difference*, trans. by Alan Bass (Chicago: The University of Chicago Press, 1978), p. 96. In Levinas’ view, even though Heideggerian philosophy wants to be pretechnical and pre-objective, they are nonetheless oppressive and possessive: “the philosophy of the neutral communicates with a philosophy of the site, of rootedness, of pagan violence, of ravishment, of enthusiasm, a philosophy offered up to the sacred, that is, to the anonymous divinity, the divinity without the Deity... it is a ‘shameful materialism’ in that it is complete, for at heart materialism is not primarily sensualism, but a recognized primacy of the neutral.” Cf. Jacques Derrida, “Violence and Metaphysics,” in *Writing and Difference*, p. 97.

²³ *Ibid.*, pp. 46-47.

²⁴ *Ibid.*, p. 39.

²⁵ Husserl’s transcendental turn leads to solipsism. In *Ideas Pertaining to a Pure Phenomenology and to a Phenomenological Philosophy II* and *Cartesian Meditations*, Husserl attempts to handle the problem of the constitution of the Other by introducing the notion of empathy (*Einfühlung*) developed by Theodor Lipps (1851-1914), but begeted the severe criticism of Max Scheler, Martin Heidegger, and others. Levinas agrees with Scheler and Heidegger on this point, he says: “Qua phenomenology it remains within the world of light, the world of the solitary ego which has no relationship with the other qua other, for whom the Other is another me, an alter ego known by empathy, that is, by a return to oneself.” Cf. E. Levinas, *Existence and Existents*, trans. by Alphonso Lingis (The Hague: Martinus Nijhoff Publishers, 1978), p. 86. For Derrida, the radical divergence between Husserl and Levinas consists in the issue of the Other: “according to Levinas, by making the Other, notably in the *Cartesian Meditations*, the ego’s phenomenon, constituted by analogical appresentation on the basis of belonging to the ego’s own sphere, Husserl allegedly missed the infinite alterity of the Other, reducing it to the same. To make the Other an alter ego, Levinas says frequently, is to neutralize its absolute alterity.” Cf. Jacques Derrida, “Violence and Metaphysics,” in *Writing and Difference*, p. 123.

²⁶ Heidegger criticizes not only Husserl’s transcendental turn, but also his project of dealing with the problem of the Other by means of the term empathy. In Heidegger’s view, empathy merely signifies that “the Other would be a duplicate of the Self.” Cf. Martin Heidegger, *Being and*

The Other is irreducible, irrepresentable, unknowable; the Other is through and through transcendence and infinity. Because the Other is transcendence and infinity, the relationship of the same with the Other could not be the relationship of knowing with being known, of reducing with being reduced, but would be the ethical relationship of face to face (face-à-face). The term "face to face" expresses not only the manner in which the I encounters the Other, but also the status of the face (visage) in the relationship.

The human being is endowed with a face, something that cannot be copied, replaced, assimilated; indeed, it represents our most distinct and apparent mark as a unique individual in the world. We often identify the Other with his picture or photo, and we also usually say "saving face," "put on a face," or "what a beautiful face." These sayings illustrate the importance of the face. On the one hand, it is visible, and yet not only a visual object, but also a tactile one. For example, we might say: "Let me have a look at your face," "He kissed the face of his girlfriend," and so forth. Just because the face is visible, there is the possibility of being face to face with each other. However, on the other hand, the face is invisible; it cannot be reduced to nose, eyes, a forehead, a chin, and so on.²⁷ For when we consider the face of the Other as an object of perception, the absolute exteriority or alterity of the Other would be negated, the Other becomes again a reducible object of the same. "The face is present in its refusal to be contained. In this sense, it cannot be comprehended, that

Time, trans. by John Macquarrie and Edward Robinson (Oxford: Blackwell, 1962), p. 162. He considers that Dasein's being-in-the-world neither means there is only one Dasein in the world, nor means that there is one Dasein beforehand, then he constitutes another Dasein (the Other), but rather, Dasein exists with the Other together in the manner of Mit-sein or being-with from the beginning: "Dasein, as Being-in-the-world, already is with Others. 'Empathy' does not first constitute Being-with; only on the basis of Being-with does 'empathy' become possible: it gets its motivation from the unsociability of the dominant modes of Being-with." Cf. Martin Heidegger, *Being and Time*, p. 162. Levinas argues: "the relationship with the Other is indeed posed by Heidegger as an ontological structure of Dasein, but practically it plays no role in the drama of being or in the existential analytic." Cf. E. Levinas, *Time and the Other*, trans. by Richard A. Cohen (Pittsburgh: Duquesne University Press, 1987), p. 40. That is to say, even though Heidegger affirms the status of the Other in the world by Mit-sein or Being-with, there is still lack of the dimension of ethics in Heideggerian existentialism inasmuch as Mit-sein or Being-with is just a basic structure of the Dasein as Being-in-the-world, and the Dasein does not encounter the Other on the empirical level, but "shut up in his solitude, anxiety and death as an end." Cf. E. Levinas, *Existence and Existents*, trans. by Alphonso Lingis (The Hague: Martinus Nijhoff Publishers, 1978), p. 85. At this point, Derrida reviews: "Levinas already aims for the face-to-face, the encounter with the face. 'Face to face without intermediary' and without 'communion' without intermediary and without communion, neither mediate nor immediate, such is the truth of our relation to the other, the truth to which the traditional logos is forever inhospitable." Cf. Jacques Derrida, "Violence and Metaphysics," in *Writing and Difference*, p. 90.

²⁷ Cf. E. Levinas, *Ethics and Infinity*, p. 85.

is, encompassed. It is neither seen nor touched – for in visual or tactile sensation the identity of the I envelops the alterity of the object, which becomes precisely a content.”²⁸ That is to say, “the face resists possession, resists my powers. In its epiphany, in expression, the sensible, still graspable, turns into total resistance to the grasp.”²⁹ What the expression of the face defies is “not the feebleness of my powers, but my ability for power.”³⁰

The face is the witness of the Other, is the trace of the Other, the way in which the Other appears: “the way in which the other presents himself (...) we here name face.”³¹ However, the Other declines to be known. When we approach him, he has already passed. This being present while at the same time already absent, this approach that amounts to evasion, reveals the tension inherent to the relation between the I and the Other. The “to” in “face to face” signifies not only that I gaze at the Other, but also that the Other gazes at me, while the gaze of the Other at me means his calling into question my privilege as the same, his resistance to my will of power, his interpellation to my moral conscience. Literally, “face to face” seems to be an equal relationship, however, the Other is in truth not equal to me, rather “the face is not in front of me (*en face de moi*) but above me,”³² “in the face of the Other... there is an ‘elevation’, a ‘height’”. The Other is higher than I am.”³³ In this very sense, Levinas names the manifestation of the Other an “epiphany.”

The original meaning of epiphany is the manifestation of God in history, but here Levinas makes use of it to indicate the appearance of the Other. Why? Because he wants to exalt the status of the Other, to emphasize his absoluteness and infinity. Hence, in this sense, the face-to-face relationship can be recognized as a relationship of religion.³⁴ Ethics is not only first philosophy,

²⁸ E. Levinas, *Totality and Infinity*, p. 194.

²⁹ *Ibid.*, p. 197.

³⁰ *Ibid.*, p. 199.

³¹ *Ibid.*, p. 50. Feuerbach speaks of our head in the analogical sense: “If I see a man’s head, it is the man himself who I see; but if I only see his torso, I see no more than his torso.” Cf. Jacques Derrida, “Violence and Metaphysics,” in *Writing and Difference*, p. 101.

³² E. Levinas & Richard Kearney, “Dialogue with Emmanuel Levinas,” in *Face to Face with Levinas*, ed. by Richard A. Cohen (New York: State University of New York Press, 1986), pp. 23-24.

³³ E. Levinas, *Ethics and Infinity*, p. 88. Even as Derrida says: “the face-to-face, then is not originally determined by Levinas as the vis-à-vis of two equal and upright men. The latter supposes the face-to-face of the man with bent neck and eyes raised toward the God on high.” Cf. Jacques Derrida, “Violence and Metaphysics,” in *Writing and Difference*, p. 107.

³⁴ Derrida argues that Levinas’ *Totality and Infinity* hides “the equivocal complicity of theology and metaphysics.” The face-to-face relationship of I with the Other is essentially analogical to the relationship of the human person with God: “The face of Yahweh is the *total* person and the *total* presence of ‘the Eternal speaking face to face with Moses’, but saying to him also: ‘Thou canst not see my face: for there shall be no man see me and live. ...thou shalt stand upon a rock: and it shall come to pass, while my glory passeth by, that I will put thee in a clift

but also first theology.³⁵ With regard to the question: "How could the Other rather than God be the absolute other?," Levinas claims that he does not object to talk about God, but asserts that only in relation to the Other can the talk about God truly make sense. The meaning of the word of God consists in the responsibility for the other: "it is certainly in the relation to the other man, in my duties, in my obligations with regard to him, that the word of God exists for me. (...) I have this responsibility as soon as I approach the other man. It is in this sense that I speak of the word of God."³⁶

According to Levinas, "the epiphany of the face is ethical."³⁷ It means that the Other speaks to me, discourses with me, that he asks me to respond to him as a interlocutor, while to respond to him means to be obligated to take responsibility for him. Just as Levinas says: "face and discourse are tied. The face speaks. It speaks; it is in this that it renders possible and begins all discourse...; it is discourse and, more exactly, response or responsibility which is this authentic relationship."³⁸ "The face opens the primordial discourse whose first word is obligation."³⁹ When the Other envisages me in his most naked, most destitute, and most defenceless face; when the Other tries to mask the poverty and hunger of his face by putting on a pose, by taking on a countenance; when the Other gazes me in the total nudity of his weak and helpless eyes,⁴⁰ the Other already speaks to me, while his first word is: "Thou shalt not kill."⁴¹ Why is the first word that the Other speaks to me a "Thou shalt not kill"? Because, Levinas says, "the Other is the sole being I can wish to kill,"⁴² and "...to kill is not to dominate but to annihilate."⁴³ Levinas repeats that the primordial expression of the Other is the command "You shall not commit murder,"⁴⁴ something that amounts to a refusal, and a resistance. Indeed, the command paralyzes the power of killing or murder: "the infinite

of the rock, and will cover thee with my back parts: but my face shall not be seen' (Exodus 33: 20-23)." Cf. Jacques Derrida, "Violence and Metaphysics," in *Writing and Difference*, p. 108.

³⁵ E. Levinas, *Is it Righteous to Be? Interviews with Emmanuel Levinas*, ed. by Jill Robbins (Stanford: Stanford University Press, 2002), p. 182.

³⁶ *Ibid.*, p. 59.

³⁷ E. Levinas, *Totality and Infinity*, p. 199.

³⁸ E. Levinas, *Ethics and Infinity*, p. 88.

³⁹ E. Levinas, *Totality and Infinity*, p. 201.

⁴⁰ People usually says: "Eye is the window of soul." Hegel interpreted it in a good way: "If we ask ourselves now in which particular organ the soul appears as such in its entirety we shall at once point to the eye. For in the eye the soul concentrates itself; it not merely uses the eye as its instrument, but is itself therein manifest." Cf. Jacques Derrida, "Violence and Metaphysics," in *Writing and Difference*, pp. 98-99.

⁴¹ E. Levinas, *Ethics and Infinity*, p. 87.

⁴² E. Levinas, *Totality and Infinity*, p. 198.

⁴³ *Ibid.*

⁴⁴ *Ibid.*, p. 199.

paralyzes power by its infinite resistance to murder, which, firm and insurmountable, gleams in the face of the Other, in the total nudity of his defenceless eyes, in the nudity of the absolute openness of the Transcendent. There is here a relation not with a very great resistance, but with something absolutely other: the resistance of what has no resistance – the ethical resistance.”⁴⁵

In the view of Levinas, when the Other speaks to me, he enters a relationship of discourse with me, because “the epiphany of infinity is expression and discourse.”⁴⁶ In discourse, I am the interlocutor of the Other, I am saying something to him, whatever is said. The saying is a way of greeting, of welcoming,⁴⁷ and of hospitality for the Other, while “to greet the Other is already to answer for him.”⁴⁸ The answer is response, and response is responsibility.⁴⁹

According to Levinas, the responsibility for the Other is the ineluctable obligation of the same, is “the essential, primary and fundamental structure of subjectivity.”⁵⁰ He calls subject or subjectivity “*the other in the same*”;⁵¹ “the other in the same” is neither the Other nor the same, but the questioning and blame of the Other to the same. Exactly in the questioning and accusation of the naked, helpless and defenceless eyes of the Other; in the request and appeal of the aging, dying, wrinkled face of the Other; in the order and exigency of the homeless, the vagrant, the stranger, the beggar, the widow, and the orphan, my subjectivity is aroused and confirmed: “the call to infinite responsibility confirms the subjectivity in its apologetic position.”⁵² However, this subjectivity is not cognitive subjectivity in traditional Western Philosophy, but ethical subjectivity, responsible subjectivity. Furthermore, inasmuch as I am requested to take responsibility for the Other, this already implies that I am a subject chosen or elected to take responsibility, and am able to take the responsibility, but only in that strange form that Levinas associates with obsession, accusation, and even persecution by the Other.

⁴⁵ Ibid.

⁴⁶ Ibid., p. 200.

⁴⁷ Levinas says: “To approach the Other in conversation is to welcome his expression, in which at each instant he overflows the idea a thought would carry away from it. It is therefore to receive from the Other beyond the capacity of the I, which means exactly: to have the idea of infinity.” (E. Levinas, *Totality and Infinity*, p. 51.) Derrida develops Levinas’ terms “welcome” and “hospitable,” puts forward his own “politics of hospitality.” Cf. Jacques Derrida, *Adieu to Emmanuel Levinas*, trans. by Pascale-Anne Brault and Michael Naas, Stanford (Stanford University Press), 1999.

⁴⁸ E. Levinas, *Ethics and Infinity*, p. 88.

⁴⁹ Ibid.

⁵⁰ Ibid., p. 95.

⁵¹ E. Levinas, *Otherwise than Being or Beyond Essence*, trans. by Alphonso Lingis (Pittsburgh: Duquesne University Press, 1998), p. 111.

⁵² E. Levinas, *Totality and Infinity*, p. 245.

Given that the same is complete activity, the other in the same, more exactly, the subjectivity of the subject must be understood in terms of passivity,⁵³ and indeed in the terms of a most passive passivity.⁵⁴ This passivity means that the response of the same as interlocutor to the Other remains essentially a *subjection to* the Other. Subject as subject, already and always presupposes the priority of the Other and the subjection to the Other; to be a subject is to be subject to the Other.

The Structure of Proximity

According to our general understanding of the relationship of freedom with responsibility, we suppose that the former precedes the later; in other words, we should take responsibility, not for the effect resulting from the menace of the Other, or an act of God, but only for the effect resulting from our free will or free choice. In this sense, if I never offend or hurt anybody, never rob, kill or murder, never do anything harmful to the Other, never commit any crime, do I need to take responsibility for the other? If I have nothing to do with the Other, if I am not concerned with the Other, and if I have neither a guilty conscience for the Other, nor am an altruist, why do I have to take responsibility for the Other? As Levinas teaches, "we have been accustomed to reason in the name of freedom of the ego – as though I had witnessed the creation of the world, and as though I could only have been in charge of a world that would have issued out of my free will. These are the presumptions of philosophers, presumptions of idealists! Or evasions of the irresponsible. That is what Scripture reproaches Job for. (...) His false friends think like he does: in a meaningful world one cannot be held to answer when one has not done anything."⁵⁵

Levinas' argument, however, is that this kind of defense of "innocence" cannot be acquitted of the charge. Our responsibility for the Other is not innocent. We are always already guilty in front of the other. As long as we exist in the world, and inhabit it, we have been incriminatory. As Levinas says: "My being-in-the-world or my 'place in the sun', my being at home, have these not also been the usurpation of spaces belonging to the other man whom I have already oppressed or starved, or driven out into a third world; are they

⁵³ The subjectivity of the ego is not only active, but also passive according to Husserl's transcendental logic. In order to emphasize the absolute unconditionality of the responsibility for the Other, Levinas renders the subjectivity absolute passivity without any activity, which precedes the differentiation of passivity-activity.

⁵⁴ E. Levinas, *Otherwise than Being or Beyond Essence*, p. 55.

⁵⁵ *Ibid.*, p. 122.

not acts of repulsing, excluding, exiling, stripping, killing?”⁵⁶ Indeed, in spite of our “conscious and intentional innocence,”⁵⁷ our “Da-sein,” after all, occupies a “Da.” It is thus already the occupation, the deprivation of the Other’s place, and homestead. It seems as if it is our “sin.” Consequently, “a fear which reaches back past my ‘self-consciousness’ in spite of whatever moves are made towards a *bonne conscience* by a pure perseverance in being.”⁵⁸ What is this kind of fear? It is the “fear for the Other,”⁵⁹ it is the “fear for all the violence and murder my existing might generate.”⁶⁰ “It is the fear of occupying someone else’s place with the *Da* of my *Dasein*.”⁶¹ Because of the fear, one has to respond to the Other’s right to be, to repay the debt owed the Other since we inhabit the world, live on the earth.

In order to characterize the relationship of the responsibility of subjectivity for the Other, Levinas gives the Other another name: “neighbor.” The relationship of the neighbor to me is “proximity.”⁶² What does proximity mean? It means that the Other approaches and appears to me incessantly and restlessly, but he refuses to be known, assimilated, or reduced.⁶³ It means the assignation, order, and obsession by the Other.⁶⁴ “The relationship of proximity,” Levinas writes, “cannot be reduced to any modality of distance or geometrical contiguity, nor to the simple ‘representation’ of a neighbor; it is already an assignation, an extremely urgent assignation – an obligation, anachronously prior to any commitment. This anteriority is ‘older’ than the a priori. (...) We have called this relationship ‘the irreducible to consciousness obsession.’” The relationship with exteriority is ‘prior’ to the act that would effect it. For the relationship is not an act, not a thematizing, not a position

⁵⁶ E. Levinas, “Ethics as first philosophy,” in *The Levinas Reader*, edited by Seán Hand (Basil Blackwell, 1989), p. 82.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² E. Levinas, *Otherwise than Being or Beyond Essence*, p. 100.

⁶³ Levinas claims that we cannot understand “proximity” in the sense of physical or geometrical space. Because physical or geometrical space is homogeneous and isotropy, the relationship of the things in the physical or geometrical space is a kind of relationship of homogeneous co-existence, of totality, while the co-existence of the space and the synchrony or simultaneity of the time constitute the fundamental way of existence of the same. On the contrary, the Other’s restless proximity to me signifies a kind of diachronical relationship of time, signifies a resistant gesture of the other’s refusing to be cognized, represented, assimilated and integrated by the same. Cf. E. Levinas, *Otherwise than Being or Beyond Essence*, p. 81; p. 85.

⁶⁴ The word “obsession” vividly characterizes the an-archival bothering, pestering, torturing and persecuting of the-other-in-the-same to me in his infinite proximity as my neighbor.

in the Fichtean sense.”⁶⁵ The obsession is not consciousness, not an act of thematization, not a self-position. It is self-temporalization of the Other during its incessant proximity to the same, pure and absolute passivity, irreducible and irrepresentable diachrony.⁶⁶

For Husserl, time can be recuperated, and the way to recuperate time is memory (*Erinnerung*; *Wiedererinnerung*) or representation (*Gegenwärtigung*). Memory plays a critical role in Husserl's phenomenology of the consciousness of internal time. He frequently calls it “re-productive association.” Precisely through memory, a particular re-productive act of temporality, the identity and historicity could be guaranteed. Because an object cannot be constituted in a moment of the present, only I can go back to the identical “it” over and over again, “it” could be a genuine object. According to Levinas, Husserl's phenomenology of the consciousness of internal time is a typical philosophy of totality. The rememberability or recuperability of the past time renders history the history of the same, and also renders the same as the historical same.⁶⁷ The same is not only the creator of history, but also the author, the historiographer, the final judge, while the Other inevitably becomes the object reduced, judged, and integrated by the consciousness of history of the same, becomes the sacrificial lamb of the totality of the history or the totalized history.⁶⁸

There is no question that the relationship of time to the Other is a theme of Levinas, and the aim of his analysis of Husserlian view of time is to liberate the Other from the absolute activity of the same, from the privilege and violence of the same, to find the absolutely undoubted origin, *arche*, or principle of the responsibility of the same for the Other. However, the origin, *arche*, or principle is not in the same, but in the completely passive, an-archival, irrecoverable, immemorial, absolutely past, in the diachronical temporality. According to Levinas, “...the neighbor strikes me before striking me, as though I had heard before he spoke. This anachronism attests to a temporality different from that which scans consciousness. It takes apart the recuperable time of history and memory in which representation continues. For if, in every experience, the making of a fact precedes the present of experience, the memory, history, or extra-temporality of the a priori recuperates the divergence and creates a correlation between this past and this present. In proximity is heard a command come as though from an immemorial past, which

⁶⁵ E. Levinas, *Otherwise than Being or Beyond Essence*, pp. 100-101.

⁶⁶ Levinas says: “Diachrony is the refusal of conjunction, the non-totalizable, and in this sense, infinite.” Cf. E. Levinas, *Otherwise than Being or Beyond Essence*, p. 11.

⁶⁷ Cf. Edmund Husserl, *On the Phenomenology of the Consciousness of Internal Time, Experience and Judgment*, and *Analysis of Passive Synthesis*, etc.

⁶⁸ E. Levinas, *Totality and Infinity*, pp. 18, 40, 243-245.

was never present, began in no freedom.”⁶⁹ Indeed, “(...) proximity is a disturbance of the rememberable time.”⁷⁰

Proximity originates from the immemorial past; it is already an obsession to me. “Obsession traverses consciousness countercurrent wise, and is inscribed in consciousness as something foreign, a disequilibrium, a delirium. It undoes thematization, and escapes any *principle*, origin, will, or *arche*, which are put forth in every ray of consciousness. This movement is, in the original sense of the term, an-archical.”⁷¹ Obsession is an-archical, and “anarchy is persecution.”⁷² Before any activity of the ego’s intentionality, in the “old,” immemorial past, in the pre-history of the ego, I have received the command from the Other. I am already anarchically obsessed, and persecuted to respond to the Other, to be responsible for the Other. Therefore, “there is a paradox in responsibility, in that I am obliged without this obligation having begun in me, (...) the antecedence of responsibility and obedience with respect to the order received or the contrast. It is as though the first movement of responsibility could not consist in awaiting nor even in welcoming the order (which would still be a quasi-activity), but consists in obeying this order before it is formulated. Or as though it were formulated before every possible present, in a past that shows itself in the present of obedience without being recalled, without coming from memory, being formulated by him who obeys in his very obedience.”⁷³ Though I have not loaned, I had run into debt; I have not promised, I had been assigned; I have not committed crime, I had been accused; I have not received the command, I had obeyed; I have not been entrusted, I had taken the responsibility for the Other. This is a paradox, but Levinas attempts to make use of this very paradox to justify his ethics of responsibility.

Accusation and Substitution

In order to prove the passivity or necessity of being responsible for the Other, Levinas plays a game of language from the perspective of grammar, that is, the transformation between accusative and nominative, between object and subject. As is well known, in Western philosophical tradition, *logos* is basically equivalent to theoretical reason, the ego is equivalent to consciousness. In knowing, in judging, the ego, the consciousness, has absolute activity, they are the subject, the nominative of the judgment or proposition. While

⁶⁹ Ibid., p. 88.

⁷⁰ E. Levinas, *Otherwise than Being or Beyond Essence*, p. 89.

⁷¹ Ibid., p. 101.

⁷² Ibid., p. 101.

⁷³ E. Levinas, *Otherwise than Being or Beyond Essence*, p. 13.

the Other is the object, the accusative of the judgment or proposition. But Levinas makes a reversion of this structure. In obsession, and in persecution of the other, the ego loses its activity, it becomes complete passivity, becomes the self or the subjectivity. Correlatively, in judgment or proposition, the self locates not at the position of nominative anymore, but at the position of the accusative.

Levinas plays with the semantic proximity of accusative and accusation, of accusation and persecution, so much so that for him the notion of persecution ultimately means that the self becomes hostage of the Other; indeed, that the self has to take responsibility for the Other: "In obsession the accusation effected by categories turns into an absolute accusative in which the ego proper to free consciousness is caught up. It is an accusation without foundation, to be sure, prior to any movement of the will, an obsessional and persecuting accusation. It strips the ego of its pride and the dominating imperial characteristic of it."⁷⁴ And he continues: "In responsibility for another subjectivity it is only this unlimited passivity of an accusative which does not issue out of a declension it would have undergone starting with the nominative. This accusation can be reduced to the passivity of the self only as a persecution, but a persecution that turns into an expiation. *Without persecution the ego raises its head and covers over the self.*"⁷⁵

Persecution appears, thus, as pivotal for the ethics of Levinas, because only through persecution, the ego can become self, responsibility can have a subject. Whereas this implies at the same time that the self is *already and always* covered by the ego, we *already and always* forget the responsibility for the Other. Hence, the ethical thought of Levinas forces us to go back from our ego to our self, to arouse our sense of responsibility for the other, for society, and for the world, to be an authentic human person with ethical concern and moral conscience.

Furthermore, Levinas interprets the proximity of the neighbor to me an anarchical obsession, the one that justifies an anarchical responsibility. For him, "the self is through and through a hostage, older than the ego, prior to principles."⁷⁶ The Ego lives in the living present, in the consciousness; it concerns only itself, and takes care of itself; it is indifferent to the status and right of the Other. In its eyes, the Other is merely an object of hunting up, enjoying, conquering, possessing, and ruling; it is not willing to take responsibility for the Other, but only for itself. The ego is complete for-itself.⁷⁷

⁷⁴ Ibid., p. 110.

⁷⁵ Ibid., p. 112.

⁷⁶ E. Levinas, *Otherwise than Being or Beyond Essence*, p. 117.

⁷⁷ In Derrida's eyes, "if the Other was not recognized as a transcendental alter ego, it would be entirely in the world and not, as ego, the origin of the world. To refuse to see in it an ego in

However, the self is different from Ego. It is the-other-in-the-same, the-one-for-the-other; it is complete passivity; it is the victim of anarchical obsession, accusation, and persecution by the Other; it is the hostage kidnapped by the Other; it is substitution for the Other.

The reason for this lies in the fact that “the responsibility for another (...) requires subjectivity as an irreplaceable hostage.”⁷⁸ “Subjectivity” means “subjection to (the Other).” In facing the Other, subjectivity comes into being. “Subjectivity is not for itself; it is (...) initially for another.”⁷⁹ In order to guarantee that there is somebody to take responsibility for him at all times, the Other kidnaps the ego. This implies at the same time that there is originally nobody to take responsibility for the Other. Why is no one willing to be responsible for the Other? Because the ego just wants to take responsibility for itself, it is self-centered, and is indifferent to the Other, excluding itself. However, to the contrary, the self is non-indifferent; it is incumbent upon it to take responsibility for the Other. Well then, is this responsibility for the other altruism? No. Is it due to benevolence or love? No. Because, the self takes responsibility for the other, not actively and willingly, but passively and reluctantly. When we are anarchically obsessed, accused, and persecuted by the Other; when we face the eyes of questioning, blame, and appeal of the Other; when we feel fear, guiltiness, inquietude, we would take responsibility for the Other. Thus, “the recurrence of the self in responsibility for others, a persecuting obsession, goes against intentionality, such that responsibility for others could never mean an altruistic will, an instinct of ‘natural benevolence’, or love. It is in the passivity of obsession, or incarnated passivity, that an identity individuates itself as unique.”⁸⁰

That the other holds me as a hostage is an expression of Substitution, of bearing the fault of another, of expiating for the Other: “(...) the self, a hostage, is already substituted for the others. ‘I am an Other’.”⁸¹ Even if I never offend, or kill the Other, I never make damage to anybody, I am innocent, there is already somebody being offended, being damaged, one has to take responsibility for this offence. Who is incumbent? I, the hostage. I am the hostage of the Other. My task is to bear the blame for the Other, to repay the debt for the Other. The I is not the hostage of just one other, but rather the hostage of all the others. In other words, I am the hostage of everybody. As

this sense is, within the ethical order, the very gesture of all violence. If the Other was not recognized as ego, its entire alterity would collapse.” Cf. Jacques Derrida, “Violence and Metaphysics,” in *Writing and Difference*, p. 125.

⁷⁸ E. Levinas, *Otherwise than Being or Beyond Essence*, p. 124.

⁷⁹ E. Levinas, *Ethics and Infinity*, p. 96.

⁸⁰ E. Levinas, *Otherwise than Being or Beyond Essence*, pp. 111-112.

⁸¹ *Ibid.*, p. 118.

Levinas writes: "the self is a *sub-jectum*; it is under the weight of the universe, responsible for everything."⁸² "It is I who support all. ...I am responsible for total responsibility, which answers for all the others and for all in the others, even for their responsibility. The I always has one responsibility *more* than all others."⁸³

Levinas designates the absolute other the Good (*le Bien*) or Good itself (*Bien en soi*), and designates the self, or subjectivity as the hostage, and substitution goodness (*bonté*). The Other has infinite freedom; the subject, however, does not have infinite freedom, but only finite freedom. In other words, the responsibility of the subject precedes freedom, its freedom has to be based on its responsibility. To be responsible for the Other as a subject or a hostage is essentially a necessary choice, the choice of the Good: "This antecedence of responsibility to freedom would signify the Goodness of the Good: the necessity that the Good chooses me first before I can be in a position to choose, that is, welcome its choice. That is my pre-originary *susceptiveness*. It is a passivity prior to all receptivity; it is transcendent. (...) the Good assigns the subject (...) to approach the other, the neighbor."⁸⁴

The choice of the Good signifies that to be responsible for the Other is passive and unilateral, asymmetrical and irreciprocal. That is to say that not the Other substitutes himself for me to take responsibility for me, but only I substitute myself for the Other to take responsibility for the Other. "Responsibility is what is incumbent on me exclusively,"⁸⁵ "(...) my responsibility is untransferable, no one could replace me."⁸⁶ "I can substitute myself for everyone, but no one can substitute himself for me."⁸⁷ It is this asymmetrical relationship that can let me be subject to the Other, take orders from the Other. While it is precisely this subjection to the Other that renders my subjectivity possible. "The intersubjective relation," Levinas declares, "is a non-symmetrical relation. In this sense, I am responsible for the Other without waiting for reciprocity, were I to die for it. Reciprocity is his affair. It is precisely insofar as the relationship between the Other and me is not reciprocal that I am in subjection to the Other; and I am 'subject' essentially in this sense."⁸⁸ Levinas emphasizes that if the relationship of the subject with the Other is symmetrical and reciprocal, then the responsibility of the subject for the Other would fall into calculation and design of interest. It appears that the reason why

⁸² Ibid., p. 116.

⁸³ Ibid., pp. 98-99.

⁸⁴ Ibid., pp. 122-123.

⁸⁵ E. Levinas, *Ethics and Infinity*, p. 101.

⁸⁶ Ibid., p. 100.

⁸⁷ Ibid., p. 101.

⁸⁸ Ibid., p. 101.

I take responsibility for the Other today consist in that one day the Other will also take responsibility for me. In so doing, the relationship of one with the Other would fall back into the relationship of inter-*estedness*, to which Levinas devotes himself to objecting.⁸⁹

Ethics and Metaphysics

When metaphysics was becoming disreputable and, apparently on the edge of bankruptcy, Levinas designated his own philosophy as metaphysics and risked being condemned by everyone. What happened to Levinas? Was he a fool? Was he performing ostentatiously so as to impress the audience in an extreme manner, or resisting the absurdities of the times with the truthfulness of philosophy? What kind of metaphysics was Levinas' metaphysics, since it awakened the deaf as soon as it came forth?

The *metaphysics* of Levinas is neither traditional Western Philosophy, nor ontology, but ethics. In his view, traditional Western Philosophy is essentially ontology, while ontology is a philosophy of power and violence, and its main characteristics consisting in totalization and identification. Totalization and identification signify the same, ego, consciousness, and even violence; they signify complete activity; they signify that the alterity, the particularity, the exteriority, and the transcendence of the other would be negated, reduced, effaced, and deprived in the knowing, possessing, offending, and ruling of the same. They signify that freedom and power precede responsibility and justice; ontology precedes ethics, that is, metaphysics.

In order to guarantee the status, and right of the Other, to liberate the Other from the violence of the same, of the historical fate of totalization and identification, we have to break the mode of thinking of the Western Philosophy, to *dethrone the status of ontology as the first philosophy*, to let the relationship of the same with the Other go back from the relationship of knowing with being known, of reducing with being reduced, of ruling with being ruled, to the ethical relationship – face to face, of fraternity, to welcome the Other infinitely, to take responsibility for the Other infinitely, to make justice and responsibility precede freedom and power. Ethics must be seen as *first philosophy*. “[M]an’s ethical relation to the Other is ultimately prior to his

⁸⁹ E. Levinas, *God, Death, and Time*, trans. by Bettina Bergo (Stanford: Stanford University Press, 2000), p. 205. In another place Levinas says: “To be human means to live as if one were not a being among beings. As if, through human spirituality, the categories of being inverted into an ‘otherwise than being’. Not only into a ‘being otherwise’; being otherwise is still being. The “otherwise than being,” in truth, has no verb which would designate the event of its un-rest, its dis-inter-estedness, its putting-into-question of this being – or this estedness – of the being.” Cf. E. Levinas, *Ethics and Infinity*, p. 100.

ontological relation to himself (egology) or to the totality of things that we call the world (cosmology)."⁹⁰

What is ethics? For Levinas, ethics is the capacity to question the priority of the same over the Other; it is to degrade the position of the same from the knower, and the possessor of the Other, to the hostage of the Other, and the substitution for the Other; it is to transform the activity, and the spontaneity of the same, to the complete passivity and subjectivity; it is to criticize the neutralization, and thematization of the ontology; it is to let metaphysics precede ontology.⁹¹ As Levinas writes: "we name this calling into question of my spontaneity by the presence of the Other, ethics. The strangeness of the Other, his irreducibility to the I, to my thoughts and my possessions, is precisely accomplished as a calling into question of my spontaneity, as ethics. Metaphysics, transcendence, the welcoming of the other by the same, of the Other by me, is concretely produced as the calling into question of the same by the Other, that is, as the ethics that accomplishes the critical essence of knowledge. And as critique precedes dogmatism, metaphysics precedes ontology."⁹²

According to Levinas, the nature of metaphysics is the desire towards the Other. The Other here is not like the bread we eat, the land in which we dwell, the landscape we contemplate. Because these others are the things to satisfy our "need," "their alterity is thereby reabsorbed into my own identity as a thinker or a possessor."⁹³ Rather, the other of metaphysical desire differs from them, "the metaphysical desire tends toward something else entirely, toward the absolutely other."⁹⁴ The Jewish author continues: "Desire is desire for the absolutely other,"⁹⁵ while "the absolutely other is the Other."⁹⁶ What is the Other? The Other is infinity, transcendence: "infinity is characteristic of a transcendent being as transcendent; the infinite is the absolutely other."⁹⁷ Since the Other is infinite, and transcendent, then our relationship with the Other is a transcendental relationship of desire with infinity, while this transcendent relationship constitutes a metaphysical relationship, an ethical one.

⁹⁰ Richard A. Cohen, *Face to Face with Levinas* (New York: State University of New York Press, 1986), p. 21.

⁹¹ Derrida says: "Levinas calls the positive movement which takes itself beyond the disdain or disregard of the Other, that is, beyond the appreciation or possession, understanding and knowledge of the Other, *metaphysics* or *ethics*." Cf. Jacques Derrida, "Violence and Metaphysics," in *Writing and Difference*, p. 92.

⁹² E. Levinas, *Totality and Infinity*, p. 43.

⁹³ *Ibid.*, p. 33.

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*, p. 34.

⁹⁶ *Ibid.*, p. 39.

⁹⁷ *Ibid.*, p. 49.

There is no question that the theme of Levinas' philosophy could be characterized as ethics. But his probing into ethics was *not to establish an ethics, but lay a foundation for ethics*, more precisely, he did not intend to set down the concrete ethical norms or doctrines, but attempted to find the meaning of ethics for our life, to justify the principles or basic tenets of the ethics, upon which the concrete ethical norms and doctrines could be based: "my task does not consist in constructing ethics; I only try to find its meaning. In fact I do not believe that all philosophy should be programmatic. It is Husserl above all who brought up the idea of a program of philosophy. One can without doubt construct an ethics in function of what I have just said, but this is not my own theme."⁹⁸

Critique

Derrida points out that Levinas' critique of Western Philosophy and ontology represents a summon for us to "depart from Greece," to break away from Greek philosophical tradition since Parmenides, one that was wrapped into "totalization" and "identification" for a long time, to re-establish metaphysics in the transcendent relationship between the desire and infinity. The aim of re-establishing metaphysics is to "call upon the ethical relationship – a nonviolent relationship to the infinite as infinitely other, to the Other – as the only one capable of opening the space of transcendence and of liberating metaphysics."⁹⁹ Though Derrida holds that "the thought of Emmanuel Levinas can make us tremble,"¹⁰⁰ he called into question the possibility of our departure from Greek philosophy and succeeding in re-establishing metaphysics. He argues: "this thought summons us to a dislocation of the Greek logos, to a dislocation of our identity, and perhaps of identity in general; it summons us to depart from the Greek site and perhaps from every site in general, and to move toward what is no longer a source or a site (too welcoming to the gods), but toward an *exhalation*, toward a prophetic speech already emitted not only nearer to the source than Plato or the pre-Socratics, but inside the Greek origin, close to the other of the Greek (but will the other of the Greek be the non-Greek? Above all, can it be *named* the non-Greek?)."¹⁰¹

In Derrida's view, the entirety of philosophy, as it is known, is conceived on the basis of its Greek source. But this amounts neither to an Occidentalism, nor to a historicism. Inasmuch as the fundamental conceptual system of philosophy originated from the Greeks, it would be impossible to philosophize

⁹⁸ E. Levinas, *Ethics and Infinity*, p. 90.

⁹⁹ Jacques Derrida, "Violence and Metaphysics," in *Writing and Difference*, p. 83.

¹⁰⁰ *Ibid.*, p. 82.

¹⁰¹ *Ibid.*

without this system.¹⁰² Therefore, "No philosophy could possibly dislodge them without first succumbing to them, or without finally destroying itself as a philosophical language."¹⁰³ If the view of Derrida is reasonable, then the alternative of metaphysics, which Levinas attempts to re-establish, is either to succumb to Greek tradition dominated by "the Same" and "the One," or to announce itself as non-philosophical.

According to Derrida, Levinas' departure from the Greek philosophical tradition essentially means departure from Greek as a philosophical language. Nevertheless, he holds that if Plato, a genuine Greek, cannot commit the parricide, Levinas, a non-Greek will never succeed in doing that: "except by disguising himself as a Greek, by speaking Greek, by feigning to speak Greek in order to get near the king? And since it is a question of killing a speech, will we ever know who is the last victim of this stratagem? Can one feign speaking a language?"¹⁰⁴

If we cannot philosophize or speak philosophically unless we speak the "Greek" language, then the other will never escape from the violence of the same, because the language is itself violence, and the other can only appear itself in language. Even as Derrida says: "what happens (...) when the possibility of metaphysics is the possibility of speech? When metaphysical responsibility is responsibility for language, because 'thought consists of speaking' (*Totality and Infinity*), and metaphysics is a language with God? How to think the Other, if the Other can be spoken only as exteriority and through exteriority, that is, nonalterity? And if the speech which must inaugurate and maintain absolute separation is by its essence rooted in space, which cannot conceive separation and absolute alterity? If, as Levinas says, only discourse (and not intuitive contact) is righteous, and if, moreover, all discourse essentially retains within it space and the Same – does this not mean that discourse is originally violent? And that the philosophical logos, the only one in which peace may be declared, is inhabited by war? The distinction between discourse and violence always will be an inassessible horizon. Nonviolence would be the telos, and not the essence of discourse."¹⁰⁵

¹⁰² Ibid., p. 81. In the endnote of this chapter, Derrida points out that for Husserl and Heidegger the word "*philosophia*" means that "philosophy is something which, first of all, determines the existence of the Greek world. Not only that – *philosophia* also determines the innermost basic feature of our Western-European history, the often heard expression 'Western-European Philosophy' is, in truth, a tautology. Why? Because philosophy is Greek in its nature; Greek, in this instance, means that in origin the nature of philosophy is of such a kind that it first appropriated the Greek world, and only it, in order to unfold." Cf. Ibid., p. 312.

¹⁰³ Ibid., p. 82.

¹⁰⁴ Ibid., p. 89.

¹⁰⁵ Ibid., p. 116.

Derrida also argues that Levinas criticizes phenomenology as a kind of philosophy of violence, and of power on the one hand, and yet he has systematic recourse to the methods, concepts, and theory of phenomenology in order to conceive his own metaphysics.¹⁰⁶ According to Derrida, Levinas knows well the importance of philosophical methods and conceptuality and how it cannot be separated from theory, and all the more so in his earlier work where he clearly follows Heidegger in the criticism of Husserl for exactly the same reason. Hence the paradoxical situation of someone that consciously abstains from this kind of mistake.

As it is known, Derrida reproaches Levinas rather severely: “Does metaphysics suppose this phenomenology only as a method, as a technique, in the strict sense of the words? Although he rejects the majority of the literal results of Husserl’s researches, Levinas keeps to the methodological inheritance: ‘The presentation and development of the notions employed owes everything to the phenomenological method’ (*Totality and Infinity; Difficult Freedom*). But are not the presentation and development of ideas but the vestments of thought? And can a method be borrowed, like a tool? Thirty years earlier, in the wake of Heidegger, did not Levinas maintain that method cannot be isolated? For method always shelters, especially in Husserl’s case, ‘an anticipated view of the *sense* of the being which one encounters’ (*The Theory of Intuition in Husserl’s Phenomenology*). Levinas wrote at this time: ‘Consequently, in our exposition we cannot separate the theory of intuition, as a philosophical method, from what might be called Husserl’s ontology’ (*The Theory of Intuition in Husserl’s Phenomenology*).”¹⁰⁷

Levinas considers Husserl’s phenomenology as a kind of ontology in principle, because intentionality of the consciousness neutralizes all of the intended objects, while neutralization means that the alterity of the other is extinguished. However, from the perspective of Derrida, Levinas accepts the theory of intentionality when he calls it into question: “Beyond its method, the aspect of ‘Husserl’s essential teaching’ (*Totality and Infinity*) which Levinas intends to retain is not only its supple and necessary descriptions, the fidelity to the meaning of experience, but also the concept of intentionality.”¹⁰⁸ Derrida maintains that if we can say that for Husserl the intentionality of consciousness can be characterized by the relationship of *Noesis* with *Noema*, then we can say that for Levinas the intentionality of consciousness is trans-

¹⁰⁶ Derrida says: “metaphysics, unable to escape its ancestry in light, always supposes a phenomenology in its very critique of phenomenology, and especially if, like Levinas’ metaphysics, it seeks to be discourse and instruction.” Cf. *Ibid.*, p. 118.

¹⁰⁷ *Ibid.*, p. 118.

¹⁰⁸ *Ibid.*

formed into the relationship of desire with infinity or, in other words, of the same with the other.¹⁰⁹

Derrida borrows the concept "false-infinity" from Hegel to analyze the structure of intentionality in Levinas. He claims that the so-called relationship of desire with infinity is essentially the relationship of the same to the other, at the same time, inasmuch as the same is the negation of the other, while the "false-infinity" is the negation of the "(true) infinity," therefore, the relationship of the same with the other is capable of consideration as the relationship of the false-infinity with the true-infinity.¹¹⁰ Derrida claims that if the other is the other of the same, then the same is the other of the other; thus, the relationship of the same with the other is in nature the relationship of the other of the other to the other. The other of the other is still an other. "If, as Levinas says, the same is a violent totality, this would mean that it is a finite totality, and therefore is abstract, more other than the other (than an other totality),"¹¹¹ then the other (actually, the same or the false-infinity) is the irreducible primordial finity, and "perhaps this is what Husserl does, at bottom, by demonstrating the irreducibility of intentional incompleteness, and therefore of alterity; and by showing that since consciousness is irreducible, it can never possibly, by its own essence, become self-consciousness, nor be reassembled absolutely close to itself in the parousia of an absolute knowledge."¹¹²

Consequently, Derrida holds that the relationship of the phenomenological intentionality is not the negation, assimilation, and integration of the other, on the contrary, intentionality is itself the respect of the other, *ethics is in principle phenomenology*. As Derrida states: "Does not intentionality respect itself? The eternal irreducibility of the other to the same, but of the other appearing as other for the same? For without the phenomenon of other as other no respect would be possible. The phenomenon of respect supposes the respect of phenomenality. And ethics, phenomenology."¹¹³ "Ethics not only is neither dissipated in phenomenology nor submitted to it, but that ethics finds within phenomenology its own meaning, its freedom and radicality."¹¹⁴

¹⁰⁹ Ibid., p. 118.

¹¹⁰ Ibid., pp. 118-119.

¹¹¹ Ibid., p. 119.

¹¹² Ibid., pp. 119-120.

¹¹³ Ibid., p. 121.

¹¹⁴ Ibid. Derrida points out further: "from Husserl's point of view ethics *in fact*, in existence and in history, could not be *subordinated to* transcendental neutralization, nor be submitted to it in any way. Neither ethics, nor anything else in the world, moreover. Transcendental neutralization is in principle, by its meaning, foreign to all factuality, all existence in general. In fact it is neither before nor after ethics. Neither before nor after anything that is." Cf. Ibid., p. 122.

Derrida points out that the fundamental disagreement between Levinas and Husserl is not intentionality but the Other: “the disagreement appears definite as concerns the Other.”¹¹⁵ In Levinas’ eyes, Husserl missed the infinite alterity of the Other through reducing it to the same and neutralizing its absolute alterity, when he makes the Other, in his *Cartesian Meditations*, constituted as another monadic ego, that is, alter ego, by analogical appresentation on the basis of the transcendental ego’s own sphere.¹¹⁶ Derrida does not agree with Levinas on this point, because he holds that Levinas misunderstood Husserl completely. The reason Husserl considers the Other as alter ego is not to negate the alterity of the Other, but rather to respect and guarantee the alterity of the Other: “He [Husserl] seeks to recognize the other as Other only in its form as ego, in its form of alterity, which cannot be that of things in the world. If the Other were not recognized as a transcendental alter ego, it would be entirely in the world and not, as ego, the origin of the world. To refuse to see in it an ego in this sense is, within the ethical order, the very gesture of all violence. If the Other was not recognized as ego, its entire alterity would collapse. (...) The Other as alter ego signifies the Other as Other, irreducible to my ego, precisely because it is an ego, because it has the form of the ego.”¹¹⁷ “The Other is absolutely Other only if he is an ego, that is, in a certain way, if he is the same as I.”¹¹⁸

Derrida claims that in transcendental and pre-ethical violence, the relationship of the I with the Other is dissymmetrical; I am the same, the Other, however, is its reducible object, while precisely the dissymmetry in the cognitive relationship makes possible the inverse dissymmetry, that is, the dissymmetry of the self as the hostage of the Other and the substitution for the Other. The dissymmetry of the self as the subjectivity of responsibility of the One-for-the-Other in the ethical relationship, makes the ethical nonviolence possible. In my *ipseity* I am the same, but in the eyes of the Other I am the Other, only recognizing me as the Other’s Other, can I desire or respect the Other as ethical dissymmetry.¹¹⁹

On the one side, Derrida holds that Levinas cannot criticize phenomenology on the position of phenomenology, but on the other side, he says: “Levinas’ metaphysics in a sense presupposes – at least we have attempted to show this – the transcendental phenomenology that it seeks to put into question. And yet the legitimacy of this putting into question does not seem to us any less radical.”¹²⁰ Derrida’s best defense of Levinas is a critique.

¹¹⁵ Ibid., p. 122.

¹¹⁶ Ibid., p. 123.

¹¹⁷ Ibid., p. 125.

¹¹⁸ Ibid., p. 127.

¹¹⁹ Ibid., p. 128.

¹²⁰ Ibid., p. 133.

Levinas argues that Heideggerian ontology does not rest on a truism: "to know an existent it is necessary to have comprehended the Being of existents."¹²¹ This assertion affirms the priority of Being over existents, and affirms the primacy of freedom over justice. As a result, the ethical relationship of the existent with the Other becomes the cognitive relationship of the existent with Being, the Being ultimately becomes a sort of impersonal, anonymous, neutral and violent will to power.¹²² On the one hand, Derrida acknowledges that "Levinas overwhelms 'ontology',"¹²³ on the other hand, he argues that the critique of Levinas to Heidegger is not legitimate. In his view, "there can be an order of priority only between two determined things, two existents." Insomuch as Being is nothing outside the existent, it "could in no way precede the existent, whether in time, or in dignity, etc."¹²⁴

Accordingly, Derrida points out: "Nothing is more clear, as concerns this, in Heidegger's thought. Henceforth, one cannot legitimately speak of the 'subordination' of the existent to Being, or, for example, of the ethical relation to the ontological relation. To precomprehend or explicate the implicit relation of Being to the existent is not to submit the existent (for example, someone) to Being in a violent fashion. Being is but the Being-of this existent, and does not exist outside it as a foreign power, or as a hostile or neutral impersonal element. The neutrality so often denounced by Levinas can only be the characteristic of an undetermined existent, of an anonymous ontic power, of a conceptual generality, or of a principle. Now, Being is not a principle, is not a principial existent, an *archia* which would permit Levinas to insert the face of a faceless tyrant under the name of Being. The thought of Being (of the existent) is radically foreign to the search for a principle, or even for a root (although certain images lead us to believe this, occasionally), or for a 'tree of knowledge'."¹²⁵

Derrida thinks that if every "philosophy," every "metaphysics" has always sought to determine the first existent, the absolutely and truly *archi-existent*, then the thought of the Being of the existent is not so-called metaphysics or first philosophy. And if ontology is another name for first philosophy, it is not even ontology. Thus, Derrida declares that "since it is not first philosophy concerned with the *archi-existent*, that is, the first thing or first cause which

¹²¹ Ibid.

¹²² Ibid.

¹²³ Ibid., p. 135. Derrida says: "Levinas' phrase overwhelms 'ontology': not only would the thought of the Being of the existent have the impoverished logic of the truism, but it escapes this poverty only in order to seize and to murder the Other. It is a laughably self-evident but criminal truism, which places ethics under the heel of ontology."

¹²⁴ Ibid., p. 136.

¹²⁵ Ibid.

governs, then the thought of Being is neither concerned with, nor exercise, any power. For power is a relationship between existents.”¹²⁶ “The thought of Being is neither ontology, nor first philosophy, nor a philosophy of power. Foreign to every first philosophy, it is not opposed to any kind of first philosophy. Not even to morals, if, as Levinas says, ‘morals is not a branch of philosophy but first philosophy’ (*Totality and Infinity*).”¹²⁷

Analogous to the critique of Levinas to Husserlian transcendental phenomenology, Derrida argues that the critique of Levinas to Heidegger is not legitimate. On the contrary, Levinas should make use of the thought of Being in Heidegger as a theoretical foundation for his own ethical metaphysics: “Not only is the thought of Being not ethical violence, but it seems that no ethics – in Levinas’ sense – can be opened without it. Thought – or at least the pre-comprehension of Being – *conditions* (in its own fashion, which excludes every ontic conditionality: principles, causes, premises, etc.) the *recognition* of the essence of the existent (for example someone, existent *as* other, *as* other self, etc.). It conditions the *respect* for the Other *as what it is*: other. Without this acknowledgement, which is not a knowledge, or let us say without this: ‘letting-be’ of an existent (Others) as something existing outside me in the essence of what it is (first in its alterity), no ethics would be possible.”¹²⁸

Conclusion

The Other is infinitely transcendent, unknowable, and irreducible. He appears under a face. The face is the very locus of the Other’s epiphany, is the way in which the Other presents himself, is the trace of the Other. Inasmuch as the Other is unique and irreducible, the face is unique and irreducible. The Other is the absolute other. In front of the absolute other, of the Good, I realize my lowliness and finitude. The relationship of the I with the Other is the face-to-face relationship; it may be seen as looking up or looking down. The Other is higher than I am, he questions and blames me for the priority as the same, and he ordains me to take responsibility for him in his face of nudity and poverty, frankness and helplessness. The Other is the stranger, the vagrant, the homeless, the disabled, the widow, the orphan; it is the one to whom I am already indebted, to whom I am already sinful. In the restless proximity of the Other, in the anarchical obsession of the Other, in the pre-history of the ego, I have been accused and persecuted, have been kidnapped as a hostage of the Other, as a substitution for the Other. I am elected by the Other, am chosen by the Good, I am the unique, irreplaceable; I can substitute

¹²⁶ Ibid., p. 137.

¹²⁷ Ibid., p. 137.

¹²⁸ Ibid., pp. 137-138.

myself for all of the Others, but no one can substitute himself for me. I am a hostage of, and in substitution for all the others; indeed, I am the *sub-jectum* of all the responsibilities provoked by all the others. To take responsibility for the Other is my innate obligation, I cannot decline, evade, or shift from it. I am complete passivity!

This is the ethics of Levinas. Maybe one would ask: where is my status and right as a human being? Where is my freedom? Do I commit an unpardonable crime only because I am a *Da-sein*, I occupy a "Da"? Why can I not have my own "Da," my own place, my own homestead, insomuch as I am a person like the Other? Why does my "*Da-sein*" mean necessarily that I occupy the place of the Other, deprive of the living space of the Other? Why cannot the Other be responsible for me, but only I am responsible for the Other? Even though the logic of Levinas is not the logic of utilitarianism and pragmatism, that is, "*One for all, all for one,*" does not the asymmetrical and unilateral relationship of responsibility between me and the Other means the enslavement and tyranny of the Other over me? Am I not an innocent victim, a means of the Other to make his aim come true? Does it not mean that the Other has not the sense of responsibility in the sense that I am kidnapped as a hostage by the Other to substitute for him to take responsibility for another, to expiate for his sin? Why cannot we recognize one another, respect one another, and take responsibility for one another under the premises of equity of the right to the obligation? Does morality have the value or necessity to exist if my responsibility for the Other originates not from my free will but from my fear of the Other; if morality is nonsense in a world in which there is only obligation, only responsibility?

Indeed, these questionings are more or less reasonable, but if we criticize the thought of Levinas from the outside, the efficacy of the critiques would therefore be weakened or annulled, because the radical difference of Levinas' ethics from Socrates and Kant lies in the supremacy and primacy of the Other over the ego, the self. For Socrates, "one must *know* the good – determine maxims of behavior in conformity to the principle of noncontradiction and universal law – before doing the good."¹²⁹ Despite the primacy of ethics or, in his terminology, "the primacy of practical reason," Kant "nevertheless succumbs in his ethical account of morality and justice to the primacy of science, knowledge, and truth."¹³⁰ Therefore the ethics of Socrates and Kant are essentially "rational ethics," the ethics of rationality or science. But for Levinas, in contrast to both Socrates and Kant, ethics should be understood

¹²⁹ Richard A. Cohen, *Levinasian Meditations: Ethics, Philosophy, and Religion* (Pittsburgh and Pennsylvania: Duquesne University Press, 2010), p. 6.

¹³⁰ *Ibid.*

not rationally but ethically; indeed, the relationship of the Other with the self is neither ontological nor epistemological, but ethical. The ethical relationship of the Other with the self is in principle the relationship of responsibility. It is not the Other which takes responsibility for the self, but the self takes responsibility for the Other. This kind of relationship is not symmetrical but asymmetrical. For Levinas, morality is as difficult as freedom, because “no one is good voluntarily,”¹³¹ only through emphasizing the absolute height and the extreme exigency of the Other, through persecuting and kidnapping the ego, that is to say, only if the self is chosen by the Good or goodness, can a genuine moral subject, a responsible subject come into being. Only then can an authentically ethical relationship between the Other and the self be ultimately possible. And, only then can the human ideal of cosmopolitanism and lasting peace not be merely an entirely imaginary utopia, but a real probability of better days to come.

Finally, we also need to keep in mind Paul Ricœur’s important consideration: “Between fleeing responsibility for the consequences and an inflation to an infinite responsibility we must find the just measure and repeat with Spämann, the Greek precept: ‘nothing in excess’.”¹³² Because, “to take charge of the totality of effects is to turn responsibility into a kind of fatalism in the tragic sense of the word, even into a terrorist denunciation: ‘You are responsible for everything and guilty of all!’”¹³³

¹³¹ E. Levinas, *Otherwise than Being or Beyond Essence*, p. 11.

¹³² Paul Ricœur, *The Just*, trans. by David Pellauer (Chicago and London: The University of Chicago Press, 2000), p. 34. In his very famous article “The Concept of Responsibility: An Essay in Semantic Analysis,” Paul Ricœur made a semantic analysis of the concept of responsibility at large insofar as the usage of responsibility in juridical, ethical, and moral context. In his view, the relationship of obligation with responsibility in the sense of juridical imputation has been excessively moralized, and Levinas’ ethics of infinite responsibility for the Other appears to him as a typical example of the moralization of responsibility. Indeed, we must attend to the usage of responsibility in Levinas’ philosophy very carefully. For Levinas, juridical responsibility is certainly real and concrete, but as such *ethical responsibility* remains abstract, metaphysical responsibility. Furthermore, ethical responsibility is also different from moral responsibility, in fact, there is no place for moral responsibility in Levinas’ ethics, inasmuch as the responsibility for the Other stems not from active free will, but from passive obsession, accusation and persecution by the Other. In other words, ethical responsibility appears as if having nothing to do with morality. If we look back at Paul Ricœur’s analysis from the perspective of Levinas, maybe Levinas would think that Ricœur still holds the way of thinking of the Western philosophical tradition inasmuch as Ricœur supposes that freedom, or free will, precedes responsibility. But for Levinas, responsibility always has priority over freedom and in that sense ethical responsibility precedes all of the real, and concrete instances of responsibility. Indeed, the former founds the latter. Cf., *Ibid.*, pp. 11-35.

¹³³ *Ibid.*, p. 32.

Levinas and Confucius on Responsibility

NGUYEN TAI DONG

Ethics understood as first philosophy can be easily incorporated into the mainstream of the Vietnamese philosophical tradition. Some Chinese philosophers are also inspired by Levinas, when they see that he focuses on ethics and takes it to be «first philosophy», and so tend to favour him in regard to Husserl's epistemological or Heidegger's ontological approaches. Since Levinas regards ethics as the first philosophy, the beginning point of philosophy should be community, not individuals; many scholars – “New Confucians” – pay attention to the thought of Levinas and try to ascertain what he really thought.¹

There are many similar points between Levinas and Confucius; it is easy for us to interpret the thought of Levinas using the concepts of Confucianism. On the contrary, we can also hermeneutically approach Confucian philosophy from within a Euro-American cultural context. Levinas and the Confucian tradition may open a new way for understanding responsibility and social responsibility. The rich and profound insights of Confucius and Levinas on responsibility may not necessarily be *the* road, but they might well be light posts on a road to a better world.

Levinas on Responsibility

Levinas criticizes Heidegger's ontology as yet a “philosophy of power.” For the Jewish philosopher, the “egoism” of ontology is maintained even when, denouncing Socratic philosophy as already forgetful of Being and already on the way to the notion of the “subject” and technological power, Heidegger finds in Pre-Socratic thought obedience to the truth of Being. This obedience

¹ A Taiwanese philosopher, Chung-ying Cheng (成中英) points out that Levinas is richly meaningful for Chinese Philosophy in three major areas: firstly, in ethics; secondly, in the issue on how to understand human existence; thirdly, in transcendence. Chung-ying Cheng, *Preface: Levinas for Chinese Philosophy*, The Hangzhou International Conference on Emmanuel Levinas, Zhejiang University, 11-13 September 2006, pp. 545-546.

would be accomplished in existing as builder and cultivator, effectuating the unity of the site which sustains space (...) Ontology becomes an ontology of nature, impersonal fecundity, a faceless generous mother, matrix of particular beings, the inexhaustible matter for things.”² In Levinas’ view, this philosophy was born to protect the totalitarianism of the State, in which the so-called truth or universality could make man heartless or inhumane.

Levinas’ main work *Otherwise than Being or Beyond Essence* was born out of his experience during the Holocaust: “To the memory of those who were closest among the six million assassinated by the National Socialists, and of the millions on millions of all confessions and all nations, victims of the same hatred of the other man, the same anti-semitism.”³ Related to this dedication is, no doubt, the suspicion raised against Heidegger as he puts Being and ontology at the center of his thought⁴. While claiming that Heidegger ontology is inhuman, Levinas states that ethics is more important than ontology, ethical issues are more important than the ontological ones and responsibility remains the ethical center of every human being. Etymologically speaking, responsibility originates from the word response and Levinas understands that philosophy is an ethical response to the other and so constitutes the proper foundation that guarantees the perseverance of the human as an ethical being. This is evident when Levinas discusses the notion of the face. For him, man is not an insensible being, but a being with the variety of specific sensibilities, which are manifested in the voice of the face. As he explains, “[A] face is a trace of itself, given over to my responsibility, but to which I am wanting and faulty. It is as though I were responsible for his mortality, and guilty for surviving.”⁵ For Levinas, the first voice of the face is the voice of life, the voice that rejects brutality and death, the voice of the biblical “thou shall not kill,” of the command “do not kill me.”⁶ A face is understood as naked and without any protection: “A face approached, a contact with a skin – a face weighted down with skin, and a skin in which, even in obscenity, the altered face breaths – are already absent from themselves, fallen into the past with an unrecuperable lapse. The skin caressed is not the

² Emmanuel Levinas, *Totality and Infinity*, trans. Alphonso Lingis (Pittsburgh: Duquesne University Press, 1969), p. 46.

³ Emmanuel Levinas, *Otherwise than Being or Beyond Essence*, translated by Alphonso Lingis (Duquesne University Press, Pittsburgh, Pennsylvania, 2009⁸), dedication.

⁴ Richard Cohen wrote: “Defending this inspiration toward transcendence, uncovered at the heart of subjectivity, he writes, «Every civilization that accepts being – with the tragic despair it contains and the crimes it justifies – merits the name ‘barbarian’.» Being, a *fatalism* without *moral resources*.” Richard Cohen, *On the Way to a Levinas Inspired Psychology for the Other*, “On Escape,” in *European Journal of Psychotherapy*, Vol. 7, Numbers 1-2, March-June, 2005.

⁵ Emmanuel Levinas, *Otherwise than Being or Beyond Essence*, p. 91.

⁶ Emmanuel Levinas, *Stanford Encyclopedia of Philosophy*, *ibid*.

protection of an organism, simply the surface of an entity; it is the divergency between the visible and the invisible, quasi-transparent, thinner than that which would still justify an expression of the invisible by the visible.”⁷

In this understanding, moreover, the face is not to be confused with the manifestation of glory and power, but rather as the expression of the most vulnerable in society: orphans, widows, miserable people... Responsibility, thus, appears as the response to the voices of those faces, the manifestation of readiness in front of the other: “here I am.” The is always the face of the Other. According to Levinas, therefore, the face constitutes the foundation of the relationships between man and man, the ethical foundation for the others and the very foundation of responsibility. For Levinas, responsibility is implemented through openness to the face of the others, the invitation of the others: “(...) face facing me, in its expression – in its mortality – summons me, demands of me, requires me: as if the invisible death faced by the face of the other – pure alterity, separate, somehow, from any whole – were ‘my business’. (...) It is precisely in that recalling of me to my responsibility by the face that summons me, that demands me, that requires me – it is in that calling into question – that the other is my neighbor.”⁸ Face-to-face presents a fundamental experience of humanity which necessarily leads to one’s sense of responsibility and generosity or hospitality toward others in oneself.

Levinas understands that the phenomenology of Husserl and Heidegger fails to think of the other as Other. Traditional ontology, which concentrates on individual subjectivity, could not be considered as “first philosophy.” The first philosophy is neither traditional logic nor metaphysics, but the ethics of ethics.⁹ Levinas argues for ethics as the “first philosophy” rather than ontology, because ethics is the basis of this inter-subjectivity based on human relation and because only ethics can truly account for the existence of the Other. People are human beings when they are in others’ arms. Responsibility is at the center of all interpersonal relationships; as such, it remains foundational for ethics.

Levinas’ conception of *response-ability* has the sense of a selfhood narrative, in that the I is obliged to *respond* to the face of the Other, the Infinite, and my response always depends on communication with others. This setting

⁷ Emmanuel Levinas, *Otherwise than Being or Beyond Essence*, p. 89.

⁸ Emmanuel Levinas, *Alterity & Transcendence*, trans., Michael B. Smith (New York: Columbia University Press, 1999), p. 24.

⁹ “Jacques Derrida pointed out in 1967 that ‘Levinas does not want to propose laws or moral rules (...) it is a matter of [writing] an ethics of ethics’. An ethics of ethics means, here, the exploration of conditions of possibility of any interest in good actions or lives. In light of that, it can be said that Levinas is not writing an ethics at all. Instead, he is exploring the meaning of intersubjectivity and lived immediacy in light of three themes: transcendence, existence, and the human other.” “Emmanuel Levinas,” *Stanford Encyclopedia of Philosophy*, *ibid*.

of narrative ensures the inter-human relationship, such that Levinas develops the notion of human relationships in his interpretation of “saying” and response-ability. In order to maintain this inter-human relationship, my response-ability has the purest sense of passivity in terms of substitution. It is such relationship that Levinas designates by terms such as “humanity” and “subjectivity.”¹⁰

Responsibility is the ability to respond. Hence the importance of emphasizing the moral responsible subject, the one *for the other* before *for itself*. As Richard Cohen explains the evolution of Levinas’ thought, he writes: “In 1974, in his second major work, *Otherwise than Being or Beyond Essence*, he builds on his previous works, now emphasizing less the otherness of the other person, the theme of *Totality and Infinity*, and concentrating more on the meaning of the introjection of that otherness on the morally responsible self, the self that is *for-the-other* before it is *for-itself*. In that great endnote to Chapter III of *Otherwise*, he says, ‘The soul is the other in me’.”¹¹

Responsibility in the Confucian Perspective

Confucius does not use the notion of “responsibility,” but he and his followers have a clear opinion on the meaning of responsibility. Some scholars believe that Confucianism is one of the two traditions that emphasize human responsibility¹² and even consider that Confucianism has an important role to play in the future of Capitalism.¹³

The first manifestation of responsibility in Confucianism goes back to its effort to put the human being in relation to community and so de-emphasizing the importance of the individual. As a representative of East Asian Philosophy, Confucianism pays particular attention to the two famous ways, that is, the way of Heaven and the way of Man, the “Inner Sage and Outer King.”¹⁴ While Inner Sage means the inward way to cultivate the self and

¹⁰ Emmanuel Levinas, *Otherwise than Being or Beyond Essence*, p. 46.

¹¹ Richard Cohen, *On the Way to a Levinas Inspired Psychology for the Other*, *ibid*.

¹² “The contemporary promotion of the Confucian virtue of humaneness is especially important now because Confucianism is one of the two influential traditions to emphasize human responsibility for social structures as well as personal action. The other tradition is the Western Enlightenment thought that has become attached to the rationalism of the capitalist market economy, which is inhumane.” Robert Cummings Neville, *Ritual and Deference: Extending Chinese Philosophy in a Comparative Context*, State University of New York Press, 2008, p. 102.

¹³ “In fact, if Capitalism were to be guided, not by an “invisible hand” as Adam Smith would wish, but by a Confucian ethic of social responsibility, the world would be on a more harmonious path.” Justin Philcox, *Confucian Capitalism?* August 15, 2011.

¹⁴ “Inner Sage and outer King” appeared for the first time in *Chuang-tzu* and then has been popularly used in Confucian literature.

establish the virtue of the sage, the Outer King represents the outward way to use virtue to rule the country and practice the way of the King in society.

This view appears clearly expressed in the *Great Learning* – one of the ‘Four Books’ of Confucianism. The First chapter of the Great Learning points out three great guidelines including Inner Sage and Outer King: 1. manifesting virtue, 2. loving the people¹⁵ and 3. resting in the highest good or excellence. These three purposes have been concretized from inward to outward in eight main points or contents including: investigating things, extending, to the utmost, one’s knowledge, being sincere in one’s thought, rectifying one’s heart, cultivating one’s self, regulating one’s family, ordering well the state and pacifying the world. In other words, in order to achieve the state of the inner Sage, man has to cultivate his personal morality in accordance with the ethical criteria and standards set up by Confucius and his disciples in the form of Five Constants (Wu-ch’ang or Five virtues of human behavior: benevolence, righteousness, proprieties, (wisdom and fidelity) and other virtues of courage, truthfulness, humility, etc. The practice of the King’s way consists in ruling the country in accordance with fundamental principles and methods in order to achieve good inter-relationships among peoples. Hence the importance of asking about that condition that makes for good inter-relationships between people and how such relationships can effectively be achieved?

A good condition for people, according to Confucianism, is a harmonious society with three dimensions: man to nature, man to man and man to himself. In the relation with nature, Confucianism claims that man originates from nature and therefore, man and all social relationships are part of nature and ought to follow the laws of nature. The conception of ‘trinity’ (Heaven-Earth-Man) pays attention to the reciprocity between man and outer objects, as well as affirms the importance and proactiveness of man in his relation to nature. Within the social relations (man to man), apart from addressing the solutions to economic issues and the basic needs of people’s livelihood such as “making people wealthy first and then educating them,” “allowing people to have property first and cultivate their minds later,” Confucianism focuses on the moral relations between man and man, or more concretely, the relations within the state and families. Those relationships are manifested in three main bonds: between ruler and minister, father and son, husband and wife, in which the authority of ruler over the minister, the authority of the father over the son and the authority of husband over wife are affirmed, and the Five Constant Virtues (righteousness on the part of the father, love on the part of the wife, brotherhood on the part of elder brother, respect on the

¹⁵ Or renovating the people, as translated in some other versions.

part of younger brother, and filial piety on the part of the son).¹⁶ Confucius always seeks harmony with other people: “When the Master was in company with a person who was singing, if he sang well, he would make him repeat the song, while he accompanied it with his own voice.”¹⁷ “The Master said, ‘Those who are without virtue cannot abide long either in a condition of poverty and hardship, or in a condition of enjoyment. The virtuous rest in virtue; the wise desire virtue.’”¹⁸

In the Confucian worldview, cultivating oneself is a precondition to harmonizing one’s own family, which is, in turn, a precondition to governing well one’s own State, which is, in turn, a precondition to bringing peace to the entire world.¹⁹ It means that one needs first to cultivate oneself so as to bring peace and security to his/her extended family, fellow citizens, and eventually to the people of the entire world.²⁰

¹⁶ In *The Analects*, these relations are mentioned implicitly, but later, Mengzi generalizes these five relationships in *Mengzi* Book 3A4: “There is a *dao* that common people follow: if they have food enough to eat and clothes enough to wear, they sit in idleness and pursue no learning, little different from birds and beasts. Yao brooded over this as well, and he appointed Xie to be Minister of the People and teach them about proper human relationships – about affection between father and son, righteousness between ruler and minister, the proper divisions between husband and wife, the precedence of elder and younger, and the faithfulness of friends.” *Mencius*. Indiana University, Early Chinese Thought [B/E/P374] – Fall 2010 (R. Eno), p. 36.

¹⁷ *The Analects of Confucius*, 7.31.

¹⁸ *The Analects of Confucius*, 4.2.

¹⁹ “Only after affairs have been straightened out
may one’s understanding be fully extended.
Only after one’s understanding is fully extended
may one’s intentions be perfectly genuine.
Only after one’s intentions are perfectly genuine
may one’s mind be balanced.
Only after one’s mind is balanced
may one’s person be refined.
Only after one’s person is refined
may one’s household be aligned.
Only after one’s household is aligned
may one’s state be ordered
Only after one’s state is ordered
may the world be set at peace.”

(*The Great Learning, The Eight Stages*, translated by R. Eno, Indiana University, Early Chinese Thought [B/E/P374] – Fall 2010.)

²⁰ “Tsze-lu asked what constituted the superior man. The Master said, ‘The cultivation of himself in reverential carefulness’. ‘And is this all?’ said Tsze-lu. ‘He cultivates himself so as to give rest to others’, was the reply. ‘And is this all?’ again asked Tsze-lu. The Master said, ‘He cultivates himself so as to give rest to all the people. He cultivates himself so as to give rest to all the people: even Yao and Shun were still solicitous about this’.” (*The Analects of Confucius*, 14.45.)

In the relation between man and his self, Confucianism focuses on the cultivation of the inner self and perfection of the self. Everyone must learn, not only theoretically but also practically, to cultivate the basic virtues of benevolence, righteousness, proprieties, wisdom and fidelity, among which benevolence (*ren*) is both a virtue and the foundation for all other virtues. We can see the spirit of Confucianism in this Golden Rule: “Never do to others what you would not like them to do to you.”²¹ Confucius also says: “A man of humanity is one who, wishing to establish himself, helps others to establish themselves and who, wishing to gain perception, helps others to gain perception.”²²

According to Confucianism, through the cultivation of moral seeds endowed by Heaven, especially the cultivation of benevolence, man can overcome himself and become perfect. This is why Confucius teaches consistently the Way of Virtue when he says, “Virtue is never solitary; it always has neighbors.”²³ Confucius’ personal conviction of his life, “at fifteen, I set my mind upon learning; (...) and at seventy, I could follow my heart’s desires without overstepping the bounds of propriety,”²⁴ is not a simple personal confession of his life; rather, it demonstrates his comprehension of humanity.

According to Confucianism, *Li* (propriety) and *Zhengming* (rectification of names) are needed in order to build an ideal society as mentioned above or to practice the King’s way. As one of the cardinal virtues in Confucianism, *Li* (propriety) is usually understood as the principle of social order and hierarchy. Confucius, the founder of Confucianism, paid particular attention to *Li* and considered it as both the criterion and measure to construct a harmonious and good society. As Confucius claimed, *Li* has the following contents: *first*, *Li* is used to regulate human relations in society. You Ruo, a Confucian disciple, said: “Among the functions of propriety (*li*) the most valuable is that it establishes harmony. The excellence of the ways of ancient kings consists of this. It is the guiding principle of all things great and small. If things go amiss, and you, understanding harmony, try to achieve it without regulating it by the rules of propriety, they will still go amiss.”²⁵ *Second*, *Li* is the expression of ethical norms and the scale of values in society. Confucius used to make *Jen* and *Li* identical when he said: “If a man is not humane (*Jen*), what has he to do with ceremonies? If he is not humane, what has he to do with

²¹ *The Analects of Confucius*, 15.23. Or: “What you do not want done to yourself, do not do to others” (*kỷ sở bất dục vật thi ư nhân*).

²² *The Analects of Confucius*, 6.28. Or: “Now the man of perfect virtue, wishing to be established himself, seeks also to establish others; wishing to be enlarged himself, he seeks also to enlarge others.”

²³ *The Analects of Confucius*, 4.25.

²⁴ *The Analects of Confucius*, 2.4.

²⁵ *The Analects of Confucius*, 1.12.

music?"²⁶ *Third*, Li are the norms, rules and rituals to urge man to follow the right way. Confucius said: "The superior man extensively studies literature (wen) and restrains himself with the rules of propriety. Thus he will not violate the Way."²⁷

Confucianism insists that the practice of *Zhengming* (rectification of names) is necessary in order to bring order, morality and harmony to society. Confucius stressed the social roles and asked that names (position, role, privilege) must go together with performance (competence, duty and responsibility). Everyone should strive to play his proper role in the social hierarchy: "Let the ruler be ruler, the minister be minister, the father be father, and the son be son."²⁸ Therefore, the rectification of names is the foundation for social management: "Tzu-lu said, 'The ruler of Wei is waiting for you to serve in his administration. What will be your first measure?'" Confucius said, "It will certainly concern the rectification of names." Tzu-lu said, "Is that so? You are wide of the mark. Why should there be such a rectification?" Confucius said, "Yu! How uncultivated you are! With regard to what he does not know, the superior man should maintain an attitude of reserve. If names are not rectified, then language will not be in accord with truth. If language is not in accord with truth, then things cannot be accomplished. If things cannot be accomplished, then ceremonies and music will not flourish. If ceremonies and music do not flourish, then punishment will not be just. If punishments are not just, then the people will not know how to move hand or foot.

Therefore, the superior man will give only names that can be described in speech and say only what can be carried out in practice. With regard to his speech, the superior man does not take it lightly."²⁹ According to Confucianism, the superior man is the one which is highly virtuous and maintains harmonious relationships with other men and nature; Li (propriety) and *Zhengming* (rectification of names) are needed in order to build an ideal society.

Shi Xie (137-226), a Chinese official in Jiaozhi, was one of the first propagators of Chinese Confucianism to Vietnam. However, it took a long time for Confucianism to penetrate into the life of Vietnam's society and then undergo the process of indigenization to become Vietnamese Confucianism. Vietnamese Confucianism absorbed, shared and implemented basic concepts of Chinese Confucianism. However, the basic concepts of Chinese Confucianism received new meanings or were restructured into a new system. What is more important is that some Vietnamese Confucian scholars, especially

²⁶ *The Analects of Confucius*, 3.3.

²⁷ *The Analects of Confucius*, 6.25.

²⁸ *The Analects of Confucius*, 12.11.

²⁹ *The Analects of Confucius*, 13.3.

those great scholars who stood on the practical situations of Vietnam to evaluate and propose solutions to the problems and challenges faced by the country and the people at that time, paid particular attention to the issues of the Way to become human, including the issue that we now call social responsibility. Vietnamese Confucian scholars evaluated humans mainly from the ethical angle rather than the angle of power or interest inasmuch as the human being is to be respected not because of his wealthy status but rather on account of the proper attitudes toward others and society, including sacrificing private interests in favour of the nation. This, for example, is the kind of spirit that President Ho Chi Minh received from Confucianism, namely “total dedication to the public interest and complete selflessness.”

After more than a thousand years, Vietnam regained its independence in the beginning of the 10th Century. This important event shows that Vietnam has not only a vehement will to freedom and the spirit of undauntedness, but also a solid system of thought serving as the foundation for its enduring and heroic struggle against foreign invaders. The Vietnamese have struggled from generation to generation for their national independence and reconstruction of their traditional culture handed by their ancestors from the time of Hung’s Kings. As Vietnamese Confucians in the 12th Century remarked on the rebellion of Trung’s Sisters in *Thien Nam ngu luc* “the first thing is to take the national revenge and the second is to restore the Cause of Hung’s Kings”³⁰. The Cause of Hung’s Kings is the cultural foundation of the Vietnamese and the inner vitality of the nation.

The system of thought of the Vietnamese at that time was manifest, first, in the reflections of the people themselves, and their responsibility toward the nation. The sense of community, the awareness of a common origin of the Viet and their national sovereignty are expressed clearly in the tale of “One Hundred Eggs” associated with the King Lac Long Quan, a descendant of dragons, who marries the fairy Au Co. Apart from the affirmation of the national spirit, the tale also expresses the humane nature of the Viet society, which is not a kind of simple aggregate of separate individuals but an organic community bound by blood ties and holy relationships. In the tale ‘compatriot’ means the descendants from the same original womb.

After regaining independence, especially after the ‘upheaval of twelve’ the need for a unified society became more pressing for the Vietnamese. The influence of Chinese culture was not quite symmetrical with a period of more than 1,000 years of Chinese domination. However, when the Viet regained their sovereignty, they actively acquired some outstanding achievements of the Han culture in order to safeguard their national independence and

³⁰ *The History of Vietnam*. The Tertiary Education Publishing House, Hanoi, 1993.

construct their social life. The Viet not only actively acquired Chinese political institutions, social structures and educational systems, but also approached, transformed and developed some fundamental concepts of Chinese Philosophy to make them appropriate to the conditions of Vietnam. Chinese Philosophy was known by the Viet mainly through the teachings of Chinese Confucianism, Taoism and Buddhism. Building on the foundation of traditional thought and culture of Vietnam some outstanding Vietnamese Confucian scholars like Chu Van An, Nguyen Trai, Le Thanh Tong, Nguyen Binh Khiem, Nguyen Du, Phung Khac Khoan, Le Quy Don, Le Huu Trac, and Ngo Thi Nham acculturated Chinese Confucianism in order to address and find solutions to the problems raised by the reality of Vietnam. The Viet were able to form their own form of Buddhism by the end of the 13th Century through their acculturation of Indian and Chinese Buddhism. In following the teaching of the Buddha, this Vietnamese sect of Buddhism, known as Truc Lam's Zen Buddhism, has actively engaged with the problems and issues of the real life-world of the Viet.

The intellectuals of Vietnam in the past, regardless of their ideological stances and differences in the interpretation of the world and human values, were united on the importance and necessity of national independence, the most important premise for the construction of a good and happy society. The nation as a whole recognizes clearly that only by being independent, sovereign, free, and united, could Vietnam gain stability, development and felicity. The yearning for freedom, peace and self-reliance has been a constant in the traditional thought of Vietnam. In his reply to the question raised by the King about the national affairs, Phap Thuan, a Vietnamese Zen Master, said:

*Like woven canes the nation's destiny stands
Peace now adorns the Southern sky
If mindful wisdom tends the Palace
All warring stops, all strife withers.*³¹

In his famous poem "Nam Quoc Son Ha," by many considered as the first Vietnamese Declaration of Independence, Ly Thuong Kiet affirmed:

*Over Mountains and Rivers of the South, reigns the Emperor of the South
As it stands written forever in the Book of Heaven
How dare those barbarians invade our land?
Your armies, without pity, will be annihilated.*³²

³¹ *Thien Uyen Tap Anh* (A Collection of Outstanding Figures of the Zen Community).

³² *Ly-Tran literature and poetry*. Vol. 1. The Social Sciences Publishing House, Hanoi, 1977, p. 321.

Many other basic concepts relating to the theme of national independence, freedom and peace were equally addressed in the works of famous Vietnamese Buddhist monks and Confucian scholars during that period of national construction.

Apart from the thought on national independence, the thoughts of benevolence and righteousness are among the most important ideas of the Vietnamese traditional thought relating to the concept of good relationships in society. An ideal society is the one, which is not only independent, unified, socially ordered but also righteous and benevolent. The thought of benevolence and righteousness has been a guiding thread for Vietnamese Confucianism in history. According to Nguyen Trai, “The benevolent uses weakness to control the powerful, and the just uses the few to fight against the many”³³ and “Uphold great justice to overcome barbarity, and uphold perfect humanity to challenge brute force.”³⁴ The thought of benevolence and righteousness acts not only as a policy guideline like ‘rule of virtue’ or ‘rule of Li’ in Chinese Confucianism, but also as the goal for the cause of national independence, and more than that, as the foundation for ethics and a criteria for human life. Thanks to the thought of benevolence and righteousness, Nguyen Trai in particular and other Confucians and leaders of Vietnam in general, were able to eradicate hatred and intolerance and practice the Way of Heaven. In Nguyen Trai the thought of benevolence and righteousness was also demonstrated in the amnesty given to surrendering troops to eradicate the source of future wars, and to leave an eternally kind image in their mind.

The thought of benevolence and righteousness was concretized in social relationships as the authentic way of being human. Nguyen Trai considered that to be human means first of all to have the virtues of benevolence, wisdom and courage. However, unlike traditional Confucians, Nguyen Trai also insisted that those virtues are not theoretical but should be implemented in concrete human life and embodied in human actions in order for man to be able to renounce all kinds of evil. Nguyen Trai’s thought on benevolence and righteousness became a life orientation, and a basic code of conduct for Vietnamese Confucians in later periods. King Le Thanh Tong, who was fond of Confucianism, once said that “eradication of brutality is the King’s benevolence.” Ngo Sy Lien, a famous historian, claimed that benevolence is the most revered virtue and that “to renounce life in order to follow righteousness is better than to live. To live in indignity is not what a great man wants.”³⁵ Though Mencius affirmed that human life is worth living, he also said that if

³³ Nguyen Trai, *Letter in reply to General Phuong Chinh*.

³⁴ Nguyen Trai, *Binh Ngo Dai Cao* (Great Declaration).

³⁵ *Dai Viet Su Ky Toan Thu* (Complete history record of Great Viet), vol. 1, p. 123.

a man has to choose between life and righteousness he should rather sacrifice life in order to choose righteousness.³⁶ Indeed, Ngo Sy Lien regarded righteousness as being more important than life since without righteousness life is only a mere physiological fact. In other words, it is righteousness that makes human life meaningful and authentic.

The concept of responsibility comes from the West but the notion as such is also prevalent in Confucianism. Some scholars even claim that Confucianism is one of the most important movements of ideas that emphasize social responsibility (the other would be European Enlightenment).³⁷ Both the East and the West emphasize social responsibility; however, there exist differences between the two traditions. I suggest that the West tends to locate social responsibility in groups rather than in individuals, while Confucianism tends to locate social responsibility in individuals. Gu Yanwu (1613-1682), a Confucian scholar at the beginning of Qing Dynasty, in his work "*Ri Zhi Lu*," famously declared in his social thought that *Everybody is responsible for the fate of his country* (which has been repeated many times by Liang Qi Shao). This was also the spirit of the tradition of Confucianism: Everyone bears responsibility for the prosperity of his or her country.

Social responsibility can exist only within the relationships between man and man. Man is human only in relation to others. Ethics cannot be separated from sociality. Therefore, responsibility can serve as the basis for all relationships, the foundation for ethics. Humanity is the foundation of human relatedness. On the contrary, the relationship between man and man is steadfastly bound by responsibility. In the thought of Confucius and Chinese Confucianism in general, the virtue of benevolence or "humaneness" – the concept of benevolence, is often regarded as identical with human being. According to the "*Theory of Chinese Character Study*," the word "Ren" (benevolence) means two persons and has the meaning of intimacy and close relatedness. Thus, to be benevolent means to live with others and behave towards the other with good will and good intention; indeed, benevolence is not only the outcome between two men or many men to each other, but also the fundamental aspect of the right Way to be human. That idea is strongly affirmed in the *Doctrine of the Mean*, where to act humanly means to be human" (仁者人也): "Ren" (humaneness) means human being and human being is the expression of humaneness. Confucianism confirms the view that being human means being benevolent and

³⁶ Mencius: "I like life, and I also like righteousness. If I cannot keep the two together, I will let life go, and choose righteousness."

³⁷ Robert Cummings Neville, *Ritual and Deference: Extending Chinese Philosophy in a Comparative Context*, State University of New York Press, 2008, p. 102.

regards it as the basis of life's value. Benevolence serves not only as the criterion for the ethical basis of the right way of being human, but also as the criterion for the real behavior of individuals living in society.

Confucianism pays particular attention to social relations and regards them as the starting points in the process of focusing on the morality of individuals, family and society. Confucianism regards man as a social being and proposes concrete ethical principles for every type of relations, which are fundamentally divided into the two realms of state and family. In the family, the key relations include the ones between parents and children, husbands and wives, as the ones between siblings. At the social level, the main relationships to be considered are the ones between king and subjects as well as the ones between friends and friends.

According to Mencius' famous notion of the Five Relationships, "When being a child, yearn for and love your parents; when growing mature, yearn for and love your sweetheart; when having a wife and child(ren), yearn for and love your wife and child(ren); when being an official (or a staffer), yearn for and love your sovereign." On his part, Dong Zhongshu institutionalized the so-called Three Cardinal Guides: "a ruler is a cardinal guide to a minister, a father a cardinal guide to a son, and a husband a cardinal guide to a wife." Later on, these Three Cardinal Guides were to become the cultural and ethical framework for Confucianism. As such, the Guides request from the subjects, children and wives to obey absolutely the king, fathers and husbands while at the same time king, fathers and husbands are supposed to serve as examples for subjects, children and wives.

How does traditional Confucianism understand social responsibility? First, social responsibility tends to be regarded as norm for ethical virtue. From an ethical point of view, the core of Confucian thought includes five cardinal virtues – "benevolence, righteousness, propriety, wisdom, and faithfulness" – five cardinal relationships and ten ethical norms of human relationships – "between father and sons, between the king and subjects, between husbands and wives, between siblings, between friends." Second, social responsibility is understood as duty towards the country: the ultimate aim of Confucian self-cultivation is the practical social life. In terms of human attitudes towards life, Mencius, on the one hand, focuses on inner cultivation, self-perfection and improvement of inner virtues, and on the other, pays attention to the "external realm," that is, the activities that serve the aim of helping others and stabilizing the country. The Way of the "inner sage, outer king" constitutes the very model oriented towards the activities of social responsibility of traditional Confucianism. Third, social responsibility is also seen in Confucianism from the perspective of the natural laws, whereby Confucian scholars attach social responsibility

to the belief on man's heaven-related destiny in order to find rational solutions to social change (as can be seen in the *I Ching*). The Confucian notion of a heavenly destiny contains the awareness of social responsibility understood in terms of the demand "to practice the Way on behalf of Heaven."

As stated above, the core of Confucianism is Benevolence. The founder of Confucianism attached Benevolence to the spirit of social responsibility. While talking about the relationship between Benevolence with human values and social responsibility, Confucius mentioned two kinds of comparative explanations: from the angle of pursuing the inner nature of man: "Wealth and high station are what men desire but unless I get them in the right way I would not remain in them. Poverty and low station are what men dislike, but even if I did not get them in the right way I would not try to escape from them. If the gentleman forsakes benevolence, in what way can he make a name for himself?" The gentleman never deserts benevolence, not even for as long as it takes to eat a meal. If he hurries and stumbles one may be sure that it is in benevolence that he does so." – *Lun yu IV*, 5). The gentleman is defined by benevolence, therefore he is also called the man of benevolence. And from the angle of human beings he must do his best to practice social responsibility: "If a man has no *benevolence* what can his propriety be like? If a man has no *benevolence* what can his music be like?" (*Lun yu III*, 3). The first view affirms that benevolence is the Confucian ideal of human life, the second one explains that benevolence is the principle of social responsibility. The core value of benevolence is that man expresses spontaneously his ethical consciousness and social responsibility in his relationships within family, society and the country: "Now the man of perfect virtue, wishing to be established himself, seeks also to establish others; wishing to be enlarged himself, he seeks also to enlarge others and to be able to judge of others by what is nigh in ourselves; – this may be called the art of virtue" (*Lun yu VI*, 28.3).

Vietnamese Confucians also pay particular attention to social responsibility. In the thought of Nguyen Trai, social responsibility becomes manifest, first, through patriotism. The category of patriotism, from a philosophical perspective, implies a human community, a nation, a country. Therefore, philosophically speaking, patriotism means the awareness of social responsibility towards compatriots, the national community, something that then is upgraded to the level of a theory. The particularity of Vietnam's patriotism comes to light mainly in the spirit of solidarity and protection of national sovereignty as well as of our national cultural identity. Patriotism is not limited to something within a psychological dimension or a sentimental respect; rather, it tends to become a theory, a real point of view, namely, the one that

puts at the center of attention national independence and sovereignty. Nguyen Trai mentioned cultural, territorial, customary, and historical factors among those that pertain to patriotism. Consensus appears in his thought as the driving force for construction and safeguarding of the country. According to Nguyen Trai, humanism becomes manifest in the view that regards the human being as the starting point for thought and considers human dignity as a central issue. Human heartedness is the foundation of human relationships; indeed, from the perspective of Nguyen Trai, the sociality of benevolence can be seen from the following angles: good will and understanding towards others; care for the common good; acting in accordance with the community's customs. The ultimate aim is to develop man all-around, especially the ethical aspect, the personal aspect, as well as making human life better and happier. Nguyen Trai's thought is one of tolerance and is endowed with the spirit of a deep humanism.

Nguyen Binh Khiem may appear as a world-renouncing Confucian, even though he remained strongly devoted to social affairs. As mentioned before, the spirit of care for the nation, loving the country and the people, keeping in touch with the world are important ideals of Vietnamese Confucianism, namely in that spirit of "Worry should be before, and joy must be after those of the people."³⁸ In Vietnam today, this kind of ideal continues to serve as one of paradigms implicit in the social formative process of Vietnam's man.

The Confucian scholars of later generations still preserve that tradition, from Le Quy Don to Ngo Thi Nham, Nguyen Cong Tru, Cao Ba Quat (...). The spirit of active participation in the world originates in the desire to help people. The spirit of "regarding the rise and fall of the nation concerns everyone"³⁹ (or everyone bears responsibility for the prosperity of society). This is one of the principles expressing the humane spirit and humane attitude of Vietnamese Confucianism. The ideal of "to establish a mind for heaven-and-earth; to establish the way for the people of today; to carry on the lost learning of the rages of yesterday; and to find the "Great Peace" for ten thousand generations"⁴⁰ has encouraged and supported the awareness of responsibility towards society and the spirit of responsibility towards the history of Confucian scholarship from generation to generation.

³⁸ 仲淹《岳陽樓記》：“先天下之憂而憂，後天下之樂而樂”

³⁹ 南史《孔休源傳》：“休源風範強正，明練政體，常以天下為己任。”

⁴⁰ Famous saying of North Sung Dynasty's Zhang Zai (1020-1077).

Responsibility Beyond Ontological Difference

JOLANTA SALDUKAITYTĖ

Thinking of ontological difference is one of the main directions of Martin Heidegger's thought. Heidegger makes clear that it is the ontological difference, the difference between Being [*Sein*] and entities [*Seiendes*] that makes possible or enables philosophy itself, philosophy understood as the thinking of being, being's thinking, the possibility of raising the question of being itself. The thinking of ontological difference for Heidegger is the way to avoid the forgetfulness of being and to overcome metaphysics. Ontological difference and the verbleness of being, the verbleness of the verb "to be," are also the most important moments in Heidegger for Levinas, though he does not follow Heidegger's ontological intention or direction of thinking. Emmanuel Levinas goes beyond the ontological difference, thinking *otherwise* than being.

Beyond Ontological Difference

We should keep in mind that raising philosophical questioning *otherwise* or beyond the ontological difference between being and entities, which is what Levinas does, does not refer to any place or object opposed to ontological difference. It is not an opposition but a leaving of the very logic of ontology as well as previous concepts of philosophy itself. Levinas' own thought can be seen not as an overturning of traditional thinking, not, that is to say, as a simple reversal or rejection of it, but as a radical re-evaluation of it and as such the source of a deeper reading. When Levinas deals with ontological difference, he really goes beyond it by approaching difference in an altogether different way. But Levinas' thinking is not simply negative, a critique of Heidegger and traditional philosophy. Levinas presents a radical and positive alternative.

His thought represents a shift away from the centrality of ontological difference to the priority of ethical difference. Obviously, then, Levinas, by shifting from the problematic of the origins of ontology to the significance of the primacy of ethics, has his own original conception of philosophy from the very beginning.

The overcoming of ontological difference and the move to ethical difference is already implicated in Levinas' early writings. Thinking of the difference was for Heidegger the way to think being in a new way. Levinas, like Heidegger, asks about being, but at the same time in a very different way than Heidegger. For Heidegger being is his main concern and the main concern of Western spirituality as a whole, while for Levinas it is one area of interest in philosophy, but in no way is it the central or primary dimension of philosophy. One might even say that where Heidegger ends, Levinas starts, except that Levinas' thought represents a shift away from Heidegger and is in no way a continuation or development of his thought. Thus, Levinas rejects even the most fundamental moves of Heideggerian thought, namely, the priority of being over entities, the subordination of entities to being, of existents to existence.

In *Totality and Infinity* (1961), as well as in an earlier text "Philosophy and the Idea of Infinity" (1957), Levinas talks about the necessity to overturn the Heideggerian structure of being-entities, ontology – metaphysics: "*Being before the existent*, ontology before metaphysics, is freedom (be it the freedom of theory) before justice. It is a movement within the same before obligation to the other. The terms must be reversed" (Levinas, 2007: 47). That might be understood as an attempt just to reverse or overturn the ontological difference but not to go beyond it. For some critics: Jean-Luc Marion (Marion, 2001), (Marion, 2005), Tina Chanter (Chanter, 2005), François Raffoul (Raffoul, 2005) this Levinasian position is recognized in his writings before *Otherwise than Being or Beyond Essence* (*Existence and Existents*, *Time and the Other* and sometimes even *Totality and Infinity*). They suggest that it is only in *Otherwise than Being or Beyond Essence* that Levinas finally is free from ontological structure and ontological language. Adrian Peperzak claims that it is already the case in *Totality and Infinity*: "Levinas' strategy is no longer the reversal of Heidegger's move from beings (and their essence) to Being, as he announced in the title of his early book *From Existence to Existents*, but it is an altogether new start" (Peperzak, 1993: 131). That would suggest some kind of discontinuity in Levinas' thought as well as the going beyond of ontological difference as not being implicated in his early writings.

Another possibility is to see that there is no discontinuity in Levinas' thought but rather development. Levinas himself (Levinas, 2004: 12), as well as some of his commentators, Marion (Marion, 2005: 313), Richard A. Cohen (Cohen, 1994: 135-136), Roger Burggraeve (Burggraeve, 2002: 36) are keen to indicate the stages of his thought. These are: (1) being without entities (*il y a*), (2) leaving anonymous being for the separate ego, (3) moving from separate ego to encounter with the face of the Other, responsibility for the Other. As Burggraeve points out in his study *Wisdom of Love*, the first two stages are

already seen in *Existence and Existents*, *Time and the Other* and so in such a way that “these works supply only the impetus for a third step, which virtually ‘exploded’ in Levinas’ first major work *Totality and Infinity*” (Burggraeve, 2002: 36). In this major work, we have Levinas’ third step which is completely achieved in his later book *Otherwise than Being or Beyond Essence*.¹ We might say that alterity in Levinas is more and more radicalized and difference is more and more personal and individual and removed from the thinking of ontological *indifference*. As Richard Cohen, borrowing and revising a metaphor used by Jacques Derrida (Derrida, 1995: 312), underlines, “the movement of Levinas thought is like that of waves (...), each wave pushing a bit further than the last, each venturing a more radical interpretation of alterity” (Cohen, 1994: 135). We tend to agree with this later position according to which from its very beginning Levinas thought was leading beyond ontological difference although not in the same manner. Perhaps we should say that Levinas’ thought unfolded in its proper depth over time, moving from the “*il y a*,” to “separated” being, to being-in-the-world, to the radical alterity of the face-to-face which is developed in *Totality and Infinity* and deepened and elaborated in all subsequent works. In the present paper we shall pay more attention to the later stage, that of ethics, where Levinas’ project is already fulfilled.

Good Beyond Being

“Otherwise than being,” beyond ontological difference, in Levinas’ philosophy is the *good beyond being*, *epekeina tes ousias* (Levinas, 2008: 95). Even if, in the Greek philosophical tradition, Levinas sees a fundamental aim to reach unity, for him more important is the transcendence of the platonic idea of the good. Especially in *Totality and Infinity*, Levinas follows Plato² and thinks beyond the totality of entities (beings), thinks, that is to say, the good beyond being. For Heidegger as well Plato’s idea of the good beyond being is important, but as Levinas points out, for Heidegger it is interpreted as being beyond entities (Levinas, 2007: 46-47), while for Levinas good “is” never equivalent or structured like being or essence. It is not understood as denial of essence (or being, as Levinas in his later works shows that for Heidegger being is

¹ As Peperzak stresses, Levinas after *Totality and Infinity* “had to choose between two possibilities: *either* he could have tried the way of a new analogy of Being by developing an ontology in which the personal, the intersubjective, and the human alterity would *not* have been forgotten or repressed, *or* he could try to exorcise all ontology from his writing and reflection, *or else* – if the second way was not possible, either – he would have to use ontology in order to overcome it by the refutation of its ontological meaning. What he chose was, in fact, a combination of the second and the third way” (Peperzak, 1993: 140-141).

² (Plato, 2001: 212a), (Plato, 1992: 484c), (Plato, 1995: 250c), (Plato, 2009: 61e, 117c).

essence), but rather as *dés-intéressement*, dis-interestedness, or *autrement qu'être*, otherwise than being, since it is being for the other (Levinas, 2008: 50). "The exception of the 'other than being', beyond not-being, signifies subjectivity or humanity, the *oneself* which repels the annexations by essence" (Levinas, 2008: 8). Otherwise than being means for Levinas that oneself is free from the anonymity of being, from its indifference and, thus, from a reduction to both ontological responsibility and aesthetic play as can be seen in the philosophy of the later Heidegger.

Even if for Levinas, as for Plato, the good is beyond being, Levinas rejects the *idea* of platonic good while he adopts the platonic *beyond*. The platonic idea of the good is too abstract, too disembodied, while Levinas' conception of the beyond, transcendence, is concrete: goodness comes to the subject from the face of the other. For Levinas good is a moral term, moral in the sense of ethics, while for Plato moral good is just one of many characteristics of the good, which is also beautiful, and true. *Otherwise* in Levinas' philosophy introduces not a new ontology, but being-for-the-other. That is to say, goodness itself which from the very beginning is always *moral* and not an abstract idea of the good. "To reduce the good to being, to its calculations and its history, is to nullify goodness" (Levinas, 2008: 18). Being for the other is ethical difference.

Good beyond being is not idea or essence but *beyond* in the sense of *better* (Levinas, 2006: 275). For Levinas beyond [*au-delà*] is not another world beyond this world but an irreducible transcendence, irreducible because moral (Levinas, 2006: 275).³ Good beyond being is the way ontological difference is overcome in Levinas' mature writings. It is not a switch from the priority of being to the priority of entities, but a going beyond this difference altogether. This beyond for Levinas is not entity or the essence of being. It demands to be thought in a different way, *otherwise* than being, *beyond* essence. Precisely the ethical dimension of this difference lets us see how the main philosophical question has been changed. *Die Frage nach dem Grund* appears as the fundamental question of philosophy from Leibniz to Heidegger. The question *Why there is something rather than nothing?* – what is the purpose, as it were, or the meaning of being to be? – emphasizes being as the main and only concern of Western metaphysics (Heidegger, 1998: 2), (Heidegger, 1995: 7). In addition, this question also allows Heidegger to raise the problem of the ground as the one of being itself (Heidegger, 1965: 92), while at the same time presupposing the real possibility of nothingness.

³ Here Levinas has in mind Plotinus and his conception of the One where being is just a trace of the One (Levinas 2006: 281).

For Levinas, in contrast, discusses the question of being not in a positive but rather in a negative or critical way. He seeks to leave behind being understood as universality (Aristotle), as well as being understood as ground (Heidegger). For him, philosophy as ontology “is reduction of the other to the same” (Levinas, 2007: 43). Levinas’ question is not that of Hamlet or Leibniz, “to be or not to be,” but an ethical question. As R. Cohen writes in his *Levinasian Meditations*, Levinas exceeds “the most philosophical of all oppositions, indeed the opposition that originally gave rise to philosophy and defined its parameters of thinking and being” (Cohen, 2010: 111). Levinas asks not why there is something rather than nothing, but rather why should I not commit a murder, or if indeed I do have the *right to be*. Such questioning moves the question of ground to the issue of the moral imperatives, of being responsible. It certainly leads us away from the the priority of freedom and confronts us with the priority of responsibility toward the other. The subject before having to be free has to be responsible. The *Grundfrage* is no longer the one about the ground of being, but rather *Why I shall not kill* (Levinas, 2001).⁴ In contrast to Heidegger’s project of “letting being be,” Levinas considers as the primary imperative the one of “letting the other be,” accepting “being-for-the-other” as prior to anything else (Levinas & Guwy, 2007: 125).

Levinas is able to make the radical claim that we must start from the goodness but not from the creation of the world. Rather, “[T]he creation of the world should start from the goodness (...) the world exists and is created through ethics” (Levinas & Guwy, 2007: 129). For Levinas, the statement about the *other* of being, or the “otherwise than being,” claims a “difference over and beyond that which separates being from nothingness – the very difference of the *beyond*, the difference of transcendence.” This refers as well to the “good beyond being” which is also infinity, and which for Heideggerian thought is impossible, or merely “ontic.” It is not denying, negating or dropping being as essence, but occurring otherwise, as being-for-the-other. Being for the other, goodness, cannot be explained through negativity. Responsibility does not negate its other but across language comes to the other in peace; it is a pacific relation. The main philosophical problem becomes not that of Hamlet or Leibniz, torn between being and nothing, being and not-being, but a moral concern regarding the right to be. By changing the basic philosophical question, changing the question of the ground for the ethical question, first philosophy becomes ethics not ontology, even if ontology is not denied.

⁴ For Derrida this rejection of the *Grundfrage* makes Levinas a kind of prophet, but not a philosopher (Derrida 1995).

Separation and Desire

Ethical difference is radical difference. Oneself and the other who are the main agents in this separation are never the same; they are different. However, this difference comes not from being out of touch; rather, it comes from their relation. Levinasian difference occurs as an inter-subjective relation. Accordingly, in order to understand the notion of difference in Levinas we must deal with that basic phenomenon which is time.

Relating time not to being, as in Heidegger's case, but to inter-subjectivity, to the other person, Levinas shows that the other person not only makes the subject free from the heaviness and self-enclosure of existence, by disturbing the subject, but also by granting a new temporality. The relation of time and the other shows a radical difference which cannot be reduced to identity, and so it can even be said that time is the possibility of all differences. Levinas' claim about the good, time, and inter-subjectivity, also involves desire: "the relation with the other does not consist in repeating the movement apart in a reverse direction, but in going toward the other in desire" (Levinas, 2007: 61). The transcendence of the other constitutes a "distance" which cannot be overcome: desire for the Desirable, the other person. The time of the other is never my time: I am always too late for the other. This shows not only difference, but also the condition of responsibility and guilt. The ethical relation in Levinas, therefore, is a time structured in terms of "diachrony." Through the diachronic deformation of time we see ethical subjectivity as otherwise than the ego-logical transcendental subject of Husserlian phenomenology or Cartesian rationalism. The Levinasian notion of time, by showing that temporality comes from outside the subject, from otherness, from inter-subjectivity, moves away from classical notions of time, and thus can be seen as a question posed to the Western philosophical tradition in its entirety. The inter-subjective relation is no longer the movement of the totality which Levinas recognizes in Husserl's structure of intentionality (Levinas, 2007: 251); in the relation between the same and the other, proximity and *séparation*, Levinas stresses the ethical meaning of *separation* – respect for the other, for the radical alterity of the other.

Ethical relations in contrast to ontological relations are able to preserve metaphysical transcendence through responsibility, which is never fully adequate to its obligations or duty. Metaphysical desire for the other becomes an orientation to infinity and transcendence. Levinas makes clear that separation coming from need must not be confused with separation coming from desire. Coming from unsatisfied needs, separation constitutes a fall, a temporal split in totality: a need can be satisfied, the hungry person can be fed. Metaphysical desire, in contrast, moves to radical otherness, desire for the well being of another, for the alleviation of the other's suffering, an

other whose well-being and whose suffering escapes my comprehension. By expanding or using the structure of the Cartesian notion of infinity (without Cartesian rationalism or dualism), Levinas shows that the otherness of the other person exceeds my idea of the other. Even if limited separate being is the necessary condition for infinity and exteriority. Levinas claims that infinity is not an opposition to finitude. If infinity would be just an opposition then exteriority would disappear in a dialectic play where opposites call for and mirror one another. The relation of the finite to the infinite is not cognitive, however, but ethical, such that Levinas' idea of infinity is a social relation which arises in the encounter with the other person. Seeing infinity in the face of the other does not denigrate finitude but rather is shown, in its difference, as the subject's non-indifference to the other. Infinity refers not to lack but to surplus, to metaphysical desire, which by desiring does not become empty but evermore increases in desire.

Having taken into account Heidegger's criticism of metaphysics, and the so-called "end of metaphysics," Levinas nevertheless returns to metaphysics. In contrast to most post-modern critics of metaphysics, Levinas does not seek its destruction or deconstruction, but instead seeks to find a positive meaning for it. In contrast to Heidegger, Levinas claims that the mistake of metaphysics was not a matter of asking about being in the wrong way, but rather that the question of being itself is not the basic or sole concern of philosophy. The basic difference from which the tradition begins is not ontological difference but ethical difference, so other questions have priority over such matters as the question of being, the problem of ground, and the essence of truth. Ontological difference remains morally indifferent; it does not even reach and actually excludes the ethical problematic. In the case of Levinas, metaphysics is simply directed toward and by ethics.

The Levinasian critique of the Western philosophical tradition can thus be named, analogously to Heidegger, "forgetfulness," but instead of forgetfulness of being it would now be forgetfulness of the otherwise than being: neglect of or disregard for the other person. It is not the difference of being and entities which is forgotten but the difference of oneself and the other (Levinas, 1987: 48). Levinas shows that if we see the other in the way of being the other becomes stripped of otherness. Criticizing the Western philosophical tradition as an "allergy" to otherness, Levinas sees that from Parmenides to Heidegger otherness was reduced to identity, system and sameness. Western Philosophy is reducing otherness to identity. Difference between Same and the Other is different from the difference between "I" and "You": "The alterity of the Other does not depend on any quality that would distinguish him from me" (Levinas, 2007: 194). Levinas rejects the Hegelian dialectical play of difference and identity, as well as the Husserlian symmetrical inter-subjective relation (the other as "alter ego," found in the Cartesian Meditations).

Difference and Responsibility

According to Levinas, ethical concern for the other person is philosophically primary. Otherwise than being is an escape from the indifference of being which Levinas sees in the nobility of ethics, the main moment of which is responsibility for the other person, concern for the suffering of the other, in the singularity of a responsibility which is non-indifference. For Levinas, responsibility for the other is the difference of the oneself and the other which is understood as the non-indifference of the Good (Levinas, 2008: 58, 123). Instead of a cognitive relation, whether scientific-representational or poetic-hermeneutic, Levinas introduces the relation of sincerity, proximity, which overcomes the indifference toward others of ontological difference. This non-difference for the other avoids the indifference of the ontological difference. The Levinasian notion of responsibility is so radical that it is not just responsibility for the Other but responsibility for his responsibility as well. It is a truly infinite responsibility: “The more I answer the more I am responsible” (Levinas, 2008: 93). As desire, responsibility comes not from the lack of the subject but from the surplus, infinite elicited by the Other. *Non-indifférence* signifies involvement and concern. As R. Cohen points out, the word Levinas uses is not accidental: “non-indifference” implicates me as a being at first indifferent. I am blind and deaf for the Other. “The I’s concern for the alterity of the Other comes in a *non*-indifference, rather than in a primary concern, because precisely a natural and original indifference to the alterity of the Other must be disrupted” (Cohen, 1994: 165). That is, the Other interrupts me and in such a disturbance the situation is changed forever. Anonymity of the *il y a* as well as egoism of the Ego, or *jouissance*, should be overcome. Levinas refers to the Bible and to Greek mythology in order to show the human condition of irresponsibly as well as the structure of thinking of totality. For him, for example, the Gyges story symbolizes the absence of responsibility and the impossibility to oppose violence and injustice.⁵ In addition, the situation of Gyges may be seen as an example of ontological thinking and the way of totality. Gyges stays invisible and can manipulate and constitute the world. At the same time, invisible, he is deaf to the appeal of the other. For Levinas each of us is Gyges before we meet the Other and answer to his/her appeal. “Gyges is the very condition of man,” Levinas writes, “the

⁵ This story is found in *The Histories* by Herodotus (Herodotus 2004: I, 7-15), Plato’s *Republic* (Plato 1992: 359d-360d, 612b), and later is discussed by Levinas himself. In all versions of the story the shepherd Gyges gets a chance to become invisible. By wearing the “magic” ring Gyges is able to act without being seen. Gyges commits injustice in order to avoid injustice to himself. With this in mind, Glaucon argues in Plato’s *Republic* that “no one is just of his own will but only from constraint, in the belief that justice is not his personal good, inasmuch as every man, when he supposes himself to have the power to do wrong, does wrong” (Plato 1992: 360c).

possibility of injustice and radical egoism, the possibility of accepting the rules of the game but cheating” (Levinas, 2007: 173).

The question is how to escape the situation of Gyges. That is, to neither commit an injustice nor to suffer from it. What is the “Gyges secret?” (Levinas, 1996: 104-105). To break through this secret is possible by going beyond ontological relations and not just inverting them. Gyges “sees those who look at him without seeing him, and who knows that he is not seen” (Levinas, 2007: 90). An opposite structure or reversal of that relation would be another example given by Levinas: “statues looking at one another with empty eyes, idols which, contrary to Gyges, are exposed and do not see” (Levinas, 2007: 222). That may be the situation as well of a blind person who is seen and not able to see. Levinasian analysis of separation leads in another direction, one that is neither the reversal of the ontological structure nor of the ontological difference, but rather the very *beyond* of being.

For Levinas, this “going beyond” is not chronological or logical but hierarchical – the moral priority of the Other. It is not acting for oneself, or against, or oppressing the other, but a movement *for* the other. Our destiny is to become visible to the other’s face and so answer the call of the other. “*Me voici*” – “*Here I am*” – is not just announcing one’s own existence but more profoundly amounts to being ready, to taking responsibility (Levinas, 2001: 188). That permits escape from the anonymity and irresponsibility of what Levinas calls the “*il y a*,” the “*there is*,” in other words, to enter into a social relation with the other. The case is for a responsibility that does not reduce the otherness of the other to the sameness of the self or to thought or to the mere thinking of being. This relation surpasses ontology, leaves totality, and opens the possibility of infinity as moral responsibility.

In conclusion, we can say the following: 1. Difference in Levinas means not just an overturning of the ontological difference, a claim of the priority of the existent over existence, but goes beyond the very logic of ontology. 2. Difference according to Levinas is inseparable from the experience of caring for the otherness of the other person and, thus, is always derivative from relation and endowed with an intrinsic ethical dimension. 3. In levinasean terms, difference is preserved not by thinking difference but rather by living through our responsibility towards the other person. The point is “Responsibility” and not, Levinas would rather say, “the idea of responsibility.”

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Is Philosophy Without Responsibility Possible?

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In this paper, I will discuss the significance of Gilles Deleuze's (1925-1995) philosophy, which is, perhaps, one of the most influential positions in contemporary philosophy and culture. Michel Foucault even said that, "One day this century will be known as Deleuzian" (Foucault, 1977: 160). I will try to show that despite very successful and wide application to culture studies (literature, cinema, music, visual arts, politics, psychoanalysis, feminism, etc.) this philosophical project becomes problematic when we start discussing its possibility of being applied in everyday life and proposing directives for our behavior. Deleuze's philosophy does not have an ethics. But he is not the only one: Martin Heidegger, Michel Foucault, Jacques Derrida, Jean Baudrillard and others – separated their thinking and the conception of philosophy itself from practical consequences. They ignored the problem of the Good even though many great philosophical systems thought philosophy without ethics was not possible. From this perspective, Deleuze is a thinker who returns to the presocratic tradition where the problem of humanism was not yet so important. Deleuze often emphasized the necessity to create a philosophy of nature, contrary to a long tradition that reflected on humanism. For that reason, I will invoke Emmanuel Levinas' ethical metaphysics in order to show the limits of Deleuze's philosophy.

Philosophy as Creation

In the secondary literature very different aspects of Deleuze's philosophy are investigated. The conception of philosophy, Deleuze's philosophical reflection on the nature of philosophy itself, is one of the most important topics. The main thesis can be found in his late book, written together with Félix Guattari, *What is Philosophy? (Qu'est-ce que la philosophie?)* (1991), namely the one stating that "philosophy is the art of forming, inventing and fabricating concepts" (Deleuze, Guattari, 1994: 2). This formulation is not distinguishable from the notion that "philosophy is never contemplation, reflection or

communication” (Deleuze, Guattari, 1994: 6), but creation.¹ But what is the role and significance of the concept? First, we cannot treat it as a universal. To Deleuze’s mind, to create a concept means to bring a new idea, to determine a problem that was not yet determined and this allows us to see or to think things in a new, quite different way. All great philosophers did the same, so to be a philosopher does not mean to repeat what was already said by other philosophers, but to create something new, something that can renew our thinking.² With this claim, Deleuze challenges the idea of “the death of philosophy” and rejects the claims that everything had played out and everything was already said. For him, so long as philosophers will be able to create concepts by renewing human thinking, there will be no need to talk about the end of philosophy.

At the same time, Deleuze criticizes the notion of history of philosophy as a linear or teleological process – the form of philosophy that Hegel tried to accomplish. According to Deleuze, philosophy always remains a process of becoming, a permanent flux or change disconnected from any end or purpose [*telos*]. Indeed, Gilles Deleuze criticizes the Western tradition of philosophy mainly for its repressive character, that is, for the tendency to think the same way as Plato, Aristotle, Descartes, Kant or Husserl did. But that is harmful inasmuch as all possibilities to think or to invent something new are removed. Hence, for Deleuze, the crucial importance of the problem of novelty in philosophy, a concern that is present in all his writings and conceptions, including the notion of an overturned Platonism, of the rhizome or the body without organs, of the desiring machines and nomadology, just to mention a few. More importantly, Deleuze never appears as concerned with the problem of truth, one of those that have always been crucial in philosophy.

For Deleuze, what really matters in philosophy is not the question of truth, but rather the question of effect or effectiveness. Hence, the right question to be asked is not the traditional one on anything being true or not, but rather on “how does it work?” For the french philosopher, “philosophy does not

¹ These three conceptions, mentioned above, refer to the notions of philosophy inherent to Plato (contemplation), Descartes (reflection) and Husserl (communication).

² Deleuze and Guattari explain that philosophy includes two other great moments: setting up the plan of immanence and inventing the conceptual personae. By this, they mean that philosophy always involves a kind of existential experience, a kind of intuition that cannot be reduced to thought, and yet it is such intuition or experience that determines the creation of concepts. Conceptual personages (Plato’s Socrates, Pascal’s gambler, Kierkegaard’s Don Juan, Abraham, Nietzsche’s Zarathustra or dancer, etc.) produce the plan of immanence and give a specific force to the concepts (*What is Philosophy?*, 1994, *The Plan of Immanence*, pp. 35-61; *Conceptual Personae*, pp. 61-85). Then it becomes easy to understand why Deleuze insists that a philosophical book has to be as interesting as a novel. When reading a philosophical work we must be kept wondering about what we will be finding in its upcoming pages.

consist in knowing and is not inspired by truth” (Deleuze, Guattari, 1994: 82). Accordingly, philosophy does not have to be truthful (truth for Deleuze was always an abstraction), but rather interesting, that is, to be capable of opening new perspectives and of being stimulating. Hence, for Deleuze, the aesthetic value of philosophy. After all, Deleuze belongs to the postnietzschean paradigm, the one that makes philosophy to be much more of an art than a science. As Nietzsche once wrote that “only as an aesthetic phenomenon is the world justified” (Nietzsche, 1997: 25). Whereas Nietzsche offered to create new values, Deleuze invites us to create new concepts. Nietzschean values are the same as Deleuzian concepts since the creation of both opens new perspectives for thinking and living.³ Moreover, and again in the imitation of Nietzsche, Gilles Deleuze insists in ignoring the problem of the Good. For him, as well as for Nietzsche, morality is nothing but the system of judgment and condemnation, something oriented towards the diminution of our power to live. Thus, confronted as he is with the three great transcendental dimensions present in the philosophical tradition of the West – Truth, Good and Beauty – Deleuze chooses to keep only beauty. In his understanding, therefore, philosophy chooses aesthetics as the primary field of engagement.⁴

Immanence and Subjectivity

In Deleuze, the understanding that philosophy is creation derives from his ontology of becoming. As it is well-known, Gilles Deleuze was very much influenced by Bergson’s concept of the *élan vital*, as exposed in his *Creative Evolution*, a book from 1907.⁵ According to Bergson, reality constitutes an open and creative system, one that never remains the same. As Bergson writes, “Reality always becomes and is, but never is something complete” (Bergson, 2004: 297). In other words, creative is not just the human being,

³ The definition that philosophy is creation is not absolute since Deleuze treated creation as a form of thinking and this as a form of that. For him, creativity is inherent to both art and science. The difference appears when we start talking about the result of that creation. Philosophy creates concepts, art originates percepts and affects, and science creates functions. Thinking is heterogenous and, as such, lives from the possibility of moving from one *topos* to another. For example, philosophical concepts often include percepts or affects, as it pretends to be more effective. In other words, the border between philosophy and art cannot be determined in a strict manner.

⁴ The aesthetic tendency can be seen in Deleuze’s reading of Kant. In his book on *Kant’s Critical Philosophy*, the French philosopher tried to show that the third *Critique* can be treated as the ground for the first and the second. This means that the presuppositions of Kant’s thinking were immanent. Deleuze attempted to show that the claims of taste are able to ground the judgment of pure and practical reason.

⁵ In his *Bergsonism* (*Le Bergsonisme*, 1966) Deleuze focuses on four main concepts – intuition, duration, memory and *élan vital*.

but reality in its entirety; all nature is creative. Hence the importance of recognizing that the philosopher of today cannot be said to confront the same problems as Plato, Aristotle, Descartes or Kant did in their own time. Rather, the main task of the philosopher is to always face new problems and challenges. “Philosophers create concepts not out of determinism, but out of the power of becoming, which brings new problems” (Deleuze, 1990: 205). But at the same time, Deleuze also rejects the idea of transcendence⁶ inasmuch as for him transcendence is nothing but an effect of immanence. Our tendency is to forget that some ideas were once created, and did not come from some other, higher instance; in other words, there is an effect of transcendence, but no transcendence as such.⁷ All ideas belong to the same, nondual reality and are immanent to human thinking. On the other hand, and although he frequently speaks about the necessity to set up a plan of immanence, Deleuze keeps alive the notion that some kind of transcendence must remain within the concept of time. He explains the creation of reality as a passage from the virtual into an actual dimension. Everything is in the same plan, everything is real, but not everything can be seen as it is not yet actual.⁸ Ideas remain transcendent until they have not yet become actual, until they have not yet reached human consciousness. What can we say about the creation of such ideas? In what measure are they immanent to human thinking?

In this process, the key moment is the interaction between being and thinking. Deleuze’s plan of immanence derives from Spinoza’s pantheism.⁹ In his interpretation, Spinoza appears as the first philosopher who coherently developed the plan of immanence (Deleuze, Guattari, 1994: 48; Deleuze, 1994: 40). In Spinoza’s *Ethics*, for example, Deleuze finds the structure of immanence exposed in relation to the problem of expression. Since there is only one Infinite Substance or Divine Nature [*Deus sive natura*] which encom-

⁶ The attempt to reject transcendence must be related to the concept of overturned Platonism [*le Platonism renverser*], mostly developed in *Difference and Repetition* (*Différence et répétition*, 1968) and *The Logic of Sense* (*Logique du sens*, 1969).

⁷ This can be called an immanent difference. Deleuze’s thinking of difference signifies a separation between givenness (phenomena) and process of production (becoming). Deleuze makes a distinction between the creative power of life and the reality that, once created, does not change its nature anymore.

⁸ The relation between virtual and actual is not to be confused with the relation between the possible and the real since the latter presupposes the model of representation and resemblance. Rather, Deleuze emphasizes the fact that the actualization of the virtual always escapes resemblance or representation. According to Deleuze, therefore, virtuality constitutes the main characteristic of reality.

⁹ Among his precursors, Deleuze recognizes mainly Nietzsche and Spinoza, and on each of them he wrote two books: *Nietzsche and Philosophy* (*Nietzsche et la philosophie*, 1962); *Nietzsche* (*Nietzsche*, 1965); *Expressionism in Philosophy: Spinoza* (*Spinoza et le problème de l’expression*, 1968); *Spinoza: Practical Philosophy* (*Spinoza: Philosophie pratique*, 1970).

passes all its attributes and modes, Spinoza considers that, “each attribute expresses a *certain* infinite and eternal *essence*, an essence corresponding to that particular kind of attribute (...). But then attributes express themselves in their turn: they express themselves in their subordinate modes, each such mode expressing a modification of the attribute” (Deleuze, 1992: 13-14). Deleuze also uses the concept of univocity of being [*univocité de l'être*], one that is closely related to that of immanence and expression. In other words, since there is no rupture in creation, everything exists at the same level and has the same divine origin; moreover, there is no hierarchy or break in reality.

As such, the human being is only an expression of being and never truly stands in front of the world as a subject in front of the object. Man does not occupy some higher, privileged position over the nature or being; rather, the human being emerges from it and so remains merged with it. Hence the question about the human subject, consciousness and thinking: What do these notions properly mean? Deleuze considers that thinking originates from a very close, immediate and intimate relation with being itself, a relation that he attempts to explain by the concept of Fold [*le pli*].¹⁰ As interiority, the subject is produced by exteriority. Indeed, so as a folded sheet of paper forms an inside, so the subject is always folded by an exterior experience: “We must always first contemplate something else – the water, or Diana or the woods – in order to be filled with an image of ourselves” (Deleuze, 1994: 74-75). In other words, human ideas are not born in human consciousness, but always derive from a close relationship to something that does not belong to the subject as such. They come from a plan that is very different from the human one. The sphere or being or immanence, therefore, has always a priority over the human being. Obviously, this kind of subordination of the human sphere to being is similar to the one operated by Martin Heidegger and his determination of the human essence by means of its relation to being and truth. Dasein ek-sists in the openness of Being and preserves the truth of Being. As shepherd of Being, Dasein appears in Heidegger as a privileged entity, a privilege derived from the capacity to listen to the voice of Being; at the same time, however, man is not important at all. Heidegger himself characterizes such a notion of humanism as curious: “‘Humanism’ now means, should we decide to retain the word, that the essence of man is essential for the truth of Being, specifically in such a way that what matters is not man simply as such” (Heidegger, 2008: 248). On his part, and although he never uses the term humanism, Deleuze considers that the tendency to explain the meaning of man’s being as a manifestation of Being converges, as in the case of

¹⁰ This concept was created and applied, first, in Deleuze’s book on *The Fold: Leibniz and Baroque* (*Le Pli: Leibniz et le Baroque*, 1988), and later in his *Foucault* (1986).

Heidegger, in a perspective that can be considered as rather inhuman. Reflecting on the Heideggerian conception of humanity, Richard Cohen declares: "If humanity is trapped in the history of being, then history, not universal standards of truth or morality, rules human destiny" (Cohen, 2003: xxii). In Gilles Deleuze we find the idea that an unruly nature rules humanity, that the human being belongs to the plan of unconscious nature, that the choice between Good and Evil is ultimately impossible. Between the two thinkers, the difference lies primarily in the methodologies they use, the phenomenological approach in the case of Heidegger and the transcendental empiricism in the case of Deleuze.¹¹ Whereas Heidegger talks about the *es gibt*, the gift of Being, Deleuze directs his thinking to the search of conditions to produce something new. Accordingly, the subject (or consciousness) becomes something that is produced, and not just given.

The deconstruction of the subject in Deleuze is inseparable from his criticism of both recognition and the representational model. To recognition, the French philosopher opposes the encounter. For him, thinking is not an innate ability, but rather something always engendered which starts whenever we encounter something different and strange, something capable of disorganizing our identity and, as the traumatic experience that it is, of bringing about something new. In any case, it is very important to understand that such experience takes place at an unconscious and passive level, that is, it happens when we are vulnerable and easily affected.

Levinas and Deleuze: Ethics vs. Ontology

Let us now look at the question of responsibility and see how the Deleuzian project might relate to Levinasian ethics. There are similarities as both Deleuze and Levinas belong to that group of philosophers determined to challenge important aspects of the Western tradition of thinking and so became very critical of the use made of concepts such as identity, subject and time. The Socratic tradition and its way of promoting rationalization at all the levels of experience is particularly foreign to them. Contrary to Levinas, Deleuze kept an anti-phenomenological attitude, and yet both of them were able to meet at a postphenomenological level, coinciding namely in the criticism of the notion of intentionality and its centrality in Husserl's philosophy. One and the other are particularly concerned with a renewed reading of the

¹¹ In his *Deleuze: The Clamor of Being*, Alain Badiou treats Deleuze as a thinker of the One that is very akin to Heidegger's thinking of Being or the project of fundamental ontology. Badiou insists that "Heidegger is too phenomenological for Deleuze" and thinks that whereas Heidegger focused on hermeneutical convergence, Deleuze chose the path of disjunctive synthesis (pp. 19-22).

concept of experience in order to show the importance of its non-reflexive, non-intentional and non-conscious dimensions. In the language of Levinas, we are here referring to what he characterizes as “[V]ulnerability, exposure to outrage, to wounding, passivity, more passive than all patience...” (Levinas, 1998: 15).

A very specific feature in the philosophy of Deleuze and Levinas is the demand for thinking Otherness, a new way of dealing with reality based no longer in the model of recognition but rather in the model of encounter. Both proclaim openness and follow the requirement not to return to the closeness of the same. Indeed, and while invoking the same kind of metaphors, one and the other emphasize the break, the rupture or fracture present at the heart of our own identity, a rupture that is essential for us to become the other. Each one of them points out that only by undergoing the traumatic experience of Otherness are we able to become authentic subjects. Yet, as soon as we need to think through the nature of the “object” of encounter, radical differences between Deleuze and Levinas also become manifest.

At the unconscious level, Deleuze’s “subject” merges with nature and there encounters the “forces of being,” or what in other contexts Deleuze calls non-personal, nonorganic life.¹² Levinas, in contrast, speaks about confronting the nonphenomenal “Face,” the root for his humanism of the Other. In Deleuze’s case, although the traumatic experience arises from the encounter between the Self and the forces of being, it proceeds in the same plan of immanence. In the case of Levinas, the Face becomes a trace of transcendence or of God. The Other always has a priority over me, he is higher than me. Such encounter appears violent since “no one is good voluntarily” (Levinas, 1998: 11). Indeed, the otherness of the Other belongs to that “otherwise than being” that deeply disrupts the neutrality of being.

In the philosophy of Levinas, the Other enables the subject to move beyond immanence, to realize its condition as “a break in being.” As the Jewish philosopher writes, “contact is not an openness on being, but an exposure of being” (Levinas, 1998: 80). Deleuze, on the contrary, explains the structure of encounter as a break in subjectivity that takes place when we meet the forces of being, the being we originate from. In this sense, Deleuze’s project is purely ontological and remains in the plan of immanence or within the limits of a philosophy of nature, whereas Levinas’ focus on ethics as first philosophy and the notion of the otherwise than being. While Deleuze seeks

¹² On Deleuze’s concept of life, see *Pure Immanence: Essays on Life*, 2001, where he writes: “a life of pure immanence, neutral, beyond good and evil, for it was only the subject that incarnated in the midst of things that made it good or bad. The life of such individuality fades away in favor of the singular life immanent to a man who no longer has a name, though he can be mistaken for no other: A singular essence, a life...” (Deleuze, 2001: 29).

to remain faithful to the ontological or immanent sphere, Levinas tries above all to escape the anonymous roaring of being, the *il y a*, by following the rational demands of responsibility. Since ethics surpasses ontology, the human subject cannot affirm its individuality without being responsible, and is all the more subject it is as it assumes the proper condition of being responsible. Both Deleuze and Levinas offer structural explanations that are similar, and yet also endowed with a very different meaning.

The question of the Good is crucial in Levinas philosophy. In Deleuze's philosophy, however, there is no place for the question of the Good. As already mentioned, by following such philosophers as Spinoza or Nietzsche, Deleuze rejects traditional morality or ethics.¹³ In Deleuze's radical immanentism, there is no place for ethics and morality. Ethics always requires another world or transcendence. In Levinas' philosophy, the Good is beyond being, it does not coincide with the logic of being. In Deleuze, however, being/life always remain beyond Good and Evil. Being or pure immanence is neutral. The creative power of life is like an innocent game. Life is worth in itself and should not be estimated or devaluated under the transcendent rules. All forms of life must be accepted. Deleuze does not make a distinction between nonpersonal life and personal life, between nature and human. Everything that comes from the human world, Deleuze treats as artificial or produced, as a not natural thing. Deleuze affirms the philosophy of nature, whereas Levinas restores the concept of humanism. In Deleuze's opinion, the human world is not sufficient enough, we cannot estimate reality by looking from the perspective of the human being alone.

The tendency of dehumanization can also be seen from the nondialogical nature of philosophy. Deleuze often insisted that philosophy has nothing in common with discussion or communication. Philosophers have to create, and not to waste their time in discussions. Deleuze rejects a model of communication because he does not believe in the commonness of meaning and the universality of concepts. To his mind, every act of thinking originates from non-personal level and is not simply communicable. So philosopher always is a solitary person. Deleuze even made a distinction between private and public philosophers. Private philosophers are able to think authentically and originally, they are not concerned about the purposes of State or Church, while public philosophers are determined as conformists. In contrast to Deleuze,

¹³ Even if Deleuze rejects traditional morality and ethics, based on transcendent rules, it is possible to talk about his ethics of Stoic, Spinozian or Nietzschean type. The main question then becomes "How should one live?," "How to respond to the creative power of life?," or as Deleuze himself says "How to be worth of event?." Deleuzian ethics is investigated in Todd May's *Deleuze: an introduction* (2005), Ian Buchanan's *Deleuzianism: A Metacommentary* (2000), D. N. Rodowick's *Afterimages of Gilles Deleuze's Film Philosophy* (2010) and others.

Levinas is a philosopher of dialogue, though dialogue should here not be understood in a traditional sense, that is, as a synonymous to communication. Levinas sets the dialogue as an asymmetrical relation with the otherness of the Other, which can never be representable or assimilated. Although the relation is always asymmetrical and never complete, Levinas philosophy remains directed to what he calls the humanism of the Other. He is concerned about the human world and sociality because there is no philosophy without its orientation towards “social problems” (Levinas, 1994: 52).

A last comparison can be done in terms of the nomadism as expressed in the concept of infinity. Both Deleuze and Levinas search for an openness which is never finite. The principle of openness and infinity in Deleuze is *nomadism*. Nomads are opposed to cultivators. Cultivators prefer to stay in the same territory, while nomads are always intending to overstep the given limits. They are trying to find something new, and this search for the new land or territory never ends. Nomads do not have a need or purpose to find a particular land, they do not have a Promised Land as the final end because to reach it is not their main purpose. Deleuze’s nomad enjoys his power as in changing a previous perspective. As we know, the case in Levinas is different. It is true that neither Deleuze nor Levinas speak about such a nomadism in terms of an *odyssey*, of a return to one’s own land (it is not the subject, the ego, who brings everything home), but there remains a sameness and a difference between Deleuze’s nomad, without any purpose or guide, and Levinas’ Abraham, who attempts to find the Promised Land. To Abraham there still remains something like a guide, like a promise, even if he never reaches that Promised Land. So the idea of infinity unfolds in different regimes: immanent (Deleuze) and transcendent (Levinas).

Conclusion

Both Deleuze and Levinas are thinkers of difference or exteriority. But in Levinas’ philosophy the problem of the Good and of Humanism remains central. Levinas affirms the Humanism of the Other. On the contrary, Deleuze takes for granted that Philosophy is indifferent to moral dilemmas and that humanism as a concept does not imply responsibility. Deleuze talks about the ontological or immanent difference; Levinas emphasizes the ethical difference. Deleuze’s philosophy, despite its unusual interest and ability to open new possibilities for thinking, remains incapable of differentiating between Good and Evil. Indeed, Deleuze could face the same problem as did Heidegger with his blindness in the face of Nazism, a thinker for whom “the truth of Being offers a hold for all conduct” (Heidegger, 2008: 262). Such weakness is revealed in the plan of social and everyday experience where we have to make ethical decisions. Deleuze is concerned about the aesthetical

and vital value of philosophy ignoring the reality of our everyday life. As Cohen insists, “Kierkegaard already understood, for the aesthete, that ethics is simply boring. But being bored is no critique. And thrills give real future and no hope for those who suffer today. Ethics is far more serious...” (Cohen, 2010: 196). For the aesthete, responsibility – obligation is always something that he prefers to reject: he is afraid to lose all the possibilities, he fears what will happen, if he chooses *either/or*. The problem is that this choice is not between Good and Evil, but rather between ethics and indifference. As we can see, our postmodern culture is based on aesthetics, not on ethics. This is why Deleuze’s philosophy because of its playful, attractive and vital character has many chances to be rooted in our contemporary world. Yet, as understood by Søren Kierkegaard, we need to acknowledge that aesthetics is only the first, more infantile stage of human life.

On the other hand, it is also necessary to talk about the positive moment of Deleuze’s philosophy, even if it is more implicit than explicit. Maybe this philosophy is able to extend the limits of ethics? Deleuze’s philosophy allows us to raise a question, namely, should we be responsible not only for human beings, but also for all of nature itself: animals, plants, trees? Alphonso Lingis, the main translator of Levinas, shows how it is possible to connect Levinas and Deleuze. He criticizes the concept of “Face” in Levinas’ philosophy, extending the limits of this concept as the responsibility for all our surroundings. In his opinion, the concept of the *face* is not enough because even animals, plants and things have their own existence, independent from the human being and we are responsible for them, too. “Things are real, as we are, and just as our bodily reality is not reducible to a succession of visible and audible patterns, so things are not reducible to what we perceive or can perceive of them (...) To see something is to see what it requires” (Lingis, 2009: 169). For that reason he seeks to preserve very rare species of birds and trees. Thus, we can see, how Deleuze’s philosophy is invoked in the field of contemporary bioethics or ecology. Whereas Levinas tried to show that ontology is not sufficient, Deleuze claimed that precisely a man, the human world, is not sufficient either. According to Deleuze, to be a man, to think, means to escape the human perspective, to think more than the human being naturally can think. He shows that what is immanent in the traditional sense, as in his philosophy, is the human world, while transcendent remains the world “before and after man.” But if we want to discuss the responsibility for nature and other entities, what perspective of responsibility is possible? After all, it is only as *humans* that we can care for nature; as *humans* we always exercise responsibility.

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For Whom Does One Get Up?

Culture as Responsibility on a Societal Scale

ANGELLI F. TUGADO

“For whom do you get up?” So goes a recently aired TV commercial for a popular coffee brand. The question might as well be Levinasian, especially when a voiceover declares toward the end of the commercial: “you don’t just get up but you have a reason to get up... every time you help someone rise, you might as well be helping an entire community or nation.”

It is easy to wake up, that is, to the sound of an alarm clock, the noise of clanging pans from a kitchen, or the sudden dip in temperature. What can be a bit of a challenge is to rise from bed. One needs a reason to get up – an early morning job interview, an appointment with a prospective client, a son to bring to school by 7 am. If it is already sometimes difficult for one to rise and get going, how much more so is it to help another get going? Does the coffee ad mean that everytime one wakes up and does things for someone, one might as well be doing things for a whole multitude? The more fundamental question to ask is, where is the link between the Other close by who we help, and the other Others, the multitude too distant for us even to reach, if at all?

In our everyday encounters we have to live with not just one other person but with a host of others. Even if there is just one person we are dealing or need to deal with, indirectly or directly a multitude of others are involved. The human resource personnel waiting to interview us has just spoken with an office assistant to confirm the interview; the prospective buyer of a real estate property has asked her chauffeur to drop her off at the building’s lobby, the child has reached school thanks to the service of a tricycle driver. That is real life, as the Jewish philosopher Emmanuel Levinas would have us consider. This paper seeks to show the significance of culture as a means of solidarity with others in society, taking off from the ethical relation of one with the Other. It will dwell more on the relationship between the I (the first person) not only with an Other (the second person), but also with the other Other or what Levinas calls *le Tiers* (“the Third”).

This paper divides into three parts. We need to understand what “first” means in referring to the self as the “first person” and how this first person exists. Is it to exist ahead of or superior to the Other? Not so, for Levinas. In fact, he stresses “after you,” which is not only a gesture of giving way to another in a crowded doorway, but a disposition to recognize the Other’s right to exist before mine. It is fundamentally a welcoming of the Other, a moving out of oneself to approach the Other without returning to oneself.

Yet when the I goes out toward the Other in welcome, the I and the Other exist as separate, as absolutely different from each other, or as having nothing in common between them. While having nothing to do with each other, they are as if by some miracle, related to each other.

Such a relation, spelled out in Levinasian terms, can easily be shown by what it is not. First, it is not one of synthesis but of transcendence. Stressed here is the refusal of totality, of looking into the social relation from without. The I and the Other are always inside the relation and for one to look at the relation from outside is to attempt to find a “common plane” into which the multiplicity of selves, of individuals, of so-called peoples or races can be clustered together (TI 294). However, since one is never outside the relation, it is impossible to find this common plane. Precisely as separate from the Other, the I is identified not in its being conceptually linked or connected according to principles or theories with other selves. It is probably also in this sense that Levinas refuses to conceive of anyone as being rooted to one’s native soil.

Separation, even though it is a break from participation, need not prevent one from relating or speaking with the other. As Levinas points out, “To break *with* participation is, to be sure, to maintain contact, but no longer derive one’s being from this contact: it is to see without being seen, like Gyges.” (TI, 61). The I becomes aware more of the Other’s separation rather than presence, through the feeling of shame for oneself and of being put into question. The separation becomes “felt” when one realizes that the Other, whose presence is sensed, cannot be grasped the way things are grasped, “possessed” and “domesticated.”

When one becomes painfully aware that one’s very being is called into question by the other, one feels shame for oneself. Knowing of the Other’s presence, before the Other in person, coincides with the feeling of shame, the urge to justify oneself before and do justice to the other. These are all radically different from simply knowing the Other, knowing that the Other also exists. The awareness is not the kind of knowing that reduces the Other into a concept, where as Levinas writes, “[t]he foreign being, instead of maintaining itself in the impregnable fortress of its singularity, instead of facing, becomes a theme and an object.” (“Philosophy and the Idea of the Infinite,” [PII] in Peperzak, *To the Other*, 97).

That I know the presence of the Other, who I allow to justify my own presence, reminds me of the last stanza of Luis Cermuda's poem, "Si el hombre pudiera decir" (If the man could speak), which is posted as an ad for the Instituto Cervantes in the interior of a train in Manila:

*Tú justificas mi existencia:
Si no te conozco, no he vivido;
Si muero sin conocerte, no muero, porque no he vivido*

You justify my existence:
If I did not know you, I wouldn't have lived;
If I die without knowing you, I would not die for I would not have lived.

The I does not have power over the Other to grasp the Other. The Other, whose presence to me is through the face, naked and bare even while standing right within my line of sight, remains invisible. The face cannot be clothed in order to be rendered visible. The more one tries to conceptualize it, or wrap it in meanings, the more the face resists those concepts and stays invisible.

It is the Other that has power over the I. The face is a special or exceptional way of signaling in its signification: it calls upon me or orders me toward it. In its signification, the face orders me rather than allows me to comprehend a concept or thematize it. That the face, as a sign, becomes meaningful is not up to me but rather to the Other. It is the Other who is the source of meaning, not me.

So far, what has been underscored in the "account" of the face given above is the coincidence of the "existent and the signifier" in the face. What has to be stressed further is the noncoincidence or "noncontemporaneity" of the existent and the self who takes (but not gives) meaning from the face of the Other. Although the Other becomes present, is presented in person in the face, the Other belongs to a different time than my own, the Other has become past. Charles Scott speaks of this noncoincidence of the face with my own attempts to "hold it" more dramatically in his article entitled "Appearances" (*Graduate Faculty Philosophy Journal*, 1998, 226) in pointing out that the Other is a "fugitive in our orders of signification and recognition." He also says that ironically, "we miss the other person as we establish contact with him or her. We lose as we hold" (*ibid.*).

How then is relation possible at all in beings who are radically separated from each other, the existence of one owing nothing to the other, having absolutely nothing with the other? The key to considering the possibility of relation-in-separation is desire. In drawing oneself out of the self toward the Other, desire enables one to rise above oneself, even while remaining separated, existing in itself. "In it [desire] being becomes goodness: at the apogee of its being, expanded into happiness, in egoism, positing itself as *ego*, here it

is, beating its own record, preoccupied with another being. Desire is inversion of being,” as Levinas states. (*TI*, 63) But such inversion must not be taken to be “some one of the functions of being, a function turned from its goal” (*ibid.*). Rather, it is “an inversion of its very exercise of being, which suspends its spontaneous movement of existing and gives another direction to its unsurpassable apology” (*ibid.*). In other words, desire is the reversal from being in and for oneself into being for the Other; the very disposition that allows the first person to welcome the second person, i.e., the Other.

What then do we make of the Other as second person? Does “second” here mean being only next to or inferior to the first? No, since as has been said above, the I as first person does not exist as superior to the Other. In fact, it is the other way around. Hence, we take “second” in the context of discourse and grammar, i.e., as the “you” with whom the I speaks, the “you” whom one faces, the “you” who questions my existence and my monopoly of the world.

Social relation is a relationship between people who have nothing in common at all save their humanity, yet are non-indifferent to each other. Positively put, the *relation* between the same and the other is language, as primordially enacted in conversation (*discours*) wherein the I, in its ipseity (identity) as an “I,” as a particular existent unique and autochthonous, leaves itself (*TI*, 39) and proceeds to the other, as a *face to face*, where there is distance in depth which is unlike the distance produced by the synthetic and synoptic activity of understanding between the diverse terms. Moreover, there is irreversibility in this relation; it is one-directional, wherein the I transcends itself and goes toward the other; without recording the very movement of one going out to the other (*ibid.*).

Relations between the self and the Other are forged and maintained not merely on the basis of the I’s respect for the Other as reasonable or on the commonality of goals that the self and the Other may share. Rather, the relation thrives and flourishes on the multiplicity that exists between individuals who are allowed to be themselves. In letting the Other exist as him or herself, as singular, it would seem that the self gets into the very heart of the social relation when it treats the Other as though the Other were the only one existing, or as if the I (the First) and the Other (the Second) were the only ones existing in the world. When the I is very much “into” this relationship or takes its responsibility very seriously the I gives the Other undivided attention, a total response.

To an interviewer’s objection that the ethical relation between two people might be asking much too much of ethics and might not be realistic, Levinas replies: “But then what about humanity in its multiplicity? What about the one next to the other – the third, and along with him all the others? Can that responsibility toward the other who faces me, that response to the face of

my fellow man ignore the third party who is also my other? Does he not also concern me?" (*Entre Nous*, 201). In other words, Levinas shows that he also is very much aware of the realities of social life. The challenge that remains is how to think of the third and all the other Others precisely also as other wherein the relation of the self with them also forms not a totality but a multiplicity. The first step toward looking at the other others in a multiplicity is to acknowledge that

Everything that takes place here 'between us' concerns everyone, the face that looks at it places itself in the full light of the public order, even if I draw back from it to seek with the interlocutor the complicity of a private relation and a clandestinity. (*TI*, 212)

Hence, no relation between oneself and the Other is private enough, i.e., limited only to the two; the relation of the self with the Other, if it is to be ethical, does not invite complicity with the singular Other to the detriment of the others. My response to the Other's speech is just as well a response to all the others.

The second step in acknowledging the third while maintaining multiplicity (i.e., not falling back into a totality) is by bringing back the role of reason into the relationship. Reason is needed so as to prevent violence since the potential for violence is always present in the possibility of the Other taking advantage of the subservience of the one.

Between the conception in which the *I* reaches the other in pure respect (based on sympathy and love) but is detached from the third party, and the one that transforms us into a singularization of man, an individual in the extension of this concept subject to the legislation concept of impersonal reason – a third way emerges, in which we can understand the totality as a totality of me's, at once without conceptual unity and in relationship with one another. (*EN*, 27)

There is a glimpse here of Levinas' attempt to consistently veer away from an essentialist description of relation, of the individual as singular and of its relation with the Other as a plurality. The relation here is one that sees the self and the other in a bond that is not bound by a conceptual unity. If the self and the Other were bound by a conceptual unity, such unity would have been seen by a third party who would, for instance, subsume the *I* and the Other together within a number, i.e., the *I* as first and the Other as second, which would suggest the former being prior to the latter, hence an inequality. But as Levinas states, "[t]his inequality does not appear to the third party who would count us." (*TI*, 251)

The impossibility of being conceptually bound therefore "precisely signifies the absence of a third party capable of taking in me and the other, such that the primordial multiplicity is observed within the very face to face that

constitutes it.” (TI, 251) In other words, the third party is not capable of integrating or absorbing the relation between the same and the Other while at the same time preserving the inequality between the two. This is because the inequality, to begin with, can only be sensed by the two (or to be more precise, by the self) and is kept, like a secret, between the two. Levinas points out that “it [inequality] is produced in multiple singularities and not in a being exterior to this number who would count the multiples.” (TI, 251) Furthermore he states that “the inequality *is* in this impossibility of the exterior point of view, which alone could abolish it.” (ibid.) Does Levinas also hint here at the third party as precisely being the exterior point of view abolishing or disregarding inequality, i.e., “flattening out” or “homogenizing” the relation which is heterogeneous to begin with? At first glance it may seem so, especially if we consider that the third party lies external to the relation. But even if the third party were outside the relation and would therefore seem to have a better vantage point from which to view the relation, Levinas does not think that the third party can even sense any inequality between the same (the first) and the Other (the second). Hence it seems that the third party nullifies separation of the same and other by counting them, or by bringing them together in a number. Neither does the third party merely synthesize or fuse the two together in the relation. To the I, the Other emerges in an epiphany as face. But again, Levinas cautions his reader not to confuse the face-to-face relation with the exclusivity of a closed society. For Levinas the relationship that supposedly exists between a couple in love, with their intimacy and exclusiveness, is not yet real. What makes the face-to-face relation real is the entrance of the Third (*le Tier*).

The Third introduces the dimension of universality into the face-to-face relationship. To the I, the epiphany of the Other in the face “attests the presence of the third party, the whole of humanity, in the eyes that look at me.” Thus, not only does the Third nullify separation between the self and the other; the Third in fact is somehow included or present in the face-to-face relation. Here Levinas stresses that co-present in the face is the whole of humanity. It is as if when one faces the Other, one might just as well face an entire human community. In the concrete, for example, this is implied in that the Other whom I face also has a surname indicating his or her kinship with a sibling, a parent, a cousin, and the like. In *OBBE*, Levinas suggests that “the third party is actually the face of the other, is both the neighbor and the face of faces” (p. 160). This may account, for instance, for the formality of “po” used in Filipino conversations, or the so-called polite way of addressing the other with whom one is directly speaking in the third person as if there were more than one other person present: *kayo, sila* (literally, “you” plural, “they”). When one speaks with someone, one might as well be speaking to the rest of humanity. This does not mean, though, that the Other represents the rest

of humanity and that he speaks or replies on their behalf. Or does he? Might the Other actually be representing the Third and all the others, in face, a universality? How then are we to understand such representation and universality?

The universal dimension introduced by the third party cannot be taken as a homogenizing effect on the Self and the Other. Neither does it erase the difference between the self and the Other. The I in regarding the Other as an equal does not ignore the concrete situation of the other. Rather, as Levinas stresses:

The poor one, the stranger, presents himself as an equal. His equality within this essential poverty consists in referring to the *third* party, thus present at the encounter, who in the midst of his destitution the Other already serves. He comes to *join* me. But he joins me to himself for service; he commands me as a Master. This command can concern me only inasmuch as I am master myself; consequently this command commands me to command." (TI, 213)

The Other exposes me (opens me up) to someone indigent and in exile, appealing for my help. I am called to respond to him, by helping alleviate his poverty. In the very response I give the Other, the other in turn is drawn to respond, despite his poverty, to the third in service. It is in this sense of service, and only in this, that the Other also becomes my equal.

The third party, even though not physically present, or not present in the face, is already hinted at in the face of the Other. An oft-quoted passage from Levinas reads, "The third party looks at me in the eyes of the Other – language is justice. It is not that there first be the face, and then the being it manifests or expresses would concern himself with justice; the epiphany of the face qua face opens humanity." (TI)

My response to the Other's speech is just as well a response to all the others with whom the Other is connected. Actual experiences bear this out. It is interesting to note, for example in family matters, how parents justify their way of disciplining children by arguing that "they don't want to raise children who will later on become a menace to society," as though between the parent and the child, the "eyes" of all the other people in society, who would be potentially affected by the child's misbehavior, already look at them.

Here Levinas clearly states that the third party is always present and does not come only after the relation between self and Other. The self and the Other, in each of their respects, may also become the third party. This further strengthens the view that for Levinas the Third is part and parcel of the ethical relation, not outside of it.

Reason is also crucial here in arresting the violence (i.e., the violence done between oneself and the other or the violence done by the other and the Third

against oneself). But reason here must issue in peace, must presuppose disinterestedness, passivity or patience. In such disinterestedness, responsibility for the other also becomes responsibility for the third party. Here, Levinas is still very careful to qualify what he means by “being,” after having begun to emphasize “beyond being.” The challenge here is how to think “being” while maintaining the “ontological reversal.”

The Third also enriches the texture and reach of one’s responsibility for the Other by introducing justice. This is the same point echoed by a renowned sociologist, Zygmund Bauman as he reflects on Levinas’ notion of justice in consideration of the third:

I believe that ‘justice’ is the translation of ‘responsibility for’, or *Fürsein*, into the language of society. Justice enters ethical concerns the moment the Third appears and with the necessity to compare the degrees of misery and set priorities which that appearance signals but which is never occasioned inside the ‘moral party of two’. (Bauman, *Conversations*, p. 63)

Thus it is always possible that the Other, who is the Second, may fall into the position of the Third, as someone whom I am called to compare, to thematize, and to judge. And it is also likely that the Third be reduced to the Second, or become my Other. As Levinas states,

The fact that the other is my neighbor, is also a third party with respect to another, who is also a neighbor, is the birth of thought, consciousness, justice and philosophy. The unlimited initial responsibility, which justifies this concern for oneself, and for philosophy can be forgotten. (*OBBE*, 128)

Again, it must be stressed that this “concern for oneself” is not a return to oneself and a justification to abandon one’s responsibility to the Other. In fact, it is the reverse, or the fact that the valuing of and care for oneself is not itself the founding principle but is rather founded on the care or infinite responsibility for the Other. This Levinas qualifies as follows: “... my responsibility for all can and has to manifest itself in limiting itself. The ego can, in the name of this unlimited responsibility, be called upon to concern itself also with itself.” Therefore, the more I allow myself to be responsible not just for one Other but for all other Others, the more I need to take care of myself. A prayer for God’s blessing to provide/protect oneself is not to be casually made. Whenever I pray for myself, for my safety, health, and well-being, I must also have worked hard (or to use Levinas’ language, “signified oneself”) to be responsible and provide protection for the other too; it’s not as if one is talking alone with God in making this appeal but that one is appealing to God indirectly through the other, on behalf of the Other and all the others.

Even if in the situation in which the Third places me I somehow “catch up” with the Other, and become the Other’s contemporary, my infinite respon-

sibility for the Other, my relation with the Other as face, prevents me from doing so. This is because the proximity of the other remains a diachrony of two although it is transformed into a contemporaneousness with the entry of the third. As Levinas insists, “the contemporaneousness of the multiple is tied about the diachrony of two: justice remains justice only, in a society where there is no distinction between those close and those far off, but in which there also remains the impossibility of passing by the closest. The equality of all is borne by my inequality, the surplus of my duties over my rights” (*OBBE*, 160). Hence, it seems that the third party does not really “correct the asymmetry “between the self and the other; or even if it does so by establishing a contemporaneousness between the self and the other and others, it still does not eliminate the self’s obsession for the other, to the point of substitution and with it, the self’s inequality or noncoinciding with itself.

Furthermore, Levinas reminds us that even societies in which equality and justice prevail, or at the very least, remain an aspiration can thrive only by the inequality borne by the self with regard to the Other. Again in *OBBE* (160), he states, “It is also very important to realize that even egalitarian and just states still cannot do without friendships and faces where responsibility is lived out by selves who regard themselves as unequal, unique and irreplaceable in their responsibilities and allow themselves the ‘inequitable’ task of performing their responsibility to the other while not depending on anyone else but oneself.” Such is probably the philosophy underlying such civic movements that stress how change begins with me; responsibility is up to me, not to others. I cannot rely only on others. I can only rely on myself.

Perhaps responsibility for the other, although easily seen as fulfilled in politics, can also be easily forgotten in politics. Hence, is there a way one could read into Levinas’ notions of justice and the third party in which he talks about culture, not politics, when he refers to this “contemporaneousness of the multiple is tied about the diachrony of two?” Perhaps this is why, in his 1983 essay, “Philosophical Determinations of the Idea of Culture” he insists on referring to culture, even when the same word has been used to refer to race, the creative works of poetry and art, and the like, which all involve the existence of an infinite number of men – as fundamentally having to do with the ethical relationship only of two: the self and the Other.

In summary, I presented in broad strokes the sociality of the proximity between the self and the Other; whereby the immanence of the self is surpassed in its transcendence toward the Other. I also analyzed the implications of the entry of the Third into the relation of the self and Other, and tried to show how far this transcendence of the self to the Other can actually go. So, we are reminded by that TV ad, whenever we have our morning fix with a cup of coffee, we ask ourselves for whom we will offer the rest of our day.

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Part II

**Responsibility:
Pedagogical and Cultural Perspectives**



Neurology and Spirit: Physical Science in a Metaphysical World

VALERIE T. FRANKS

The spectacular success of the physical sciences forced philosophers to go one of two ways- either they must focus on experience or on materialism. Empirical method, as Galileo envisioned it, used our powers of observation to study natural phenomena, which were then expressed in mathematical formulae. Galileo made a point of separating primary from secondary characteristics of objects in order to limit the scope of his study. Primary characteristics were those that can be expressed numerically: size, weight, speed, density, temperature, etc. These were “objective” – characteristics residing in the object under study. Secondary characteristics were “subjective,” residing in the subject who perceives. Secondary characteristics are our assessments of objects – is the object ugly or beautiful, is it desirable, delightful, fair or foul? Secondary characteristics would be excluded from Galileo’s science so that the inquiry would not stray into the realms of philosophy and religion. Even the best laid plans...

Those philosophers who focused on Galileo’s insistence on objectivity reduced the world to only primary characteristics and dismissed the rest as ephemera, delusion, hallucination. They came to view the world as strictly materialistic- made up of nothing but matter moving according to mechanical principles. These philosophers and social scientists represent the dominant school of thought since the time of the Enlightenment.

Others, though, have focused instead on the element of observation, of experience in scientific method and they have proven to be a formidable opponent for materialists. One cannot say that they have had as much success in popular culture or in public education as the materialists, but their work speaks to an abiding urge within the human heart – the desire for freedom, for transcendence, for creativity, for innovation, for mysticism and metaphysics. Man has not been satisfied being told he is but a speck of dust, an *automaton* in a cosmic machine. Great thinkers tell that he is primitive and superstitious because he wants to be more than a primate evolved randomly and destined

only to die. They tell him he is simple minded because he doesn't understand how a world that seems pregnant with significance is truly devoid of meaning and purpose.

Man seeks order and purpose. He is not satisfied to be fed, to sleep and to die. He wants to be great. He wants to be good. He looks at the world and he is filled with wonder. He looks upon himself and is filled with curiosity and anguish. He senses the divine; he wants to participate in the sacred. He wants wisdom and power and grace. And the materialists cannot give him this. They can only make fun of him for harboring such dreams.

But there are others, great thinkers also, who have not become materialists. Who look upon science as a great and wondrous thing, but who cast their look back upon the observing subject and testify that there is more to life than can be weighed and measured. Generally speaking, these are the Phenomenologists and the Pragmatists. Philosophers who have observed their own experience, and have drawn an array of conclusions, but who proclaim "There are more things in heaven and earth than are deamt of in your philosophy."

Phenomenologist Edith Stein and Pragmatist William James are both students of experience. But their commonalities extend beyond their methodology; their subject matter and conclusions accord as well. Like phenomenology, "pragmatism represents a perfectly familiar attitude in philosophy, the empiricist attitude" (*The Writings of William James*, 379). William James' colleague, life-long friend and co-creator of pragmatism, C. S. Peirce first termed pragmatism "phenomenology" (*The Essential Peirce*, vol. II, 145). Edith Stein was a favored student of the renown phenomenologist, Edmund Husserl, and she spent her life developing his philosophy.

So that Stein and James accord methodologically goes without question. But there are many phenomenologists and pragmatists, what is perhaps more interesting is that the two investigate the same subject matter, namely, psychology, and that they both draw the same startling conclusion: that the scientific study of the human mind reveals a spiritual reality breaking into the physical world. They look upon the natural world and see there the face of God.

William James on *Reflex Action and Theism*

William James began his career as a medical doctor – he was a physiologist and a neurologist. His *Principles of Psychology* was the textbook for training psychologists for generations. And to this day, over 100 years later, none of his conclusions have been falsified and little has been added. The psychology building on the campus of Harvard University is named the William James

building; this was where he worked and it stands as a monument to his towering reputation within the field.

While psychologists have enjoyed a profound influence over the scientific community and the public at large, many like Wundt, Freud, Watson and Skinner took a materialist position and spent their careers trying to prove that the mind of man was merely the result of unconscious mechanical forces, of the same type that move planets and projectiles. In trying to explain the spookier characteristics of the mind – the imagination, memory, cognition, and religiosity, they attributed these to illusion, delusion, and pathology. James, while arguable the better scientist, did not take this route. On the contrary, James claimed “It is to my mind quite inconceivable that consciousness should have *nothing to do* with a business to which it so faithfully attends... consciousness seems to be an organ superadded to the other organs which maintain the animal in its struggle for existence; and the presumption of course is that it helps him in some way in this struggle, just as they do. But it cannot help him without being in some way efficacious and influencing of course his bodily history” (*Principles 1*, 136). Thus, “pragmatism, devoted though she be to the facts, has no such materialist bias as ordinary empiricism labors under” (*Writings*, 379). C. S. Peirce forwards a more devastating critique of materialism: “The materialist doctrine seems to me quite as repugnant to scientific logic as it is to common sense; since it requires us to suppose that a certain kind of mechanism will feel, which would be a hypothesis absolutely irreducible to reason, – an ultimate, inexplicable regularity; while the only possible justification of any theory is that it should make things clear and reasonable” (Peirce, vol. 1, 292).

James concludes that man’s feelings, dreams, imagination, and memory, far from being illusory or insignificant, point to a deeper metaphysical truth that pragmatism will not ignore. James writes, “In our cognitive as well as our active life, *we are creative. We add*, both to the subject and the predicate part of reality. The world stands really malleable, waiting to receive its final touches at our hands” (*Writings*, 456). According to James, there is no discreet break between objective and subjective world, we are a dynamic center of co-creatorship:

Our acts, our turning places, where we seem to ourselves to make ourselves grow, are the parts of the world to which we are closest, the parts to which our knowledge is the most intimate and complete. Why should we not take them at their face-value? Why may they not be the actual turning-places and growing-places, which they seem to be, of the world – why not the workshop of Being, where we catch fact in the making, so that nowhere may the world grow in any other kind of way than this? (*Writings*, 467).

James believes that scientific materialism, with its oppressive restrictions on human experience acts as an impediment to thought: “a rule of thinking

which would absolutely prevent me from acknowledging certain kinds of truth if those kinds of truth were actually there, would be an irrational rule" (*Will to Believe*, 28). For James our subjective life, our passion and creativity, all point to the existence of God, and "anyone who should shut himself up in snarling logicity might cut himself off forever from his only opportunity of making God's acquaintance" (*Will to Believe*, 28).

William James was a Boston Unitarian in practice. And, like most Unitarians he was unwilling to involve himself in theological debates about the true nature of God: "I propose to ignore the institutional branch entirely, to say nothing of the ecclesiastical organization, to consider as little as possible the systematic theology and the ideas about the gods themselves, and to confine myself as far as I can to personal religion pure and simple" (*Varieties*, 37). James felt himself unequipped to speak on such topics. But, unlike most scientists, he was willing to defend theism and man's experience of the divine. He wrote many books and articles in defense of religion. His essay *The Will to Believe* defends our right to believe in God. Similarly, in *Faith and the Right to Believe* James claims that "religion on the whole is the most important of all human functions" (*Writings*, 757). In his book, *The Varieties of Religious Experience*, James defends religion as "healthy-minded" (*Varieties*, 78), rather than denouncing it as pathological, as his contemporary Sigmund Freud had done. In his Ingersoll Lecture series William James formulates the doctrine of human immortality from the principles of neurology. For our purposes, we will focus on his essay *Reflex Action and Theism* to see how the simplest organic neural act leads inevitably to proof of God's existence.

The essay *On Reflex Action and Theism* is from an address given at the Unitarian Ministers' Institute. James begins with some opening remarks about being, as a physiologist, perhaps not worthy of addressing seminar-ians. He comments on the trendiness of physiology at the time, and points out that much of the scientific research of the time will be quickly opposed and refuted. He focuses his talk on the doctrine of reflex action, especially within the brain. He explains:

The structural unit of the nervous system is in fact a triad, neither of whose elements has any independent existence. The sensory impression exists only for the sake of awakening the central process of reflection, and the central process of reflection exists only for the sake of calling forth the final act. All action is thus re-action upon the outer world; and the middle stage of consideration or contemplation or thinking is only a place of transit, the bottom of the loop, both whose ends have their point of application in the outer world (*The Will to Believe and Other Essays in Popular Philosophy*, 112-113).

James asks whether "its influence may not extend far beyond the limits of psychology, even into those of theology herself" (*ibid.*, 115).

“There was a time,” James reminds us “when the existence of reflex action and all other harmonies between the organism and the world were held to prove a God. Now, they are held to disprove him. The next turn of the whirligig may bring back proof of him again” (ibid., 115). While unwilling to take up the question of whether God exists, James asserts that God “would form *the most adequate possible object* for minds framed like our own to conceive as lying at the root of the universe” (ibid., 115).

His thesis is this: “that some outward reality of a nature defined as God’s nature must be defined is the only ultimate object that is at the same time rational and possible for the human mind’s contemplation. *Anything short of God is not rational, anything more than God is impossible*, if the human mind be in truth the triadic structure of impression, reflection, and reaction which we at the outset allowed” (ibid., 116).

We receive a world that is a cacophony of whirling impressions, which we take in, think over, conceptualize, and categorize. From the chaos of perception, the mind makes order. From that order we find the methods and materials we need to make a new order. An order of our own choosing – an order of cities, televisions, automobiles, and spacecraft. We take the raw materials of the physical world and create our land of dreams.

James explains that the true nature of reality is the totality of existence. It is the room in which you sit, the clock ticking on the wall, the wind blowing the trees outside, the insect buzzing at the window, the clouds moving across the sky, the car idling in the parking lot, all the people breathing and talking and blinking around you, it is the birds and the squirrel, the hum of the electric lights the trickle of a water facet, etc., etc. “Yet just such a collateral contemporaneity, and nothing else, is the real order of the world. It is an order with which we have nothing to do but to get away from it as fast as possible” (119). You do not perceive of reality as it is. You perceive of what interests you and filter out all the rest. “The miracle of miracles, a miracle not yet exhaustively cleared up by any philosophy, is that the given order lends itself to the remodeling. It shows itself plastic to many of our scientific, to many of our aesthetic, to many of our practical purposes and ends” (ibid., 120).

The remaking of world order into an order of our own making is the consequence of the mediate stage between perception and action, that of *thinking*:

Surely, if the universe is reasonable (and we must believe that it is so), it must be susceptible potentially at least, of being reasoned *out* to the last drop without residuum. Is it not rather an insult to the very word ‘rational’ to say that the rational character of the universe and its creator means no more than that we practically feel at home in their presence, and that our powers are a match for their demands? Do they not in fact demand to be *understood* by us still more than to be reacted upon? Is not the unparalleled development of department Two

of the mind in man his crowning glory and his very essence; and may not the *knowing of the truth* be his absolute vocation? And if it is, ought he flatly to acquiesce in a spiritual life of 'reflex type', whose form is no higher than that of the life that animates his spinal cord, – nay, indeed, that animates the writhing segments of any mutilated worm? (ibid., 137)

But thinking, with all its power and glory, has but one purpose- to serve the will, to inform us on how to behave. "From its first dawn to its highest attainment, we find that the cognitive faculty, where it appears to exist at all, appears but as one element in an organic mental whole, and as a minister to higher mental powers, – the powers of will" (ibid., 140).

So in this triadic process of reflex action, the mind serves the will by understanding incoming perceptions, and by giving outgoing action a goal, a *purpose* to motivate its behavior: "As if conception could possibly occur except for a teleological purpose, except to show us the way from a state of things our senses cognize to another state of things our will desires" (ibid., 129). Of the reflex theory of mind, James writes,

I am not sure, for example, that all physiologists see that it commits them to regarding the mind as an essentially *teleological* mechanism. I mean by this that the conceiving or theorizing faculty – the mind's middle department- functions *exclusively for the sake of ends* that do not exist at all in the world of impressions we receive by way of our senses, but are set by our emotional and practical subjectivity altogether. It is a transformer of the world of our impressions into a totally different world, – the world of our conception; and the transformation is effected in the interests of our volitional nature, and for no other purpose whatsoever. Destroy the volitional nature, the definite subjective purposes, preferences, and fondnesses for certain effects, forms and orders, and not the slightest motive would remain for the brut order of our experience to be remodeled at all. But, as we have the elaborate volitional constitution we do have, the remodeling must be effected; there is no escape (ibid., 118).

The question then becomes, which philosophy best serves the teleological purpose of the human mind? Theism, is James' answer. The problem with scientific materialism is that it fails to motivate our action. The Newtonian paradigm posits that the universe operates like a machine. The parts all move and interact automatically, in the absence of conscious thought. This leaves the sentient brain with no purpose.

Materialism and agnosticism, even were they true, could never gain universal and popular acceptance; for they both, alike, give a solution of things which is irrational to the practical third of our nature, and in which we can never feel volitionally at home... What a collapse! The mental train misses fire, the middle fails to ignite the end, the cycle breaks down half-way to its conclusion; and the active powers left alone, with no proper object on which to vent their energy, must either atrophy, sicken, or die (ibid., 127).

Here is the point of connection with the reflex-action theory of mind: “Any mind, constructed on the triadic reflex pattern must get its first impression from the object which it confronts; then define what that object is and decide what active measures its presence demands; and finally react... When the objects are concrete, particular, and familiar, our reactions are firm and certain enough, often instinctive. But the objects will not stay concrete and particular: they fuse themselves into general essences, and they sum themselves into a whole, the universe. And then the object that confronts, that knocks on our mental door and asks to be let in, and fixed and decided upon and actively met, is just this universe itself and its essence. What are *they*, and how shall I meet *them*? The whole flood of faiths and systems here rush in” (ibid., 123).

So it is that “theism always stands ready with the most practically rational solution it is possible to conceive. There is not an energy of our active nature to which it does not authoritatively appeal, not an emotion of which it does not normally and naturally release the springs. At a single stroke, it changes the dead, blank *it* of the world into a living *thou*, with whom the whole man may have dealings” (ibid., 127). In opposition to materialism, which robs our will of purpose, theism answers to every aspect of man – his understanding, his desire, and his purpose. Thus, “Our volitional nature must then, until the end of time, exert a constant pressure upon the other departments of the mind to induce them to function to theistic conclusions” (ibid., 127).

From the neurological foundation of reflex action in the brain, James shows how “theism would thus be seen to have a subjective anchorage in its congruity with our natures as thinkers. God may be called the normal object of the mind’s belief” (ibid., 116).

Edith Stein *On The Problem of Empathy*

Edith Stein began her academic career as a protégé of Edmund Husserl and a student of phenomenology. When *On the Problem of Empathy* was written, she was an agnostic, but she would go on to become a Catholic, a Carmelite, and a saint. The following is excerpted from her dissertation, written under the guidance of Husserl. In it, Stein finds, like James, that the will – influenced as it is by cognition of meaning – reveals the influence of the divine on the natural world.

In the early chapters of *On the Problem of Empathy*, Edith Stein explores the physiological constitution of the psycho-physical individual; in so doing, she concludes that “consciousness appeared not only as a causally conditioned occurrence, but also as object-constituting at the same time. Thus it stepped out of the order of nature and faced it. Consciousness as a correlate

of the object world is not nature, but spirit" (91). According to Stein's theory, the acts of the individual are motivated by his feelings; his feelings are the result of his evaluation of meaning. She determines, that the "experiential 'meaning context', so strangely excepted in the midst of psychic and psycho-physical causal relationships and without parallel in physical nature, is completely attributable to spirit" (96).

Stein's theory posits that our values motivate our actions. A person who values education will go to school. A person who values nature will camp and hike. A person who values money will try to acquire it. Your values result from what you find meaningful in life. Value is a function of significance. One can only determine what he finds meaningful through experience. Meaning, for Stein, is an interaction between a soul and the world. Her essay *On Empathy* explores the nature of personhood as it interacts with the outside world. She writes, "We have sketched the constitution of the personality in outline. We have found it to be a unity completely based on experience and further distinguished by its subordination to rational laws. Person and world (more exactly, value world) were found to be completely correlated. ...it is impossible to formulate a doctrine of the person without a value doctrine, and the person can be obtained from such a value doctrine" (108). Since value lies outside of science, there is no role for value in the mechanical-materialist conception. Consequently, "We came to the spiritual person through the psycho-physical individual. In constituting the individual, we ran into spirit. We found our way through the guideline of meaning" (117).

At the center of the person is the kernel of soul. This is where values originate. According to Stein's theory, the personality develops in the dynamic interplay between the soul and the world: "The individual with all his characteristics develops under the constant impression of [natural] influences so that his person has such a nature because he was exposed to such and such influences. Under other circumstances, he would have developed differently... One can conceive of the soul's being modified in many ways. But its variability is not unlimited; there are limits here. We find not only that the categorical structure of the soul as soul must be retained, but also within its individual form we strike an unchangeable kernel, the personal structure" (110).

Stein believes that the levels of a person do not develop or deteriorate, but they can only be exposed or not in the course of psychic development. "So the psycho-physical empirical person can be more or less complete realization of the spiritual one. It is conceivable for a man's life to be a complete process of his personality's unfolding, but it is also possible that psycho-physical development does not permit a complete unfolding" (111). For example, if one dies young, he cannot unfold himself completely. Unfolding may be defective if

one never encounters the right circumstance for proper development (if an artistic nature never sees a work of art, if a farmer lives in the city, etc.). “Finally, it is conceivable that the personality does not unfold at all. He who does not feel values himself but acquires all feelings only through contagion from others, cannot experience himself. He can become, not a personality, but at most a phantom of one. Only in the last case can we say there is no spiritual person present” (111).

Edith Stein introduces the notion of spirit into the academic debate about personality formation, but she goes further and claims that this spirit is constituted according to knowable principles. The spirit has structure and types can be categorized: “As natural things have an essential underlying structure, such as the fact that empirical spatial forms are realizations of ideal geometric forms, so there is also an essential structure of the spirit and of ideal types. Historical personalities are empirical realizations of these types” (95). She explains, “The ideal person with all his values in a suitable hierarchy and having adequate feelings would correspond to the entire realm of value levels. Other personal types would result from the abolition of certain value ranges or from the modification of the value hierarchy, and, further, from differences in the intensity of value experiences” (108).

The spirit is not only capable of being described, but understood: “Spiritual acts are subject to general rational lawfulness. Thus, there are also rational laws for feeling, willing, and conduct expressed in *a priori* sciences as well as laws for thinking. Axiology, ethics and practice take their places beside logic” (97). Stein proposes a primary law of spirit: “Formulated as a theoretical proposition, we have here the general rational law: He who feels a value, and can realize it, does so. In normative terms: If you feel a value, and can realize it, then do it. Every action conforming to this law is rational and right. However, this determines nothing about the material value of the action; we only have the formal conditions of a valuable action” (114). Thus, we can claim that values will be realized in action, without assessing whether a particular value is worthy.

Further laws constitute a hierarchy of values. She writes, “We must distinguish the intensity of feelings from their depth, reach, and duration... The stronger feeling properly has the greater value and so this also sets the will in motion (intensity)” (115). The reach of a feeling depends on how far down into the kernel of the “I” the feeling reaches: “The reach of the aroused mood depends on the ‘I’ depth of the act of feeling correlative with the height of the felt value. The level to which I can reasonable allow it to penetrate me is prescribed” (104). “Along with the depth and reach of the feelings, a third dimension is their duration... How long a feeling or mood may remain in me, filling me out or ruling me, is also subject to rational laws” (104). A sad mood

that is unmotivated or lasts too long would be depression; a joyful mood that is unmotivated or lasts too long would be mania. “The dependence of the person’s structure on rational laws is clearly distinguished from the soul’s subordination, not to reason, but to natural laws” (104).

Here, in the constitution of the personality, when our feelings motivate our actions, we witness spirit at work in the world: “As we consider expressions to be proceeding from experiences, we have the spirit here simultaneously reaching into the physical world, the spirit ‘becoming visible’ in the living body. This is made possible by the psychic reality of acts as experiences of a psycho-physical individual, and it involves an effect on physical nature. This is revealed still more strikingly in the realm of the will. What is willed gives us ‘willed reality;’ volition becomes creative. Our whole cultural world, all that the hand of man has formed, all utilitarian objects, all works of handicraft, applied science, and art are the reality correlative of the spirit” (92). In this passage the similarities between Stein’s conclusions and James’ become most striking. Both view the will’s creative power over the natural world as the point of contact between spirit and matter. When that invisible something within the beating heart of man is unleashed, empires rise, technology bursts forth, nature is subdued, lightning is harnessed, and even the stars are brought down from the heavens.

Empathy, then, for Stein, is the understanding of spirit: “In every literal act of empathy, in every comprehension of an act of feeling, we have already penetrated into the realm of spirit. For, as physical nature is constituted in perceptual acts, so a new object realm is constituted in feeling. This is the world of values” (92).

When we empathize with another person, we come to understand his values: “As my own person is constitute in primordial spiritual acts, so the foreign person is constituted in empathically experienced acts. I experience his every action as proceeding from a will and this, in turn, from a feeling. Simultaneously with this, I am given a level of his person and a range of values in principle experienceable by him. This, in turn, meaningfully motivates the expectation of future possible volitions and actions. Accordingly, a single action and also a single bodily expression, such as a look or a laugh, can give me a glimpse into the kernel of the person” (109).

Empathy brings into play the natures of both people involved in the relationship: “I consider every subject whom I empathically comprehend as experiencing a value as a person whose experiences interlock themselves into an intelligible, meaningful whole. How much of his experiential structure I can bring to my fulfilling intuition depends on my own structure” (115). “I can experience values empathically and discover correlative levels of my person, even though my primordial (primary) experience has not presented

an opportunity for their exposure. He who has never looked danger in the face himself can still experience himself as brave or cowardly in the empathic representation of another's situation" (115). This explains why we would enjoy literature and the arts: we love to empathize.

Knowledge of foreign persons is significant for knowledge of self. "By empathy with related natures, persons of our type, what is sleeping in our own nature is awakened. By empathy with different personal structures, we become clear on what we are not, what we are more or less than others. Thus, together with self-knowledge, we also have an important aid to self-evaluation. Since the experience of value is basic to our own value, at the same time as new values are acquired by empathy, our own unfamiliar values become visible. When we empathically run into ranges of value closed to us, we become conscious of our own deficiency or dis-value. Every comprehension of different persons can become the basis of an understanding of value" (116).

Since value lies within the realm of spirit, then every comprehension of different persons can become the basis of metaphysical understanding. In each other we make contact with the realm of spirit as it reaches into the natural world.

Conclusion

In their study of psychology, in the empirical approach to the physical brain, both Stein and James have revealed a world, not of dead matter operating according to mechanical principles, but a spiritual world of passion and personhood. In both accounts, the will is of paramount importance. James found that the cognitive faculties, an integral part of the triadic reflex action of the brain, serve only to remake the world in accordance with our desire. The cognitive faculty needs two things in order to operate: it needs understanding and it needs purpose. The mind must address the facts coming in through perception and it must have purpose to motivate outgoing action. In this coming and going, the mind shows itself to be a participant in the creation of the cosmos. It takes in one world, and remakes it into another of its own design. And it is in this triadic interaction within the brain that James discerns the presence of God.

Stein also studies the psycho-physical constitution of man. In so doing she found that empathy is inexplicable within the physiological paradigm. She discovered that the will requires meaning to motivate its action. Meaning lies outside the materialist conception and points to a spiritual realm, and it is in this realm of spirit that individuals meet and empathize. In both cases, we have a will in need of meaning and purpose in order to operate. Nothing in

the Newtonian conception requires meaning and purpose to function. Materialism fails to explain the human being, and therefore fails as a universal principle. Theism, on the other hand, is capable of explaining both mechanical action and human minds, and is the one philosophy still left standing in the modern age.

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An Education for Responsibility: Edith Stein and the Formation of the Whole Person

KATHERINE BAKER

All human educational work has the duty of cooperating in the restoration of man's integral nature.¹

The landscape of today's educational philosophies is as widely varied in theory and practice as one would expect to find in the physical topography of a naturally rich continent. This simile reminds us of the fact, true of both spatial and mental horizons: according to cultural anthropologists, they shape us, and direct the growth and particular expressions of our personhood by their own unique attributes. But here the terms of the simile must be differentiated, for while the limits of the skyline of the New Brunswick old forest, or the horizon of the East African Rift Valley could help to form the development of a person and/or society, I must argue that the shaping influences of an education are much more *closely* tied to the inertia of human action and decision, and hence to the moral and social value of responsibility. Here in the realm of value and choice we come face to face with issues beyond that of preference, or even those of cultural difference, and must evaluate ideas and practices on another plane altogether.

The vital significance of our call to evaluate and to act responsibly in education is highlighted by an address given by Martin Buber to the Third International Educational Conference in Heidelberg, August 1926. He reminds any who will hear that:

Future history is not inscribed already by the pen of a causal law on a roll that merely awaits unrolling; its characters are stamped by the unforeseeable actions of future generations. The part to be played in this by everyone alive today, by every adolescent and child is immeasurable, and immeasurable is our part if we

¹ Edith Stein, *Essays on Women*, trans. Freda Mary Oben (Washington D.C.: ICS Publishers, 1987), p. 180.

are educators. The deeds of the generations now approaching can illumine the grey face of the human world or plunge it in darkness. So then with education, if it at last raises us and exists indeed, it will be able to strengthen the light-spreading force in the hearts of the doers...²

To us in later years, the prophetic nature of that statement can be seen in sharp relief against the backdrop of the institution of the Hitler Youth in the same year as that conference. But what significance does this “part to be played” take on in the light of a law signed by Hitler only ten years later, the Law on the Hitler Youth (signed into law December 1, 1936)?³ In this law echoes a theme painfully familiar in type, but not in essence, to Buber’s earlier words:

The future of the German Nation depends upon its youth, and German youth shall have to be prepared for its future duties. Therefore the Government of the Reich has prepared the following law which is being published herewith: [article 2.] The German Youth, besides being reared within the family and school, shall be educated physically, intellectually, and morally in the spirit of National Socialism to serve the people and community, through the Hitler Youth.⁴

If one can make a declaration on the value of education and have it used as a point of a sword against the lives and integrity of a whole people, it can be obvious that it is not education as an isolated concept which is the hope of Buber’s “future generations.” It is here that the question of education, and the choices to which it leads us, engages every level of our human experience, and enjoins a responsibility to seek and understand the basis of our educational philosophies.

During the tenuous early years of the Nazi regime, a “first responder” to this challenge was the educator, saint, and philosopher, Edith Stein. A brief study of her life and writings gives us a much deeper understanding of the perils and necessity of education, and if one takes Buber’s injunction seriously, Stein’s thoughts, coming as they did on a hinge-point of history, should be considered invaluable in discerning the foundations of an education that would create, rather than destroy, an ethic of responsibility. This paper seeks

² Martin Buber, *Between Man and Man* (New York: Macmillan Publishing, 1965), pp. 83-83.

³ Avi Hien, “Hitler Youth.” *Jewish Virtual Library*, 2011. <http://www.jewishvirtuallibrary.org/jsource/Holocaust/hitleryouth.html> (accessed October 26th, 2011).

⁴ Source of English translation: Law on the Hitler Youth (December 1, 1936). In United States Chief Counsel for the Prosecution of Axis Criminality, *Nazi Conspiracy and Aggression*. Washington, DC: United States Government Printing Office, 1946. Volume 3, Document 001-ps – Document 1406-ps. Document 1392-ps, pp. 972-73. (English translation accredited to Nuremberg Staff.) German History Docs http://germanhistorydocs.ghidc.org/sub_document.cfm?document_id=1564 (accessed October 2011).

to explore those foundations, and ask if they might be an equally insightful antidote for education in our present experience.

It was from 1928 to 1933 that Stein did most of her major work with educators, from lecturing to an association of women teachers in Ludwigshafen on the Rhine,⁵ to consulting with authorities in Berlin (before the loss of her position at the German Institute for Scientific Pedagogy in Münster because she was Jewish).⁶ At the heart of Stein's philosophy lies a key to deciphering those elements of education which bring the desired fruit of responsible and wholesome persons in society. That heart is Stein's ultimate concern for discerning the truth of the human person in relationship, and during these most crucial years of her educational work, that truth she sought was inseparable from the wisdom, Being, and desires of God. Her work in education revolved around the central concerns of anthropology upheld by both a philosophical and theological framework.⁷

It is important to realize Stein's life journey was inseparable from her intellectual adventure. In his book *Edith Stein: A Philosophical Prologue*, Alasdair MacIntyre sketches her biography and the influences on her life and thought to the point of her conversion to Catholicism in 1917. He notes:

Yet it is not just that the history of Stein's philosophical development from her earliest studies to the work on which she was engaged in her years as a Carmelite nun cannot be intelligibly narrated, if it is abstracted from the history of her life as a whole, and that much that is crucial to her life outside philosophy can only be adequately understood in the light of her philosophical development. It is also that she deliberately and intentionally brought her philosophical thinking to bear on the practices of her everyday life and drew on the experiences afforded by those practices in formulating philosophical problems and coming to philosophical conclusions.⁸

While Stein was a valued and accomplished member of Germany's brightest philosophers, she underwent experiences and made personal choices which gave to her philosophy a distinction, an applicability to the scenarios and concerns of "common life" which were not as evident in, for example, Edmund Husserl's works. One such contrast is highlighted by MacIntyre:

The academic style of Stein's writing may have the effect of concealing from the reader the interest and originality of what she is saying. When philosophers write

⁵ Pat Lyne, *Edith Stein Discovered: A Personal Portrait* (Leominster: Gracewing Publishing, 2000), p. 59.

⁶ Sarah R. Borden, *Edith Stein* (New York: Continuum, 2003), p. 10.

⁷ Waltraud Herbstrith, *Edith Stein: A Biography* (San Francisco: Harper and Row Publishers, 1985).

⁸ *Ibid.*, p. 6.

about mental acts and mental states their examples are generally of acts or states in which the mind is, lucid, focused, and self-aware. Stein by contrast begins from the experience of fatigue (the Cartesian mind never seems to suffer from fatigue).⁹

What were the crucial experiences which directed this philosopher into a vein at first subtly, and later remarkably different from her colleagues? Two experiences in particular stand out. The first is her work as a nurse in the midst of WWI. Before she wrote her doctoral thesis on empathy, she was thrown into her own intensive practicum while serving in the typhoid ward in a hospital on the Austrian front. This intense interaction with suffering human beings and the way in which she reacted with her strong desire to “empathize” with them may in itself account for the origin of the “interest and originality” that MacIntyre mentions. The second experience, which would distance her from some of her colleagues and cause others to claim that she had “turned from philosophy to being a religious thinker,”¹⁰ was her conversion from atheism to the Catholic Church. It was not only her conversion, but also the mantle of tradition which she assumed, evidenced largely in her increasing interest in that bastion of Catholic theology, Thomas Aquinas.

It is thus that the thoughts and concepts which Edith Stein brings to the stage of Western education have strong roots in two sources. On the one hand she is creating her philosophies within a phenomenological context; on the other, she moves to embrace ontology in a traditional Thomistic way.¹¹ This Thomist-Phenomenological marriage in Edith Stein’s thought focused on her unique areas of interest – the human person and community – and created a perspective on theories of knowledge and education.

Early in her philosophical career and central to her later work was her doctoral dissertation “On the Problem of Empathy.” Here Stein is riveted on understanding the essential elements of a person; she suggests that we understand the human person as one whole, operating on four different “levels” – “the personal or individual, the mental or intellectual [and emotional], the sensory or sentient, and the physical.”¹² Essentially, the physical body is the matter through which we interact through cause and effect with the physical world, and the personality is the central nervous system through which meaning and values are realized and conveyed. The sensory and mental/

⁹ Alasdair MacIntyre, *Edith Stein: A Philosophical Prologue 1913-1922* (Lanham: Rowman and Littlefield Publishers, 2006), p. 111.

¹⁰ *Ibid.*

¹¹ *Ibid.*, p. 185.

¹² Marianne Sawicki, “Personal Connections: The Phenomenology of Edith Stein,” *Hesburg Libraries University of Notre Dame*. November 13th, 1998. http://www.library.nd.edu/colldev/subject_home_pages/catholic/personal_connections.shtml (accessed April 3rd, 2011).

emotional elements hold special significance as the realms of the person which can be understood by, and interact with, others.¹³ Dr. Marianne Sawicki, in describing Stein's theory of the person in more detail, hastens to add:

And please note: These layers cannot be reduced to the usual categories of "body" and "soul." All four alike are localized within the body and express what is ordinarily termed soul. This is an "i" whose being is to be radically open to the world of matter, the world of value, and the experiences of other i's, through certain specific structures and within certain thresholds.¹⁴

This theory for understanding the nature of the human person was "worked-out" in Stein's thoughts on education. She emphasizes that it is *not* the method or the education which is her primary concern, but rather the "material with which we are dealing" (i.e. the nature and condition of the persons to be educated). She stresses the importance of awakening the emotions for: "It is only the person who is deeply involved with life whose emotions are stirred."¹⁵ Specifically showing aesthetic and moral beauty and truth through literature, languages, and the acts of history, are ways which she suggests could promote the stirring of the emotions. "But" she says, "it is not enough only to stir the emotions."¹⁶ We must then be taught to evaluate these using the intellect, and we must be in some degree conditioned to appreciate or reject improper emotions by the example of those who teach us, and the community of faith around us.¹⁷ She reminds us of our need for these wholesome "environmental influences"¹⁸: "We court a great risk by thinking we can find ...[this] in a refined atmosphere devoid of real life situations."¹⁹

In Stein's conception of humanity the intellect and emotions are not separate; rather, there is an "interrelation of the spiritual faculties. We see that they are in a state of interdependence – one cannot exist without the other. Intellectual cognition of reality is the necessary point of departure for emotional response."²⁰ And while without the intellect the emotions can become mere sensuality, if intellect is without the emotions, there actually can be no true objectivity, for it is emotion which involves the perception of value. Thus education can be conceived as the process of spiritual formation.²¹

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Stein, *Essays on Woman*, p. 102.

¹⁶ Stein, *Essays on Woman*, p. 103.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ John Sullivan OCD, introduction to *Edith Stein: Essential Writings* (Maryknoll: Orbis Books, 2002), p. 21.

²⁰ Stein, *Essays on Woman*.

²¹ Parker Palmer, *To Know As We Are Known* (New York: Harper Collins, 1993), p. 17.

Yet Stein does not only concentrate on the mental and spiritual aspects of education, but makes sure to remind us of the following:

We see the possibility exists of the inner formative functions needing the help of exterior ones; indeed that is the hypothesis of all education. Formal education enhances the development of the given intellectual and physical *organs*... the treatment of the body belongs naturally in an integral theory of ... education.²²

In this understanding of education she seeks to remind the educator that it is not abstract intellectual ability that is the be all and end all; rather, the whole person is the subject of education, and in each individual the integrated nature of each faculty to the other requires that none be stifled. She declares:

The intellect, knowing its activity to be rational, reveals a world; the will intervenes creatively and formatively in this world; the emotion receives this world inwardly and puts it to the test. But the extent and relationship of these powers vary from one individual to another; and particularly from man to woman.²³

As has been said, “Stein pioneered for a curriculum that would develop the intellect, discipline the emotions, school the will, and develop value judgments.”²⁴ Her pedagogy was not abstract, but one that would “reflect the human person ‘in the flesh’... for Edith Stein, human beings took precedence over abstract knowledge.”²⁵

In this appreciation of human condition, she was deeply aware of the individuality within each person. While striving for objective values, seeking truth, and searching for humanity’s place within the greater reality, she also insisted on recognizing the uniqueness of each person. Especially in the realm of education, she instructs the educator to be intently aware of the material he/she is dealing with. She stresses that educators themselves must have a right understanding of the world, and must understand God’s destiny for humanity: to “grow into the likeness of God through the development of his faculties.”²⁶ But she also emphasizes understanding that built within this “eternal framework” there is the opportunity and necessity for the soul of each individual to grow into the intellectual and emotional potential that each possesses within themselves: “The individual must discover his own unique gift” and “there must be a continued effort to differentiate between goals common to all human beings...and individual goals.”²⁷

²² Stein, *Essays on Woman*.

²³ Stein, *Essays on Woman*

²⁴ Freda Mary Oben, “Education’s Role in Personal Formation, According to Edith Stein,” A paper read for Metaphysics 2006 at Idente Foundation in Rome, July 8th, 2006.

²⁵ Herbstrith, 17.

²⁶ Stein, *Essays on Woman*.

²⁷ Ibid.

This individuality that Stein affirms shows a deep respect for the varying expressions of humanity and ultimately recognizes that within the aspiration to grow into the likeness of God, the educational process is there to nurture the unique expression of each human life. She states:

... the basic faculties which exist originally are unique in degree and in kind to each human soul. It is not inanimate material which must be entirely developed or formed in an exterior way, as is clay by the artist's hand or stone by the weather's elemental forces; it is rather a living formative root which possesses within itself the driving power (inner form) toward development in a particular direction; the seed must grow and ripen into the perfect gestalt, perfect creation. Thus we have attained a certain insight into the nature of education: the process of shaping the natural spiritual predisposition. In customary usage, the term "education" also signifies the result of these processes – the *Gestalt* which the soul assumes thereby, perhaps also the soul thus formed, and even the spiritual matters which it receives.²⁸

Now we see that to embrace the thought and feelings animating Stein's speeches and writings on education, is to willingly acquiesce to placing value on a fundamental ontology in the realm of the every-day and practical application of philosophy to life and education. It also creates the awareness of the power of human choice in the private realm of belief, something that the Nazi education institutions seemed to be thoroughly in-tune with. The ramifications of choosing a belief regarding the nature of the human person are borne out in many historical dramas.

The redeeming difference between the education of the German youth for participation in the pseudo-religion of National Socialism, and the one of personal formation advocated by Stein, was a firm belief in the value of the human person as the image bearer of the Creator.²⁹ Both advocated a "moral" education, but one has rightly borne the judgment of an on-going panel of jurors drawn from different generations and nations. In contrast, Stein offered not only an account of the human person which drew back the veil on the vital interconnectedness of all their faculties, but that also gave a reason for the intrinsic worth and beauty of every living person.

In her philosophy of education, not only would teachers engage a curriculum appropriate to nurturing this being, but the person being thus cared for in every aspect was equipped to understand both themselves and others

²⁸ Ibid.

²⁹ In *Finite and Eternal Being* she writes: "Might we thus not see a most intimate connection between the unity that prevails among the three basic forms of real being and the triune Deity? [She then compares likeness of the Father to the human soul, the Son to the body, and the Spirit to our spirits]... We might then see a triune unfolding of being in the entire realm of reality" (Washington D.C.: ICS Publications, 2002), p. 361.

in the essential connection of relationship. This relationship was not merely a socially devised phenomenon, but found its inception and model in the Person of God.³⁰ In personhood, Stein would find the basis of an ethic of responsibility in relationship. Her educational philosophy spoke to the people of her time, invaded as they were by the corrosive influence of National Socialism, and yet her words have the potential of being applied to any efforts in contemporary education. The foundations for responsibility, which Stein located outside the particular repercussions of time or epoch are applicable in any era to an education which seeks what essayist Wendell Berry calls the “full flowering” of humanity.³¹

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The Search for the “Responsible Life” in Martin Buber and Leo Buscaglia

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Martin Buber (1878-1965) and Leo Buscaglia (1924-1998) never have been personally associated as far as I know, but they both have written philosophically about the meaning of “responsible living” in a manner conducive to an appreciation of its theoretical and practical connotations. I intend to appeal to their philosophical principles and implications for the pedagogical process, especially the nature of the spiritual relationship between the teacher and the student, in attempting to clarify meanings of the “responsible life.”

Buber has drawn some of his own educational implications from his central philosophical treatise *I and Thou* and other writings. His philosophical principles most prominent here are analyses of his view of the two fundamental modes of human relationship, I-It and I-Thou; and the allied forms of human knowledge, the empirical and the nonquantifiable, respectively. Concerning education, he attends primarily to goals of education and the spiritual nature of the teacher-student relationship. The focus of my attention to Buscaglia is upon his book *Love*, published in 1972. He considers the nature of love, the nature of the loving person, and the necessity of living in love – which become the bases for an exploration of *learning* to love, pedagogical principles which follow from his philosophizing about love.

While the philosophical principles of Buber and Buscaglia overlap to some extent, the I-Thou relationship described by the former seems somewhat wider than the latter’s concept of love. From both we can conclude that *being* a specific kind of person is fundamental to *doing* what a teacher must do to educate another. Who the teacher *is* is fundamental to *how* (and how effectively) the teacher teaches. In the realm of teacher education, this suggests that philosophical reflection upon being, person, good, and God are fundamental to planning and implementing the ideal pedagogical process – which itself exemplifies “responsible living.”

An espousal of and a quest for individual *freedom* in the Western world during the last half-century has not been matched by a promotion of and attachment to *responsibility* in living. Yet, lives of freedom without responsibility signify a chaotic and inhuman world. This represents a philosophical (and theological) as well as a pedagogical problem; and, in fact, poses a challenge for philosophy of education – I mean in the old-fashioned, perennial sense of the employment of philosophical reflection upon life and reality in *prescribing* vital dimensions of the pedagogical process.

Philosophical reflection upon life and reality (as distinct from mere analysis of talk describing life and reality) is certainly required as (seemingly) is theological/religious dialogue. I would like to add the pedagogical dimension to this particular study because it can be argued that an idealized process of education can be interpreted as a paradigm of responsibility in action. From the vantage point of the educator, this can be interpreted in three ways: 1) the self-responsibility of the educator (for personal preparation, etc.), 2) responsibility for the learning and well-being of the students, and 3) responsibility for promoting responsibility, that is, responsible actions on the parts of students and colleagues. One more foundational principle will be supported here, namely, that while a *loving* relationship does not seem to be necessitated by the demands of *justice* to another party, meeting the full requirements of *responsibility* to another is facilitated by loving the other – perhaps necessarily so. In any case, the meanings of “love” and their implications for responsible human living will be explored. Not insignificantly, at the basis of *all* loving relationships is a concern for the “well-being” of the other – to be realized not only in word, but also in action.

Although there are inevitably empirically manifested and measureable manifestations of loving, responsible human relationships in formal education as elsewhere, it will be contended here that the *essence* of such relationships themselves is spiritual, non-empirical, non-quantitative.¹ As noted above, displaying and clarifying these principles will take the form of philosophy of education, philosophical reflection upon the nature of human nature and the values underlying responsible human living as a basis for ascertaining *prescriptively* the goals or directions of the pedagogical process and the means to achieving them, most of all the curriculum. The priority of goals

¹ A perusal of (indeed, a glance at) journals devoted directly and exclusively to “educational research” would indicate that this phrase means basically empirical and quantitative studies. Some past and present journals of this nature include the following: *Research in Higher Education*, *Review of Educational Research*, *The Journal of Educational Research*, *Educational Research*, *Educational Researcher*, *Scandinavian Journal of Educational Research*, *The Alberta Journal of Educational Research*, *Educational Research Quarterly*, *The Journal of Research and Development in Education*, *The Durham and Newcastle Research Review*, and *Research in Education*.

or directions in any educational endeavor is obvious, of course: nothing can be accomplished, except incidentally, without the intention and the will to do so. What may not be as obvious to some is the impossibility of formulating a goal or fundamental direction for education *exclusively* on the basis of a fact or any combination of facts. Empirical evidence, while clearly necessary in the development of pedagogical goals, must be *used* by an individual person or group to formulate a direction for the educational process. In other words, the goals (objectives, ends, purposes) are determined in the last analysis not by the facts, but by the *use* of the facts by a human person in a non-empirical (thus, non-quantitative) manner.

Here we investigate the contributions of Martin Buber and Leo Buscaglia for the understanding and the practice of the “responsible life. Buber has drawn some of his own educational implications from his central philosophical treatise *I and Thou* and other writings. His most prominent philosophical principles include the two fundamental modes of the human I’s relationship to the other (It and Thou), with implications for two different kinds of human knowledge, respectively; and the proper relationship between the human person and the Supreme Thou (God). In his educational theory (Buber also was a practicing educator for many years), he attends especially to the *spiritual* nature of the teacher-student relationship and the proper direction of its implementation.

The focus of my attention to Buscaglia is upon his book *Love* (1972), which developed out of a course by the same name which he taught at the University of Southern California. He considers the nature of love, the nature of the loving person, and the necessity of living in love. In view of these topics, he discusses briefly how one *learns* to love, which I employ in developing some logical implications for planning the process of education. From this inter-linked study of Buber and Buscaglia, therefore, we are able to investigate the manner in which philosophical reflection upon human nature and loving relationships become fundamental in planning and implementing the pedagogical process as model of *responsible* living.

Martin Buber (1878-1965)

Martin Buber was a Jewish existentialist whose philosophical and religious investigations into human relationships, including the teacher-student relationship, exemplify a blend of freedom and responsibility for which the world unwittingly yearns. What distinguishes the I-It and I-Thou relationships, and what is implied in this distinction for the nature of human knowledge? In what manner do Buber’s responses to these questions provide a foundation for the educative relationship between the teacher and the student? An effort will be made to answer these questions within a classical framework of phi-

losophy of education conducive to illustrating a theoretical-practical meaning of “responsible living.” Furthermore, it will be suggested that the pedagogical relationship (teacher-student or, more broadly, educator-client), in accord with Buber’s principles, represents a paradigm of such living.

Buber probably is most famous for his book *I and Thou*, which was published originally in 1923.² According to the translator in his “Preface to the Second Edition,” *the* question for Buber in this book is “how may I understand my experience of a relation with God?”³ According to Buber’s own “Postscript” to the second edition of *I and Thou*, he admits having developed this central concern to incorporate “the close connection of the relation to God with the relation to one’s fellow-man.” This advance suggests a more precise question: “How can the *Thou*-relationship of man to God, which is conditioned by an unconditioned turn to him, diverted by nothing, nevertheless include all other *I-Thou* relations of this man [to other persons and non-human beings in the world], and bring them as it were to God?”⁴

However, the “attitude of man is twofold, in accordance with the twofold nature of the primary words which he speaks.” Buber explains: “For the *I* of the primary word *I-Thou* is a different *I* from that of the primary word *I-It*.”⁵ That is, the conscious human being can relate to any being in this world (human and non-human, animate and inanimate) as *Thou* or *It*. Only God, the Supreme *Thou*, never can be objectified as *It*. Therefore, with the exception of God, the specific nature of the “other” is irrelevant to whether this other becomes a *Thou* or an *It* to the conscious human *I*. The crucial factor is the *relationship* itself: what lies *between* the *I* and the other determines whether the other becomes a *Thou* or an *It*. Not insignificantly, the decisive factor in this determination is the “attitude” (Buber would say) of the *I* in the *concrete* situation. (While *I-Thou* and *I-It* relationships can be described abstractly, they exist in the world only concretely or particularly, according to the author of *I and Thou*.)

What, then, distinguishes these two relationships? While the “primary word *I-Thou* can *only* be spoken with the whole being,” the “primary word *I-It* can *never* be spoken with the whole being” (emphasis added).⁶ Furthermore, the “primary connection of man with the world of *It* is comprised in *experiencing*, which continually reconstitutes the world; and *using*, which leads the

² Martin Buber, *I and Thou*, Second edition, trans. Ronald Gregor Smith (New York: Charles Scribner’s Sons, 1958).

³ Ronald Gregor Smith, “Translator’s Preface to the Second Edition,” Buber, *I and Thou*, viii.

⁴ Buber, “Postscript,” *I and Thou*, 124, 134. This “Postscript” is found only in the second edition of *I and Thou*, published in 1958, nearly thirty-five years after the original edition.

⁵ Buber, *I and Thou*, 3.

⁶ *Ibid.*

world to its manifold aim, the sustaining, relieving, and equipping of human life." On the other hand, "Spirit in its human manifestation is a response of man to his *Thou*." "Spirit is not in the I, but between *I* and *Thou*. It is not like the blood that circulates in you, but like the air in which you breathe. Man lives in the spirit, if he is able to respond to his *Thou*. He is able to, if he enters into relation with his whole being. Only in virtue of his power to enter into relation is he able to live in the spirit."⁷ The fact that the I-Thou relationship is a *spiritual* relationship is no incidental matter in Friedman's asserting (interpreting Buber) that "It is not enough for man to use and possess things [I-It]. He has a great desire to enter into personal relation with things and to imprint on them his relation to them... [I-Thou]."⁸

What else can be said to clarify the two central issues: the concrete meanings of I-Thou and I-It relationships in accord with Buber's proposal of these two human attitudes; and how the encounter between the I and Thou in the natural world becomes the means to encountering the Supreme Thou? Concerning the distinction between the two fundamental relationships open to the conscious human I, we have observed the association of I-It with experience and using, and the association of I-Thou with the *whole* being on a *spiritual* plane. The significance of this spiritual relationship (I-Thou) lies in the human person's capacity to transcend the natural: raising the person's "meeting with the world to a higher and fuller dimension." This can be achieved in art, knowledge, love, and faith – conducing, as we will see, to a relation with the Supreme Thou.⁹ While Buber does attribute spirituality to the I-It relationship, it is "the spiritual form of natural *detachment*," whereas the I-Thou relationship is "the spiritual form of natural *solidarity of connexion*" [emphasis added].¹⁰ Nevertheless, Buber's emphasis upon the "spirit" is directed to relation, to that which is *between* an I and a Thou. He says so: "Spirit in its human manifestation is a response of man to his Thou." "Spirit is not in the *I*, but between *I* and *Thou*. ... Man lives in the spirit, if he is able to respond to his *Thou*. He is able to, if he enters into relation with his whole being. Only in virtue of his power to enter into relation is he able to live in the spirit."¹¹

The identification of the I-It relationship with experiencing and using (especially the latter) suggests the possibility of evil. Are all I-It relationships

⁷ Ibid., 38-39.

⁸ Maurice Friedman, Chapter I, "Introductory Essay," Martin Buber, *The Knowledge of Man: A Philosophy of the Interhuman* (New York and Evanston: Harper Torchbooks, Harper and Row, Publishers, 1965), 54.

⁹ Ibid., 56. The term "meeting" is reserved in Buber's lexicon to the relation between I and Thou.

¹⁰ Buber, *I and Thou*, 62.

¹¹ Ibid., 39.

evil? Buber is explicit: “The primary word *I-It* is not of evil – as matter is not of evil... If a man lets it have the mastery, the continually growing world of *It* overruns him and robs him of the reality of his own *I*...”¹² Therefore, while “experiencing and using an *It*, a thing, an object of enjoyment” is not necessarily evil and to be avoided, the I-It relationship “alone is able to obstruct the prospect which opens toward God...,”¹³ the Supreme Thou. Friedman comments as follows: “I-It is not to be regarded as simply evil... It is only the reliability of its ordered and surveyable world which sustains man in life. One cannot meet others in it, but only through it can one make oneself ‘understood’ with others.” In this regard, the I-It relationship complements the I-Thou relation, the latter lacking measure, continuity, and order in a manner which undeterred, could be destructive of life.¹⁴

In any case, the I-It relationship is inevitable because every human being “perceives what exists round about him – simply things, and beings as things; and what happens round about him... he perceives an ordered and detached world.”¹⁵ All experiencing is I-It, regardless of the object¹⁶ – and without such, the person, it appears, would be incapable of an I-Thou relation. Furthermore, as Friedman testifies, “Science investigates man not as a whole, but in selective aspects and as part of the natural world. Scientific method, in fact, is the most highly perfected development of the I-It, or subject-object, way of knowing. Its methods of abstracting from the concrete actuality... reduce the *I* in so far as possible to the abstract knowing subject and the *It* in so far as possible to the passive and abstract object of thought.” Therefore, the scientific method provides for the comparison of human beings with one another and with animals, and for categorizing differing objects in the world. However, this method “is not qualified to discover the wholeness of man” or “the uniqueness of man as man.”¹⁷ Buber himself sums up the point succinctly: “And in all the seriousness of truth, hear this: without *It* man cannot live. But he who lives with *It* alone is not a man.”¹⁸ This amounts to asserting that “All real living is meeting”¹⁹ – and the conscious *I* truly “meets” another only in an I-Thou relation.

¹² Ibid., 46.

¹³ Ibid., 105.

¹⁴ Maurice S. Friedman, *Martin Buber: The Life of Dialogue* (New York: Harper Torchbooks, Harper and Row, Publishers, 1960), 60.

¹⁵ Buber, *I and Thou*, 31.

¹⁶ Friedman, “Introductory Essay,” Buber, *The Knowledge of Man*, 12.

¹⁷ Ibid., 19-20. See also Friedman, *Martin Buber: The Life of Dialogue*, 173.

¹⁸ Buber, *I and Thou*, 34.

¹⁹ Maurice Friedman, “Introduction,” Martin Buber, *Between Man and Man*, trans. Ronald Gregor Smith (New York: The Macmillan Company, 1966), xv. This is a statement by Buber appearing in both *I and Thou* and *Between Man and Man*.

Before engaging in further description of the I-Thou relation, I wish to stress again (with Buber) the necessity of the particularity or concreteness of a situation which gives meaning to the two primary attitudes of I-It and I-Thou. Friedman affirms this in regard to the latter when he says that “The I-Thou relationship must always be understood in terms of the quite concrete situation and life-reality of those participating in it.”²⁰ Later in this same essay, he applies the principle to personal development: “One’s potential uniqueness may be given, but the direction in which one authenticates one’s existence is not; one discovers it in constantly renewed decisions in response to the demand of concrete situations. When we are guilty, it is not because we have failed to realize our potentialities, which we cannot know in the abstract, but because we have failed to bring the resources we find available to us at a given moment into our response to a particular situation that calls us out.”²¹ Finally, in regard to the same point, Friedman observes that “Buber proceeds to set up philosophical anthropology as a systematic method which deals with concrete, existential characteristics of man’s life in order to arrive at the wholeness and uniqueness of man...”²²

One can discern three moments or phases of a concrete I-Thou relationship. First, the I (conscious human being) “listens to,” then “becomes aware of,” and finally “confirms” the being of the other (Thou). What does this mean? When the I “listens” to the other in an I-Thou relationship, the auditory capacities of the I likely will be engaged, but that is only part – and, in some instances, a non-essential or a relatively insignificant part – of the process. To “listen” is to attempt with one’s whole being to become sensitive to the whole being of the other, especially to the needs of the other in a specific situation. The successful effort of listening results in “becoming aware” of the whole being of the other. While the awareness of the whole being of the other, including the specific needs of that other, is essential in an I-Thou relationship, it is not sufficient. The conscious I must “confirm” the other. This does not necessarily signify an agreement or concurrence with the given state or direction of the other. In fact, it might require promoting the reversal of a given direction (such as a habit of drug abuse) because it connotes enhancing the well-being of the other. In any case, the I must be “for” the other, and this attitude must be conveyed (in some sense) by a response of the I to the other, promoting the potential of the other on the basis of the actual. Certainly, we can conclude that encountering another as Thou epitomizes the ideal of “responsible living.”

²⁰ Friedman, “Introductory Essay,” Buber, *The Knowledge of Man*, 32.

²¹ *Ibid.*, 49-50.

²² *Ibid.*, 14.

As noted above, the I-Thou relationship can be exemplified by the attitude and action of the I toward any being external to the self: an automobile, a tree, a dog, or another person, etc. That is, the *responsibility* of an I for a Thou always places that responsibility on the shoulders of a human being, without signifying that another human person is the recipient. Two features of this relationship stand in direct contrast to corresponding features of the I-It relationship indicated above. First of all, in the I-It relationship, the I is engaged with the other for one's own sake; in the I-Thou relationship, the I is concerned primarily with the well-being of the other. The term "primarily" (concerning I-Thou) has importance insofar as, according to Buber, one cannot give up one's self entirely; rather, the I in the I-Thou relationship "sees" from both sides in a paradoxical kind of one-sided duality – which does not imply reciprocity. Some I-Thou relationships obviously *are not* reciprocal (such as in the case of the loving, but battered, wife), and others *cannot* be fully reciprocal (such as when the I is relating to a non-human being as Thou).

In this context, a second feature of the I-Thou relationship which distinguishes it from the I-It relationship pertains to the "wholeness" of the Thou. The I relating to the other as It, as already observed, is concerned merely with dimensions, parts or aspects of the other, in keeping with the intention to *use* the other. (For example, the I who is using the grocery store clerk is concerned – consciously or subconsciously – about the clerk's capacity to count money and give the right change for a \$50 bill.) The I relating to the other as Thou is concerned with the "whole being" and the uniqueness of the other. Perhaps, this is best explained by focusing on the uniqueness. Every being is unique, of course, insofar as it is *this* being and not *that* being; such uniqueness can be measured in terms of its parts or the sum of its parts as in the instance of It. However, the uniqueness of the Thou (in the spirit of Buber's writings) can be described by two adjectives: incomparable and irreplaceable. The Thou is incomparably unique in the experience of the I insofar as the I relates to this other as "one of a kind." The value, worth, and meaning of the Thou are not derived from any comparisons, as when a man says to his wife, "I love you because you are you." Comparisons are totally irrelevant. Consequently, the Thou is irreplaceable. This helps to explain why the loss of a Thou, whether an automobile, a tree, a dog, or one's husband or wife, can amount to a disaster. A hunting dog as hunting dog (It) can be replaced; a hunting dog as pet (Thou) cannot be replaced. A replacement for a Thou does not exist.²³

Buber employs numerous terms and phrases to designate the various characteristics of the I-Thou relation. Many, if not most, are overlapping and are

²³ These three moments or phases of the I-Thou relationship as well as the two contrasting features distinguishing I-Thou and I-It attitudes have been garnered from numerous primary and secondary sources referred to elsewhere in this paper.

either obvious in view of this general connotation of I-Thou, or are not in serious need of further clarification. They include “experiencing the other side,” “making present,” “inclusion,” “confirmation,” “genuine conversation,” “meeting,” “acceptance of otherness,” “imagining the real,” and “authenticity of the interhuman.”²⁴ Another term commonly applied to the I-Thou relation by Buber (and Friedman interpreting him) is “dialogue.” This raises the question of reciprocity (sometimes called “mutuality”) relative to the I-Thou relation. Friedman employs the term in the subtitle of his book-length study of numerous facets of Buber’s thought, *Martin Buber: The Life of Dialogue*. I am not aware of any appearance of the term in Buber’s early groundbreaking *I and Thou*, and Friedman says that the concept of “dialogue exists only implicitly” there.²⁵ However, the first of Buber’s essays in the book *Between Man and Man* is entitled “Dialogue” and is divided into two sections: “Description” and “Limitation.” He distinguishes “genuine dialogue” from “technical dialogue” (I-It knowing) and “monologue” (a disguise of dialogue), and says that the genuine variety is a relation “whether spoken or silent – where each of the participants really has in mind the other or others in their present and particular being and turns to them with the intention of establishing a living mutual relation between himself and them.”²⁶ In another place in the same essay, he observes that “The basic movement of the life of dialogue is the turning towards the other.” Again, “We should also ... live towards the other... [person], who is not framed by thought but bodily present before us; we should live towards his concrete life.”²⁷

While dialogue appears to be an I-Thou relationship between two human beings, we know that the I-Thou relation, as such, does not require two human persons: the conscious I can relate to a non-human, even an inanimate, Thou. Buber draws attention to this scenario in the “Postscript” to the second edition of *I and Thou*: “If – as the book says – we can stand in the *I-Thou* relationship not merely with other men, but also with beings and things which come to meet us in nature, what is it that makes the real difference between the two relationships?” He then raises the question of “mutuality” relevant to I-(human) Thou and I-(non-human) Thou relationships, commenting that even though a plant cannot “respond” to a human I, “this does not mean that here we are given simply no reciprocity at all.”

²⁴ For example, see Buber, *I and Thou*, 77; Friedman, “Introduction,” Buber, *Between Man and Man*, xv; Friedman, *Martin Buber: The Life of Dialogue*, 87-88; Buber, “Distance and Relation,” *The Knowledge of Man*, 66-71; Friedman, “Introductory Essay,” Buber, *The Knowledge of Man*, 26-29, 40-41.

²⁵ Friedman, “Introduction,” Buber, *Between Man and Man*, xv.

²⁶ Buber, “Dialogue,” *Between Man and Man*, 19.

²⁷ *Ibid.*, 22, 28. For other references to “dialogue,” as such, see Buber, “Elements of the Inter-human,” *The Knowledge of Man*, 75, 85-88; “The Word That is Spoken,” *The Knowledge of Man*,

Somehow, he claims, the plant reciprocates with its “living wholeness and unity,” disclosing “itself to the glance of one who says *Thou*,” and “being there when he, the sayer of *Thou*, is there....”²⁸ In any case, the *kind* of reciprocity between an I and a non-human Thou cannot be equivalent to the reciprocity between two conscious human beings. On the other hand, the I-Thou relationship between two human persons is not necessarily reciprocated – and in fact, *cannot* be reciprocated between a teacher and a student, for example, as we will see later.²⁹

While “the evanescent sphere of the ‘between’ [I and Thou] is an ontological reality,³⁰ according to Buber, the question of love seems less clear. Love is not to be equated with feeling: “Feelings accompany the metaphysical and metapsychical fact of love, but they do not constitute it.” Love “is *between* I and *Thou*.” “Love is *responsibility* of an I for a *Thou*” (emphasis added).³¹ However, Buber elsewhere says that “Dialogic is not to be identified with love,” and goes on: “But love without dialogic, without real outgoing to the other, reaching to the other, and accompanying to the other, the love remaining with itself – this is called Lucifer.”³² Concerning love, Friedman reinforces what was said above regarding the necessity of viewing human relationships (in accord with Buber) in terms of the concrete: “The true love of man is not a general love for all humanity but a quite concrete, direct and effective love for particular individuals. Only because one loves specific men can one elevate to love one’s relation to man in general.”³³ This seems confirmed in the same commentator’s observation of the exclusiveness (in Buber’s view) of a loving relation: “The loving man is one who takes up each thing unrelated to other things. For this hour no other lives than this thing which is alone loved in the world ... the loving man sees what is unique in a thing, its self.”³⁴ A similar effect is seen in Friedman’s noting that Buber “sees love as precisely the recognition of the other’s freedom, the fullness of a dialogue in which I turn to my beloved in his otherness, independence, and self-reality with all the power of intention of my own heart.”³⁵ Again, “To the man who loves, people are set free from their qualities as good or evil, wise or foolish and confront him in

112, 114-15; Friedman, “Introduction,” Buber, *Between Man and Man*, xiii-xvii; Friedman, *Martin Buber: The Life of Dialogue*, Chapter Fourteen, 85-97.

²⁸ Buber, *I and Thou*, 124-26. See also Friedman, “Introductory Essay,” Buber, *The Knowledge of Man*, 12.

²⁹ Buber, *I and Thou*, 131-32.

³⁰ Friedman, “Introduction,” Buber, *Between Man and Man*, xv.

³¹ Buber, *I and Thou*, 14-15.

³² Buber, “Dialogue,” *Between Man and Man*, 21.

³³ Friedman, *Martin Buber: The Life of Dialogue*, 138.

³⁴ *Ibid.*, 49.

³⁵ Friedman, “Introduction,” Buber, *Between Man and Man*, xvii.

their singleness as Thou.” “Pure relation is love *between* the I and the Thou,”³⁶ and “Experiencing the other side [a key phase in expressing the meaning of an I-Thou relation] is the essence of all genuine love”³⁷ – and, we might add, always essential to the assumption of *responsibility*.

Not surprisingly, marriage (signifying a lifelong commitment between a man and a woman) does not go unnoticed in this context. In *I and Thou* Buber cites an unnamed person (himself?) as follows: “When a man is together with his wife the longing of the eternal hills blows round about them’.”³⁸ What does this mean in the context of characterizing the I-Thou relation? According to Friedman, “The inclusion of the other [Thou] takes place still more deeply and fully in marriage, which Buber describes as ‘the exemplary bond’ and ‘decisive union’.”³⁹ According to Buber himself, “Marriage, as the decisive union of one with another, confronts one with the body politic and its destiny – man can no longer shirk that confrontation in marriage, he can only prove himself in it or fail.” Continuing, he says, “He who ‘has entered on marriage’, who has entered into marriage, has been in earnest, in the intention of the sacrament, with the fact that the other *is...*”⁴⁰ Friedman comments further in view of the necessity of “listening” (not merely with one’s ears, but rather with one’s *whole* being) to the other in the I-Thou relation: “Marriage is the exemplary bond through which we touch on the real otherness of the other and learn to understand his truth and untruth, his justice and injustice.”⁴¹ Buber highlights the most significant aspect of marriage in *I and Thou*: “He who loves a woman [the context suggests that he means in marriage], and brings her life to present realization in his, is able to look in the *Thou* of her eyes into a beam of the eternal *Thou*.”⁴² This suggests two significant matters: encountering the Supreme Thou (God) as the ultimate end of all human endeavors, and the necessity of encountering God through I-Thou relations in the world. Analysis of both of these topics follows some brief comments on the “alter-nation” between the two essential human attitudes of I-It and I-Thou.

We have examined in some detail the I-It and I-Thou approaches of human persons to the realities of the world. Both are necessary for a full human life – and they are necessary in “alternation” with one another. What does this mean? (As always, we must bear in mind that these two attitudes of the human person can be appreciated in accord with Buber’s principles

³⁶ Friedman, *Martin Buber: The Life of Dialogue*, 59.

³⁷ *Ibid.*, 88.

³⁸ Buber, *I and Thou*, 103.

³⁹ Friedman, *Martin Buber: The Life of Dialogue*, 89.

⁴⁰ Buber, “The Question to the Single One,” *Between Man and Man*, 60-61.

⁴¹ Friedman, “Introduction,” Buber, *Between Man and Man*, xviii.

⁴² Buber, *I and Thou*, 106.

only in terms of concrete and particular situations.)⁴³ While we know that the I-Thou relationship is essential to becoming truly human, Buber himself testifies that “Every *Thou* in the world is by its nature fated to become a thing, or continually to re-enter into the condition of things.” On the murkiness of the circumstances of life, he is clear: “...situations do not always follow one another in clear succession, but often there is a happening profoundly twofold, confusedly entangled.”⁴⁴ More specifically, “The particular *Thou*, after the relational event has run its course, is *bound* to become an *It*. The particular *It*, by entering the relational event, *may* become a *Thou*.”⁴⁵ In fact, Buber says, the human person “knows that his mortal life swings by nature between *Thou* and *It*, and he is aware of the significance of this.”⁴⁶ Friedman comments on the *de facto* alternation between the I-It and I-Thou attitudes in various places. In introducing Buber’s essays in *The Knowledge of Man*, he observes that “the alternation between I-Thou and I-It is indispensable. Continuity of the I-Thou relationship is neither possible nor desirable. What is desirable is that the I-It relation serve as what it essentially is – the product of the I-Thou relationship which points back to it.”⁴⁷ In somewhat more detail, Friedman comments in his introduction to *Between Man and Man*:

I-Thou and I-It stand in fruitful and necessary alternation with each other. Man cannot will to persevere in the I-Thou relationship. He can only desire again and again to bring the indirectness of the world of It into the directness of the meeting with the Thou and thereby give the world of It meaning. So long as this alternation continues, man’s existence is authentic. When the It swells up and blocks the return to the Thou, then man’s existence becomes unhealthy, his personal and social life inauthentic.⁴⁸

Buber confirms all this in a terse statement cited above: “...without *It* man cannot live. But he who lives with *It* alone is not a man.”⁴⁹

This last assertion of Buber must be understood in conjunction with his view of the Supreme Thou or God. For Buber this Ultimate Being (Person, as we shall see) *exists*, but only as a Thou, never as an It. “Only one *Thou* never ceases by its nature to be *Thou* for us. He who knows God knows also very well remoteness from God, and the anguish of barrenness in the tormented heart; but he does not know the absence of God: it is we only who are not always there.”⁵⁰ We can “meet” or encounter God (as Thou); we can

⁴³ Friedman, “Introductory Essay,” Buber, *The Knowledge of Man*, 14, 32, 49.

⁴⁴ Buber, *I and Thou*, 17-18.

⁴⁵ *Ibid.*, 33.

⁴⁶ *Ibid.*, 52.

⁴⁷ Friedman, “Introductory Essay,” Buber, *The Knowledge of Man*, 53.

⁴⁸ Friedman, “Introductory,” Buber, *Between Man and Man*, XIV-XV.

⁴⁹ Buber, *I and Thou*, 34.

⁵⁰ *Ibid.*, 99.

converse with Him (as Thou), but we cannot reflect upon God or concern ourselves directly with Him (as It).⁵¹ Why is this so? “The Eternal Thou can by its nature not become It; for by its nature it cannot be established in measure and bounds ... it cannot be understood as a sum of qualities....”⁵² Who is this Supreme Thou? “The concept of personal being is indeed completely incapable of declaring what God’s essential being is, but it is both permitted and necessary to say that God is *also* a Person.” For those for whom God is not a principle or an idea, “The description of God as a Person is indispensable...”⁵³ “Meeting with God does not come to man in order that he may concern himself with God, but in order that he may confirm that there is meaning in the world.”⁵⁴

How, then, is the Supreme Thou to be met? The answer of Buber is simple, yet complex, nevertheless at the heart of everything he wrote and taught – and some would say, lived. A question which he himself poses suggests an essential feature of his response: “How can the *Thou* – relationship of man to God, which is conditioned by an unconditioned turning to him, diverted by nothing, nevertheless include all other *I-Thou* relations of this man, and bring them as it were to God?” Also in the Postscript to *I and Thou* Buber hints at this necessary, spiritual relationship between the secular and sacred, the world and God: “...in fact we can dedicate to him not merely our persons but also our relations to one another. The man who turns to him therefore need not turn away from any other *I-Thou* relation; but he properly brings them to him, and lets them be fulfilled ‘in the face of God’.”⁵⁵

Martin Buber proclaims in many ways: the world is a path to God. Some examples of this proclamation include the following. Setting the context, as it were, he says that the “impenetrable world of *It*” “is able to obstruct the prospect which opens toward God... but the relation which involves the saying of the *Thou* opens up this prospect ever anew.”⁵⁶ In other words, while an I-It relationship can separate a person from God, this separation is not effected by the world, as such, or “life in the world.” In fact, “He who truly goes out to meet the world goes out also to God.”⁵⁷ “The [I-Thou] relation with man is the real simile of the [I-Thou] relation with God...”⁵⁸ Elsewhere in his groundbreaking volume *I and Thou* Buber also contrasts the negative and the posi-

⁵¹ Ibid., 116.

⁵² Ibid., 112.

⁵³ Ibid., 135.

⁵⁴ Ibid., 115.

⁵⁵ Ibid., 134, 136.

⁵⁶ Ibid., 105.

⁵⁷ Ibid., 95.

⁵⁸ Ibid., 103.

tive, saying “If you explore the life of things and of conditioned being you come to the unfathomable, if you deny the life of things and of conditioned being you stand before nothing, if you hallow this life you meet the living God.” Of course, you “hallow this life” by “meeting” others in the world as Thou. Closely following this passage, Buber says, “How foolish and hopeless would be the man who turned aside from the course of his life in order to seek God...” when “actually there is no such thing as seeking God, for there is nothing in which He could not be found.”⁵⁹ Finally, the central point is captured in his assertion that “Every particular *Thou* is a glimpse through to the eternal *Thou*; by means of every particular *Thou* the primary word addresses the eternal *Thou*.”⁶⁰ We “meet” God in the world and through the world, by means of our daily activities. The final sentences of Friedman’s *Martin Buber: The Life of Dialogue* capulize the theme: “Each man helps bring about the unity of God and the world through genuine dialogue with the created beings among whom he lives. Each man lets God into the world through hallowing the everyday.”⁶¹

In the “Conclusion” to Friedman’s treatise just cited, the author introduces a related theme essential to appreciating Buber’s principles concerning life in communion with God. He says, “God’s relation to man as the eternal Thou which never becomes an It does not make any the less real the ‘silence’ or ‘eclipse’ of God when He appears to hide Himself and we cut ourselves off from relation with Him.”⁶² In fact, a prominent volume in the Buber corpus is entitled *Eclipse of God: Studies in Relation between Religion and Philosophy*.⁶³ There is insufficient space here to analyze this topic from Buber’s perspective, but the portrait he painted in this regard over fifty years ago is even more vivid today: “...the eclipse is the silence of God [in the world] – the loss of the sense of God’s nearness.” Nietzsche’s proclamation of the “death of God” signifies to Buber “that man has become incapable of apprehending a reality absolutely independent of himself and of having a relation with it.”⁶⁴

There are many causes of this catastrophic situation from Buber’s viewpoint: 1) attempting to “capture” God in an idea or a system; 2) a lived dichotomy between the sacred and the secular, God and the world; 3) blurring the distinction between facts and values, the actual and the ideal, is and ought; 4) a compartmentalization of religion and other aspects of human living;

⁵⁹ Ibid., 79-80.

⁶⁰ Ibid., 75.

⁶¹ Friedman, *Martin Buber: The Life of Dialogue*, 282.

⁶² Ibid., 281.

⁶³ Martin Buber, *Eclipse of God: Studies in the Relation between Religion and Philosophy*, trans. Maurice Friedman (New York: Harper Torchbook, Harper and Brothers, 1957).

⁶⁴ Friedman, *Martin Buber: The Life of Dialogue*, 131-32.

5) collectivism, “whether in the form of totalitarianism or of self-effacing loyalty to political parties”; and 6) subjectivism and relativism. The end result or consequence of these modern phenomena, Buber claims, is the loss of “genuine dialogue” “between man and man,” that is, the loss of meaningful, responsive, and *responsible* communication among human beings, not only among various cultures, but within cultures and even local communities and families. This situation cries out for education, but educators can also contribute to the problem: “The educator who tries to dominate or enjoy his pupils ‘stifles the growth of his blessing’...”⁶⁵ What, then, is a proper education, one which will re-establish genuine dialogue among human beings, enabling each to see the other as Thou, which means “hallowing the everyday” and “letting God into the world”? The focus, it is clear, must be upon the relation between the teacher and the student. While this does not minimize the significance of the curriculum, what is to be taught, it shifts the unfortunate modern emphasis in teacher education upon “methods” of teaching to dimensions of the spiritual (thus, unquantifiable and immeasurable) quality of what lies “between” the teacher and the student in pursuing the proper development of the student. This will be developed following brief attention to Buber’s view of human knowledge.

The two ways in which a person relates to others (as It and as Thou) provide a basis for distinguishing two different kinds of knowledge, Buber tells us. As indicated above, all empirical knowledge is gained through an I-It relationship, the scientific method representing the highest form of I-It awareness. Without depreciating science, Buber clearly affirms that knowledge of the other gained through an I-Thou relationship is a different *kind* of knowledge than that identified with the natural sciences. No accumulation of scientific knowledge can ever constitute knowledge of a Thou: “It is, in fact, only the knowing of the I-Thou relation which makes possible the conception of the wholeness of man”⁶⁶ The I-It relationship necessarily entails behavioral features which are at least somewhat observable and results which are at least somewhat descriptive and quantifiable. In contrast, the I-Thou relationship somehow goes beyond and defies descriptive and quantifiable effects and results. The I-Thou relationship is one which is carried on internally, essentially through the mind and will, the spirit of the person. This spiritual character of the I-Thou relationship and process of knowing can be (and occasionally will be) manifested overtly, of course. However, what is manifested to the senses is the behavior or the physical activity, not the being and spiritual activity which founds and inspires the behavior or physical activity. This distinction is crucial to appreciating human nature and human

⁶⁵ Ibid., Chapter Sixteen, 113-32.

⁶⁶ Ibid., 173.

relationships, in general, as a basis for promoting healthy teacher-student relationships.

Martin Buber discusses the educational process briefly in *I and Thou*. However, our attention will be devoted primarily to his comments in two essays, "Education" and "The Education of Character," in the small volume *Between Man and Man*. In the earlier philosophical work, he adverts to the educational process in the "Postscript" in connection with the question of reciprocity in I-Thou relationships between two human persons, asking, "Is it always entirely reciprocal?" His answer is unequivocal: "...there are some *I-Thou* relationships which in their nature may not unfold to full mutuality if they are to persist in that nature. Elsewhere I have characterized the relationship of the genuine educator to his pupil as being a relationship of this kind."⁶⁷ This notice tells little about the details of the process of education recommended by Buber, but what it does say is fundamental: the teacher-student relationship ought to be a non-reciprocal or one-sided I-Thou relationship – with the teacher assuming the role of listening to, becoming aware of, and confirming the whole being of the student (Thou) in a manner conducive to assuming *responsibility* for the well-being (especially, of course, the learning) of the student. What is the purpose of this process, and how is it effected?

In appreciating the purpose of education, according to Buber, we must recall not only the nature of the I-Thou relationship, but the fact of its fulfillment in encountering God, the Supreme Thou. We have established the fact of the necessity of the I-Thou relationship between teacher and student, rendering Friedman's interpretation of Buber's purposiveness intelligible: "The task of the educator... is to bring the individual face to face with God through making him *responsible* for himself rather than dependent for his decisions upon any... collective unity" (emphasis added).⁶⁸ This statement is based upon Buber's question and answer near the conclusion of the essay "Education." "The question which is always brought forward – 'To where to what, must we educate?' – misunderstands the situation. Only times which know a figure of general validity... know an answer to that question..." "But when all figures are shattered, when no figure is able any more to dominate and shape the present human material, what is there left to form? Nothing but the image of God."⁶⁹ Another mode of response to Buber's question of educational goals lies in Friedman's comment that "Education worthy of the name is essentially education of character."⁷⁰ However, we will consider the

⁶⁷ Buber, *I and Thou*, 131-32.

⁶⁸ Friedman, *Martin Buber: The Life of Dialogue*, 180.

⁶⁹ Buber, "Education," *Between Man and Man*, 102.

⁷⁰ Friedman, *Martin Buber: The Life of Dialogue*, 180.

meaning of that after a further look at Buber's essay entitled "Education." Here he distinguishes between the human instincts of origination and communion. The former pertains to the natural drive to create; educators address this need in ordinary academic challenges, which provide the context for the following remarks directed primarily to the teacher-student relationship. What is the communion instinct, and how is it cultivated in intentional education? The following citation captures the spirit of Buber in this regard.

Yes, as an originator man is solitary. He stands wholly without bonds in the echoing hall of his deeds. Nor can it help him to leave his solitariness that his achievement is received enthusiastically by the many. He does not know if it is accepted, if his sacrifice is accepted by the anonymous receiver. Only if someone grasps his hand not as a "creator" but as a fellow-creature lost in the world, to be his comrade or friend or lover beyond the arts, does he have an awareness and a share of mutuality. An education based only on the training of the instinct of origination would prepare a new human solitariness which would be the most painful of all.⁷¹

Since human beings become authentic persons only by means of implementing I-Thou relationships, and since the communion instinct is the basis for this relationship, the educator must strive to promote the development of this instinct.

Also in this essay we find the three elements of "inclusion," which signifies "the extension of one's own concreteness, the fulfillment of the actual situation of life, the complete presence of the reality in which one participates." These elements are: 1) some kind of a relation between two *persons*; 2) an event experienced in common by these two persons, an event in which at least one of them actively participates; and 3) the active participants living through the common event from the position of the other (insofar as is possible and without forfeiting one's own reality). It is evident from this description that inclusion is a special form of I-Thou, one which engages two persons. (Recall that an I *can* relate to any being as Thou.) According to Buber, "...the true relation of the educator to the pupil is based on inclusion," and it is one of the three chief forms of the dialogical relation. The teacher, in relating to the student as Thou, must see from both sides of the relationship. The teacher must listen to, become aware of, and confirm the whole being of the student because the whole student is involved in the student's learning. However, the relationship is necessarily one-sided because the student, *as student*, cannot relate to the teacher as Thou without giving up personal responsibilities as a student, that is, responsibilities centered on learning. The teacher's role is one of a helping nature, directed primarily toward the student's learning and

⁷¹ Buber, "Education," *Between Man and Man*, 87-88.

becoming a whole being. The student, *as person*, however, can reciprocate the I-Thou relationship. The student, as person, can listen to, become aware of, and confirm the being of the teacher. When such occurs, “when the pupil is able to throw himself across and experience from over there, the educative relation would be burst asunder, or change into friendship.”⁷²

Although I am not aware of whether Buber discusses the matter, the principle of inevitable alternation between I-Thou and I-It relationships would seem as necessary for the teacher-student relationship as for any other I-Thou relationship. Whereas the teacher has a responsibility to the student appreciated as Thou, the teacher (for example) must also take attendance, evaluate student achievement as accurately as possible, and (ordinarily!) accept and cash the monthly paycheck. As in all I-Thou relationships, such forms of the I-It relationship do not conduce to inauthenticity unless they constitute abuses (such as teaching *only* for the money). Apparently consistent with Buber’s position is the fact that the student relates to the teacher only as It. Bearing in mind that I-It and I-Thou relationships occur only in concrete and specific situations, in certain circumstances Person A could be a teacher to Person B (a student); in another instant, Person B could become a teacher to Person A (a student); in a third instant, Persons A and B could relate as friends (indicating in Buber’s technical sense, a reciprocal I-Thou relationship). (It must be borne in mind in regard to the principle of alternation that all I-Thou relationships *must* become I-It, whereas I-It relationships *may* become I-Thou.)

As forecasted above, in his essay on the “Education of Character,” Buber broaches the question of *how* the educator promotes character. He describes the person of character (“a great character”) as “one who by his actions and attitudes satisfies the claim of situations out of deep readiness to respond with his whole life, and in such a way that the sum of his actions and attitudes expresses at the same time the unity of his being in its willingness to accept *responsibility*” (emphasis added).⁷³ Believing that Yahweh, the God of Israel and the Supreme Thou, is encountered only through I-Thou relationships in the natural world, and that encountering God is the end of education, Buber explains the means to that end: the teacher must gain the confidence of the student before attempting to exert influence, and must somehow help the student to become aware of the pain of isolation, the pain of failing to encounter others in the world. This complex process of character development represents an effort to assist the student to overcome the (experienced) pain of isolation through the introduction of personal discipline and order

⁷² Ibid., 97, 99-101.

⁷³ Buber, “The Education of Character,” *Between Man and Man*, 114.

as a means to self-responsibility, effecting a kind of personal unity and the unity of mankind, as understood in light of Buber's view of responsibility and the essence of the I-Thou relationship in the world, which is the path to God. In Buber's own words, the educator "can bring before his pupils the image of a great character who denies no answer to life and the world, but accepts *responsibility* for everything essential that he meets" (emphasis added). Therefore, the development of the "great character" in students is the end of education insofar as it signifies discipline, order, self-responsibility, the unity of one's being – and this is at least partial means to encountering God. Buber says so: "The educator who helps to bring man back to his own unity will help to bring him again face to face with God."⁷⁴

Underlying this view of the direction of education is Buber's reference to a definition of ethical character: an attitude "which in action gives the preference before all others to *absolute* values" (emphasis added). This refers to values which are permanent, universal, and objective. In a memorable passage, undoubtedly not unrelated to his own experience in Nazi Germany, Buber says that

to deny the presence of universal values and norms of absolute validity – that is the conspicuous tendency of our age. In our age values and norms are not permitted to be anything but expressions of the life of a group which translates its own needs into the language of objective claims, until at last the group itself, for example a nation, is raised to an absolute value – and moreover to the only value. Then this splitting up into groups so pervades the whole of life that it is no longer possible to re-establish a sphere of values common to mankind, and a commandment to mankind is no longer observed.⁷⁵

Moral character, as evident in the establishment of pervasive I-Thou relationships, is no longer viable, he says – which explains the eclipse of God, leading to the degradation of society. Thus, we find a highly ironical situation in which Buber highlights the personal and interpersonal in human relationships, but eschews subjectivism and relativism for a pedagogical search for ultimate and universal values. This search is not undertaken, as is clear, by looking into the beyond, but by attention to the *present*, to our concrete I-Thou relationships with other persons and things in the world as means to encountering the Supreme Thou.

In concluding this abbreviated analysis of Buber's view of human relationships, knowledge, and teaching, it should be emphasized again that his stress upon understanding relationships (in general and in education) in terms of concrete and specific circumstances is not to be confused with matters purely

⁷⁴ Ibid., 113-17.

⁷⁵ Ibid., 108-09.

empirical. Buber, in an ethical context, refers to the good as growing “out of that which is most particular and concrete, not the pseudo-concreteness of the ‘empirically verifiable’ but the actual present concreteness of the unique direction toward God which one apprehends and realizes in the meeting with the everyday.”⁷⁶ He is referring, of course, to the I-Thou relationship, which transcends empirical, quantifiable realities – it is a *spiritual* (non-material) relationship. Buber is not saying that there is no empirical evidence for a sound teacher-student relationship. In fact, the opposite appears to be the case. If I am right in interpreting his view of the responsibility of the teacher for the student as Thou in terms of listening, becoming aware, and confirming; and since this is intimately related to his claim for the necessity of winning the confidence of the student, then some behavioral manifestation of this “confirmation” by the teacher should become evident to the student. The teacher does this by “participating in” the life of the student, not by judging. The evidence of such confirmation by the teacher could assume various external forms: for example, merely inquiring about the student’s family or weekend travels, or attending a concert in which the student is involved.⁷⁷ The point is that such activities are behavioral manifestations of an internal *spiritual* state. The state of *being* this kind of person (in terms of knowledge and character) renders the teacher capable of *acting* as an effective teacher. While the behavioral activities obviously are essential, without the state of being and the reality of the spiritual (thus, unquantifiable) relationship of the teacher to the student, the external activities are hollow and meaningless. Furthermore, the artificiality of such activities will be readily detected by students, rendering such activities worse than useless.

Concerning Martin Buber’s analysis of an authentic human relationship and its carryover into the educative relationship between the teacher and the student, we cannot avoid underscoring the extraordinary emphasis which he places upon *responsibility: responsibility* for self as a means of the development of *responsibility* for the other. It is clear that the educator must mold students by bringing them back to their own unity as individual persons in order to encounter others in the world enroute to coming “face to face with God.” This is the end of education, and it involves “great character,” meaning, as we have seen, the expression of the unity of one’s being “in its willingness to accept *responsibility*” (emphasis added). Buber uses the term “responsibility” again in a declaration (cited above) that the educator “can bring before

⁷⁶ Friedman, *Martin Buber: The Life of Dialogue*, 207.

⁷⁷ A secondary school mathematics teacher once related to me the seemingly miraculous renaissance of one of her students from thorough lethargy to extraordinary industry. The *only* factor to which she could contribute this phenomenon was her attendance at one of his wrestling matches.

his pupils the image of a great character who denies no answer to life and the world, but accepts *responsibility* for everything essential that he meets" (emphasis added).⁷⁸ We now move to a consideration of the role of *responsibility* in Buscaglia's understanding of love, and its implications for the spiritual relationship between the teacher and the student.

Leo Buscaglia (1924-1998)

In his book *Love*,⁷⁹ Leo Buscaglia provides a basis for further exploration of the spiritual relationship between the teacher and the student. I will summarize Buscaglia's experience-concept of love, the necessity of living in love, and the sometimes seemingly insurmountable difficulties of a loving life. Buscaglia's experience-concept of love will be discussed in two parts in accord with his own account: the nature of love, as such, and the nature of the loving person. These two aspects of the topic cannot be separated, of course; the second concretizes the first. Implications for education, particularly the teacher-student relationship, will be sought in light of these principles.

The book *Love* developed from the author's experience of having "taught" a "Love Class" (as he called it) for a period of three years at the University of Southern California in Los Angeles. The classes were experimental, informal, and voluntary. Concerning the nature of love, Buscaglia concludes that "We never attempted nor in three years were able to define love" (12). Two reasons are given for this fact: love is learned and expressed variously by each individual; and it develops in each person in a seemingly unlimited manner (89-90). However, common elements of love can be discerned, and they constitute the immediate object of our inquiry. #1) The first element of love noted by Buscaglia in his chapter "A Question of Definition" is the fact that it is an emotional reaction which can be learned (90). How it is learned and whether it can be taught are questions which will be considered below. #2) Love is referred to as a "dynamic interaction" (91). This signifies that every human being is continuously growing in love or diminishing in love – presumably in different directions and in different degrees relative to various persons. #3) In connection with the first point, love can be known (or learned) in the fullest sense only by being *lived* (91) in and for the present moment (104-107). Reading about, reflecting upon, and discussing love are effective only if they are conducive to appropriate action (91). #4) Living love, Bus-

⁷⁸ Buber, "The Education of Character," *Between Man and Man*, 116 (113-17). For a detailed study of Buber's philosophy of education, see Daniel Murphy, *Martin Buber's Philosophy of Education* (Dublin: Irish Academic Press, 1988).

⁷⁹ Leo Buscaglia, *Love* (New York: Fawcett Crest, Ballantine Books, 1972). [Originally published by C. B. Slack, Inc.] Hereafter, references to pages in this book will be made in parentheses within the text.

caglia claims, will render the awareness that “love is not a thing” (93). This means that love is not a material object to be bought, sold, or bartered. It is a spiritual (immaterial) feature of one’s being which can be directed to the self and other persons. #5) Love of some type is present in all civilized persons to some extent (93). The universal, but limited, existence of love indicates that all persons have a potential for growing in love. #6) While there are degrees of love, there is only one *kind* of love. “Love is love” (96). #7) Nevertheless, love “cries for expression” (101) and, in fact, is expressed in various manners, and more or less demonstratively in different cultures and by different individuals within a culture (99). Buscaglia claims love requires a physical expression, in touching and being touched (104). #8) Love involves trust (96), without holding expectations and making demands (97-98). #9) This explains why it is said that love is patient. “Love waits” (99) – without guarantee for the invitation to be answered.

While the loving person cannot be defined any more than love itself, it must be borne in mind that love is found within a person, and between and among persons. What characterizes the loving person? Buscaglia’s descriptions in his “Forward to Love” help us to detect five features of love, which has meaning only in the concrete situation. Initially, there must be self-love. Genuine care for the self must characterize the lover because “you can only give away what you have” (16). However, among the miracles of being a human being, according to Buscaglia, “one of the greatest miracles” (16) is that love can be shared with others without its being diminished in oneself. This undoubtedly is germane to a central characteristic of love already emphasized: its *spirituality*. Loving oneself, the essential basis for loving another, signifies “a genuine interest, caring, concern and respect for oneself” (136) – what the self is and can become. This involves appreciating especially the uniqueness of one’s own reality and potentiality. As Buscaglia says, “You are the only you” (23), and “Only you can be the final judge in determining what is right for you” (141).⁸⁰ Loving oneself in this way means refusing to label or categorize yourself because “Labels are distancing phenomena” (32). More fundamentally, categorizing is unrealistic: no two persons are exactly alike. These remarks about the loving person clarify Buscaglia’s basic principles that you must love yourself in order to love another, and loving others is essential to the very notion of love.

A second characteristic of the loving person is the recognition and assumption of *responsibility* (32). The loving person is responsible for, in addition to oneself, a) helping all other persons to grow, b) creating joy, c) communi-

⁸⁰ Buscaglia undoubtedly would agree with my interpretation of Buber here, namely, that this uniqueness of the self is not ascertained merely by empirical comparisons, but that it is an incomparable and irreplaceable uniqueness.

cating oneself to others and sharing with others, and d) understanding and accepting others (157-71). Buscaglia emphasizes especially the responsibility of the loving person to contribute to the self-development of others: “This, it seems to me, is the essence of loving another; to assure them that we are dedicated to their growth, to the actualization of their limitless potential” (161). He concludes this chapter, entitled “Love Involves Responsibility,” by saying that “love goes beyond hope. Hope is a beginning. Love is forever” (172). (We might add that love also goes beyond justice – far beyond.)

Thirdly, in connection with assuming responsibility, the loving person recognizes *need* in oneself and in others. All persons have physical and psychological needs; the latter are needs to be seen, recognized, appreciated, heard, and touched (175-76). All human beings need to love and to be loved (75-84). Another need which the loving person recognizes is the need for *freedom*. The capacity to act freely represents a fourth feature of this kind of person, and it is intertwined with a fifth characteristic: *spontaneity*. The loving person is a spontaneous person (36). Buscaglia’s advice in this regard is to be yourself, which means, in part, to trust your feelings. “The easiest thing in the world to be is what you are, what you feel. The hardest thing to be is what other people want you to be...” (38). The person who loves spontaneously experiences “the continual wonder and joy of being alive” (38) in view of the variety, changes, and potential evident in other persons and in the world. Furthermore, and very importantly, spontaneity involves the awareness that one “has no need to be perfect, only human” (39). The spontaneous person is one who is finding a personal “path” to loving. As Buscaglia says, “You can only be ‘real’ on your path” (148); however, finding that path requires listening to oneself, which, in turn, requires freedom (45-47). Without the proper environment of freedom, a person cannot be oneself, and without being oneself, the person cannot love.⁸¹

Buscaglia’s experience-concept of love has been described in two parts: one pertaining to the nature of love itself, and the second concerning the loving person. In summary, love, although not definable, has several common elements. Love is 1) an emotional reaction which can be learned; 2) a dynamic interaction between and among persons; 3) a lived activity, lived in and for the present moment; 4) a spiritual reality; and 5) an existing, but limited, feature of all persons. Love can be characterized further as 6) of one kind, 7) needing to be expressed and capable of various modes of expression, 8) involving trust, and 9) exhibiting patience. Clearly, the loving person is *described* by Buscaglia

⁸¹ The “environment of freedom” is, of course, a crucial consideration for the educator. One is reminded here of the “indigenous problematic” suggested by Buber in his wanting “to influence without interfering.”

rather than defined. The loving person is one who loves oneself in order to love others, and who is responsible, is cognizant of the needs of oneself and others, and is sufficiently free to be spontaneously authentic.

The second major topic, approached in light of the first, Buscaglia's experience-concept of love and the loving person, is his view of the *necessity* of love in every human life. This section, as the first, is discussed with an eye toward inquiring into implications for the spiritual (immaterial) nature of an ideal teacher-student relationship. As noted above, it lies within the nature of love to recognize need. The loving person recognizes and responds to needs within the self and those exhibited by others, among which are the needs to love and to be loved. Nevertheless, Buscaglia begins the chapter entitled "Man Needs to Love and Be Loved" by asserting that "in the last analysis each man stands alone" (75), especially evident in decision-making and in confronting death. Aloneness is not to be equated with loneliness, however, and it exists in human living despite the fact that a person is by nature a social being (75-77). As individuals we seek relationships with other persons, finding that "at every stage of life we move toward others" (83): first toward parents, then (as we develop and grow older) toward peers, possible marriage partners, suitable communities, and retirement villages. We need to give ourselves to others, but we also need someone to care deeply about us (43-44). Again, this is not incompatible with a certain kind of aloneness and independence.

However, while loving others is natural, it is not easy. This is our third main point: the effort to live in love is obstructed by many barriers or deterrents. In his chapter "Love Has Many Deterrents," Buscaglia notes in the initial paragraph that these roadblocks are, to a great extent, creations of the potential lover. Some reflection on the three difficulties he explains should make this evident: love is obstructed by the risk of rejection (124), rationalization concerning prohibitive forces (125), and the fear of change (131). Rejection is always a possibility, but fear of it must be overcome by the potential lover. The second deterrent lies in our tendency to be negative rather than positive about our lives and the world. However, this can be overcome by the attraction of creating through love. The third deterrent is a hoax, in a sense, because of the inevitability of change; change must be accepted for genuine freedom and happiness (124-31). Despite the fact that these obstacles to becoming a loving person are at least partially contrived by the potential lover, inner strength is required to overcome the latent and patent fears. In a sense, the lover must combat forces in the world, Buscaglia says in the chapter "Love Requires One to be Strong." Society does not always promote honesty, tenderness, goodness, and genuine caring about others. That is why "To be open to love, to trust and believe in love, to be hopeful in love and live in love, you need the greatest strength" (193).

Thus far, we have considered from Buscaglia's view an experience-concept of love and the loving person, the necessity of love in every human life, and some deterrents or obstacles to love. The last topic leads to the need for inner strength in order to be a loving person. Evidence of the need for education lies in the fact that the human being needs to love and to be loved (75-84); secondly, every person possesses love in some sense and to some extent, and has a potential for growing in love (71, 95); and, thirdly, love can be *learned* by every human being (53-71).

A summary of a few of Buscaglia's central principles from his chapter "Love is a Learned Phenomenon" will provide an introduction to elaborating further some implications for the teacher-student relationship. He detects three factors affecting *how* a person learns to love: ability to learn, specific persons who teach him, and the general nature of the cultural milieu (55). Secondly, teaching love (as loving itself) requires an understanding of love, which can be had (in only a limited fashion, of course) ultimately only by living in love (57). Thirdly, living in love (as a means to learning to love and growing in love) necessitates sincere dedication and motivation (57). Fourthly, among the pertinent agencies of education pointed out by Buscaglia, in addition to culture in general, are the family and human language (60-67).

Buscaglia decries the state of American education: "Neither the love of self – what educators call self-respect – nor love of others (responsibility and care for fellow human beings) can ever be taught in our present educational system because "Teachers are too busy 'managing' ..." (68). On the other hand, "Great hope lies in education" (67). The question to be addressed then pertains to the kind of education which one can truly hope will promote authentic human living and loving. My following suggestions concerning education, especially the teacher-student relationship, are based upon the Buscaglian principles concerning love summarized above. They are not to be attributed directly to Buscaglia except for what has already been noted or will be noted. (It should not be surprising, of course, that some of these suggestions remind one of Buber on education.)

The general aim of education in accord with Buscaglia's principles in his book *Love* will be the same and yet different for all because of a universal human nature shared by somewhat unique human beings. That aim might be stated as follows: to assist *all* students to realize their human potential to the greatest possible extent. Buscaglia himself puts it this way: "Education should be the process of helping *everyone* to discover his uniqueness, to teach him how to develop that uniqueness, and then to show him how to share it because that's the only reason for having anything" (emphasis added) (20). All human beings possess capacities of knowing and loving. Given an academic context of formal education at the secondary level or collegiate level, what

will prompt students to know and to love?⁸² This is primarily a matter of curriculum and the teacher-student relationship.

Secondly, Buscaglia apparently concurs with Aristotle, St. Thomas Aquinas and Jacques Maritain that the student is the primary cause of “personal development.” He stresses, the reader will recall, that every human being is *alone* as well as being a social being – no one can learn for the student. Furthermore, he comments in reference to his “Love Class,” “I don’t teach love, of course, I simply facilitate growth in love” (15). The teacher is, of course, a vital (sometimes essential?) secondary cause of learning.

Thirdly, another pertinent educational principle, apparently in line with Buscaglia’s thought analyzed above, is the prerequisite of a *loving* person who is to teach. The teacher must be a person who is strongly motivated to want to engage in this helping relationship (of teaching). In order to assist students to love (one of the students’ most basic needs and capacities), the teacher must be a loving person (since one cannot demonstrate or promote what one does not have). In this regard, the teacher should be a “model human being,” not a “model of perfection,” because, as Buscaglia says, we must see ourselves as less than perfect in order to accept others as less than perfect. The basic reason for this attitude, of course, is that all human beings *are* less than perfect, although there will always be limitless potential in all persons, including the potential to know and to love.

Fourthly, now getting closer to the central issue of the teacher-student relationship, it is evident that the teacher must gain the *confidence* of students in order to influence them. As observed in regard to Buber, this can be done in many ways. However, one cannot do so directly, but only by indirectly “participating” in the lives of the students. The teacher must be “for” the students and their welfare. One essential means of showing this concern, which is stressed by Buscaglia (as well as Buber), is *listening*, attempting by what one hears and sees to appreciate the complete, present being of the students and especially their most pressing needs in concrete situations. This is crucial in view of Buscaglia’s association of spontaneity with love due to the variety, changes, and potential in persons and the world (38).

Fifthly, once the teacher has gained the confidence of students to some extent, the teacher must promote students to express their *unique* thoughts, feelings, aspirations, and dreams. Each human being is unique, according to Buscaglia, and that uniqueness should be promoted. However, all persons also

⁸² The reader must bear in mind this academic context. That is, the teacher and the student are not simply “relating.” They are engaged in an academic enterprise in which the teacher relates to the student as a helper, and the student relates to the teacher at the person being assisted. (I am reminded here of an article about Buber, which is entitled “Education is Not I-Thou.” See Eugene Borowitz, *Religious Education*, 66 [September-October, 1971]: 326-31.)

share a common nature with capacities of knowing and loving. Therefore, there is a basis (thus, a necessity) for promoting all students to gain speculative and practical knowledge, and to love themselves and others, but to do these things by following their own “paths.” Of course, in order to promote authenticity in one’s students, the teacher must *be* authentic: always open to doing things in different ways in light of what one reads and observes, but always *being* oneself in attempting to assist students to become themselves. This means that the teacher will aim to promote the students’ well-being, not their friendship. Good and loving teachers (hopefully) will be appreciated by their students (some day, at least), but they will not necessarily win popularity contests, and they never will be buddies within the context of the teacher-student relationship itself. However, in some (rare) circumstances, teachers and their students can be friends outside of the immediate educational relationship. Also, in some circumstances, a teacher and a student could reverse positions beneficially. Among the “circumstances” at issue here are obviously the maturity and background of the student (and the teacher).

Sixthly, the teacher must promote cooperation among students as well as self-responsibility within each student because every person is a social being as well as an individual. Cooperation develops awareness of and concern for others, and it can be exercised through group projects, for example. However, individual responsibility also must be cultivated; that can be done in an atmosphere of appropriate freedom, which (paradoxically) requires self-discipline and patience. Consistent attendance and promptness in all matters can be stressed as means to such ends. Finally, students must be promoted to love themselves and others by *trying out* such feelings and behavior *now*. The teacher ought not to be requiring reading and discussion with the mere hope that such love will occur in the future. According to Buscaglia, one does not *know* fully what love is without *experiencing it now*. This means, as indicated above, that the teacher here and now must *be* a loving person who *demonstrates* in the relationship to students a deep concern for their well-being – this is *responsibility* in action. With proper organization (some would say “management”) of classroom activities, this kind of *being* and *doing* (of love) can be promoted among students. Speculative and practical knowledge are essential, but no less so are the students’ present experiences.

Thus far, seven principles of education, with special attention to the teacher-student relationship, have been discussed in light of Buscaglia’s thoughts about love from his book by the same name. 1) The aim of education is to assist *all* students to realize their (relatively unique) human potential to the greatest possible extent. 2) The student is the primary cause of personal development, and the teacher is a secondary cause. 3) A prerequisite for student success in formal secondary or collegiate education is a loving

teacher. 4) To be effective in promoting the well-being of students, the teacher must gain the confidence of the students. 5) The teacher must promote the uniqueness of each student as well as a common human nature, and must be an authentic person in order to achieve this. 6) The teacher must attempt to develop in students cooperation based upon self-responsibility. 7) The teacher should attempt to “produce” loving students by prompting them to *be* loving persons who try out appropriate behavior in the present.⁸³

In conclusion to these remarks on a Buscaglian teacher-student relationship, it must be said that because love is not a material thing, and because love is essential to the teacher-student relationship, this relationship cannot be quantified. Of course, certain “teacher behaviors” are called for, but on the basis of what the teacher *is*. That is, the teacher must *be* a kind of loving person in order to *act* in ways that will promote loving students. The internal states of the teacher, including knowledge, values, attitudes, and emotions are not quantifiable, and neither is the overall relationship of the teacher to the students. However, it is precisely these unseen and immeasurable features of the teacher and the relationship, which must *exist* in order that the teacher’s observable methods or procedures or approaches can possibly be effective in promoting beneficial educational outcomes. Buscaglia himself testifies directly to the significance of the *being* of the teacher as distinct from the *activities* of the teacher. He once said in a lecture that you educate somewhat by what you *say*, more by what you *do*, even more by what you *are*, and most by what you *love*.⁸⁴ Finally, there is no question that the saying, doing, being, and loving that constitute a loving person also reveal a person who bears *responsibility* for self and others.

⁸³ In his chapter (X), “Love Requires One to be Strong,” Buscaglia presents several practical rules for the loving person. While he is not explicitly addressing teachers or teaching, the persons he mentions in this context are Gandhi, Socrates, Jesus, and St. Thomas More. The implications for the educator in the following prescriptions are evident and can be related to the principles of education just summarized. [“He” and “his” signify “the loving person.”] Notice the pervasiveness of the theme of *responsibility*.

“His main function is to help unfold his true Self.”

“Equal to this function is helping others to become strong, and perfect themselves as unique individuals.”

“He will do this best by affording all persons the opportunity to show their feelings, express their aspirations and share their dreams.”

“He must be a model. Not a model of perfection ... but a model human being.”

“He must be convinced that behavior, to be learned, must be tried out.”

“He must learn that he cannot be loved by all men.”

“He must endeavor to love all men even if he isn’t loved by them.”

“He must reject no man...” (Buscaglia, *Love*, 195, 197, 198).

⁸⁴ I heard him say this in a taped lecture telecast on PBS, Channel 10, in Milwaukee, Wisconsin, on 1 December, 1990.

Conclusion

Both Martin Buber and Leo Buscaglia describe human persons as naturally social beings, who at their communal best assume responsibility for the well-being of themselves, other persons, and the world. In the case of Buber, we have seen this manifested in what he calls the I-Thou relationship. Buscaglia, in his book *Love*, analyzes the meaning of love and the central features of the loving person. At the heart of ideal human relationships in both instances, we find *responsibility* – not just out of duty or even a sense of justice, but on the basis of a real concern to assist the other to thrive – for the sake of the other. Among the kinds of human relationships distinguished on the basis of various circumstances, we find included the teacher-student relationship. Buber himself gives serious and extensive attention in his writings to educative endeavors, as we have seen. On the other hand, I have supplied most of what seems to be logical implications of Buscaglia's principles concerning teaching and learning. It seems clear that the teacher in this intentionally educative relationship represents a paradigm of the responsible person.

Philosophical principles according to both Buber and Buscaglia necessitate understanding the teacher-student relationship as essentially a *spiritual* reality. The internal states of the teacher and the student as well as the bond between them cannot be measured or quantified. However, for effective teaching, these internal states and this bond must be exhibited behaviorally. This behavior, of course, can be empirically observed and somehow quantified. The point is, however, that the behavioral manifestations of the teacher are founded upon spiritual realities, without which the observable activities become meaningless, ineffective, and even deceptive. The teacher must *be* a knowing and loving person in order to promote knowing and loving in one's students. Without *being* this kind of person and having proper (spiritual) relationships with students, overt methods or procedures or approaches or tactics likely will be futile.⁸⁵ The remainder of this conclusion will be devoted to two specific topics: teacher education, and religion in education. Both will be considered briefly in light of and in connection with the central principles from Buber and Buscaglia, and the above conclusion common to both. Some final remarks are intended to address the current urgency of the main topic of this paper.

⁸⁵ Allan Bloom attests to a vacuum in contemporary U.S. culture relative to my concern in these pages for the *spiritual* nature of the human being and human relationships. In following up his observation on the loss of “the practice of and the taste for reading” of university students today, he says, “It is not merely the tradition that is lost when the voice of civilization elaborated over millennia has been stilled in this way. It is *being itself* that vanishes beyond its “dissolving horizon” (emphasis added). Allan Bloom, *The Closing of the American Mind* (New York: A Touchstone Book, by Simon and Schuster, Inc., 1988), 62, 63.

From the principles elaborated above, what implications can be drawn for teacher education? This is not taken as an invitation to map out an entire scheme for educating teachers. Rather, it is an occasion to suggest some directions for teacher education, features which seem to me to be highly important in an era in which educational research generally is equated with empirical research, and in which teacher education programs are saturated with empirical information and how-to-do-it kinds of courses.⁸⁶ As we have seen, Buscaglia himself says that genuine human fulfillment has become impossible because teachers are too engrossed in “managing.” This is their preoccupation, of course, because that is what they have been taught, which is because that is what their teacher educators have been taught, etc.

First of all, teacher education, as I see it in light of the above principles of Buber and Buscaglia, must be fundamentally an all-university affair because it must be fundamentally a liberal education. Liberal education itself is a vast and widely controversial matter, of course. However, I am referring to the need in teacher education for thorough studies in the humanities (including especially theology and philosophy), the social sciences, the natural sciences, mathematics, and fine arts. A liberal arts education is education for its own sake,⁸⁷ directed to the formation of the person as person. This kind of education is most appropriate for a prospective teacher who, first of all, should *be* an authentic human being. Secondly, the student preparing to become a teacher in a secondary school or undergraduate college needs a strong academic major field pursued within the context of a liberal arts education. Perhaps, in light of the knowledge explosion and the necessity of thorough awareness of what one is teaching,⁸⁸ it is not overly ambitious to recommend a master’s degree in the teaching specialty for prospective secondary school teachers as well as the Ph.D., of course, for teaching at the collegiate level.

A third area in the preparation of teachers for secondary schools and undergraduate colleges might be called the “immediately professional.” Here a course in psychology of education should be required. An understanding of the psychological development of the person, and the nature and importance of human perception in a pedagogical context is essential. A course in

⁸⁶ Ironically, even philosophy, in general, and philosophy of education have become in most arenas descriptive enterprises.

⁸⁷ See, for example, John Henry Newman, *The Idea of a University* (Garden City, New York: Image Books: A Division of Doubleday and Company, Inc.), 1959.

⁸⁸ I am convinced that the *kind* of awareness of what one is teaching which is required for teaching secondary school students also is requisite for teaching in the elementary school. The reason for this is what appears as a need for a thorough grasp of the structure, fundamental principles, and method(s) of thinking in any academic discipline (for example, mathematics or biology) in order to teach it to uninitiated learners as well as to those more or less advanced.

philosophy of education also should be required. From my own viewpoint, this course should be one devoted to investigations in the history of philosophy with implications for education. This is suggested because it would provide some historical perspective, would introduce students to the thought of real persons, and would tend to cultivate an openness to appreciating a variety of kinds of thinking about reality and life, in general, and about education in the context of a search for truth. One of the major objectives of the study of philosophy of education should be to assist students to enhance their understanding of human nature (including the inevitable question of the existence and nature of a Transcendent Being). This would help them to appreciate (intellectually, at least) what it means to *be* a person as a basis for *acting* in a humanistic manner.

Studies in philosophy of education should instigate students' reflection upon four "indigenous problematics" of teaching, unavoidable areas of continual concern. Three of them can be identified as tensions between a) the promotion of individuality and socialization; b) the promotion of speculative and practical endeavors; and c) learning vicariously and learning through personal experience. The fourth of these forms of natural tension inherent in the teaching-learning process involves the paradox of influencing others to become themselves. Presumably, this entails a proper relationship between (the teacher's) revealing oneself and concealing oneself. In teaching history, for example, how much of the teacher's own philosophy of history ought to be explicitly revealed, and under what circumstances, in order to promote students to develop their own philosophies of history? The aim, according to Buber, is to influence without interfering.⁸⁹

In addition to theoretical studies in psychology of education and philosophy of education, the prospective teacher must learn the art of teaching. In my judgment, this is not to be achieved by how-to-do-it courses on the college or university campus, but in the "field," where the prospective teachers will observe and assist master teachers in their own schools prior to teaching under their supervision. In keeping with the spirit of Buber and Buscaglia, it appears that learning *how* to teach must be subordinated thoroughly to knowledge of *what* one is to teach, and to *being* and *becoming* the kind of person who is sensitive to others. I am contending (without providing sufficient evidence) that a loving person with proper knowledge of pertinent subject matter and a dose of common sense will learn how to teach in a personally effective manner with a modicum of meaningful guidance. Much practical knowledge of the art of teaching that a teacher needs to gain in order to be successful can only be attained through experience. A beginning teacher cannot be an

⁸⁹ Buber, "Education," *Between Man and Man*, 95.

experienced teacher, but a good beginning teacher (which among other things means a motivated person) must continuously learn.

The final point to be noted in regard to teacher education concerns the qualifications of the applicants to be accepted. This is a very difficult matter, of course, and no concrete or specific recommendations will be offered. However, the capacities to think and to learn, on one hand, and to love, on the other hand, must be taken into consideration. The “whole person” must be evaluated because teaching, in the highest sense, is achieved through the *being* and activities of the whole person.

The last concluding topic, as indicated above, is religion and education. While Buscaglia mentions the Bible and God in his book *Love*, religion does not have a substantial place here. The contrary is the case for Buber, a believing Jew. Although my brief account of aspects of his philosophy of education above does not highlight his religious principles, it has been claimed that for Buber *all* education tends to be religious education.⁹⁰ For Buber, encountering God is the end of life and of education. From a Judaeo-Christian point of view (as well as from other theistic stances, of course), a discussion of the teacher-student relationship, especially with a focus on its spiritual dimension, is seriously incomplete without attention to religion. Buber testifies to this, as noticed above, in his concern for leading others to God during an “eclipse of God,” an immediate danger being totalitarianism. This imminent danger arises because human beings need someone in whom to *believe*.

A final remark pertains to the contemporary relevance of the principles discussed above. The empirical-linguistic tenor of American philosophy and educational research in the second half of the twentieth century and the early twenty-first century has spawned a similar tenor in philosophy of education. This situation, not surprisingly, has brought about in schools, colleges, and universities in the United States an unprecedented emphasis upon scientific and technological education.⁹¹ This development is to be applauded for its many beneficial effects; however, it is to be depreciated to the extent that it has diminished the humanistic element of the educational process. That humanistic element is to be found in non-empirical methods of reflection, in philosophical-religious content, and in teacher-student relationships founded upon the inherent dignity of the human person, who is to be treated *respon-*

⁹⁰ Borowitz claims that Buber “did not believe in religion as a special dimension of life. He believed God was present in all genuine encounters and thus, I would imagine, that all genuine education is, subliminally, religious education.” Borowitz, *Religious Education*, 330.

⁹¹ This multi-faceted assertion could be documented. The question of whether it needs to be reminds me of the conclusion of a well-known American professor of history to some statements which he had made in a lecture concerning the state of American collegiate education: “Some things you just know.”

sibly always as an end and never as a means. Buber and Buscaglia would agree that no amount of effort to measure or quantify substance in these kinds of matters will succeed. Both also would concur that a key to harmonious living in a global world is the assumption of *responsibility* in loving relationships. This requires sound education, an impossible imperative without teachers who assume *responsibility* for leading students to the truth – and to their own assumption of *responsibility*.

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Responsible or Responsive?

Uncovering Environmental Economics' Cultural Biases from Asian Perspectives

SILJA GRAUPE

In the *race* for wealth, and honours, and preferments, he may run as hard as he can, and strain every nerve and every muscle, in order to outstrip all his competitors. But if he should justle, or throw down any of them, the indulgence of the spectators is entirely at an end. It is a violation of *fair play*, which they cannot admit of.¹

Ever since Adam Smith, economists have likened free market competition to a game played for the purpose of winning, in which the responsibility of the players is limited to obedience to the rules of fair play. This is not simply an explicit statement of the case, but an implicit assumption of economic models. The game metaphor has become so deeply embedded in economic theory and model building that it constitutes the common basis of understanding in the field; a basis that is all the more solid since, being so integral, it often seems unnecessary to comment on it.² If you take away the game metaphor, economics as a discipline would almost collapse. It is on this ground that I am justified in seeing this metaphor as the determinant of what economists consider relevant in understanding and addressing the environmental problem. Moreover, it has a prescriptive aspect, meaning that any policy to overcome environmental problems cannot violate the game metaphor. We must have competition, there must be “players,” there must be prizes, or “incentives,” and the rules must be limited to allowing the players to fairly compete. So when economists speak of the “tragedy of the commons” or the “prisoner’s dilemma” or, on a more practical plane, try to

¹ Adam Smith, *Theory of Moral Sentiments*, New York, 2000, p. 120, my emphasis.

² The notion of a common basis of understanding I borrow from: François Jullien, *The Propensity of Things. Toward a History of Efficacy in China*, Cambridge (Mass.), 1992, p. 16.

weigh the costs and benefits of alternative environmental policies to deal with air pollution, water quality, toxic substances, solid waste, and global warming, they concern themselves largely with devising changes to the rules of the international economic game, while uncritically assuming the game structure itself as pre-given and unalterable. In doing so, they derive their arguments from a pre-analytic vision that serves as the basis of reflection but is never turned into an object of attention. But what if this vision as such fails to adequately reflect the complexity and dynamics of our globalized and highly interrelated and interdependent world? What if the environment is not a Smithian game, or is not best served by being modeled as a Smithian game? Is there, even, an economics without such games?

The basic thrust of my paper is that the pre-analytic vision of economics is neither capable of adequately reflecting today's complex world nor giving us the solutions that we need to solve our manifold environmental crises. Its conceptual framework simply cannot grasp our most pressing environmental problems, such as global warming, within the bounds of its pre-understanding of the competitive game. But my critique is not merely negative, for I believe that an intercultural dialogue between the West and Asia, namely China and Japan, can open up unforeseen possibilities to alter this pre-analytic vision as such: It can make us aware that our responsibility should reach beyond mere obedience of the given rules of the game so as to undertake an entirely different kind of play. In the first part of my paper, I will demystify the pre-analytic vision of mainstream environmental economics vis-à-vis the central role played by competition, nature, and responsibility, with an approach implicitly informed by Chinese and Japanese intellectual traditions. In the second part, I shift to making explicit my reliance on East Asian philosophical sources in order to point to another ludic tradition, which, contrasted with the European one, can help us to alter our understanding of competition, nature and responsibility. My goal is not to prove that the Japanese and Chinese conception of play is unique or superior; rather, my detour through Asian intellectual traditions should be construed, as François Jullien once put it, as "an attempt to deepen our own comprehension of the state of things, to renew the impulse to question, to rediscover the joys of inquiry."³ In Chinese there is an expression, "We cannot see the true face of Mount Lu because we are standing on top of it."⁴ My paper is, so to speak, designed to attain an external perspective so as to see with greater clarity at least some aspects of the "true face of Mount Lu," upon which economists all too naively stand.

³ François Jullien, *The Propensity of Things*, p. 18.

⁴ *Sun Tzu, The Art of Warfare*, translated and introduced by Roger T. Ames, New York, 1993, p. 45.

I. Environmental Economics' Pre-Analytic Vision of Markets, Nature and Responsibility

I am going to present five propositions that govern the mainstream version of environmental economics. Together, these describe the parameters of the pre-analytic vision of the relation between markets, the responsibilities of the players, and nature.

According to mainstream economics, competitors exist prior to the process of competition. We can take this as a sort of economic axiom. Uncritically affirming this pre-analytic vision, the first proposition we find is *that environmental economics considers economic agents as logically prior to their market environments and as ultimately independent from them. More generally, this reflects a culturally biased ontological assumption of context independent agency.*

The methodological fiction of an entirely isolated person has a long history in political economic analysis. It was under the sign of this fiction that relations between persons and property were loosened from all social entanglements in the bourgeois revolutions of the 18th and 19th century, when classical economics, in coordination with the lineaments of the capitalist order, came of age.⁵ The privileged metaphor for the isolated person in economics is Defoe's Robinson Crusoe: a man systematically cut off from the rest of humanity, whose individual desires and experiences are expressed in primitive accumulation, the production of tools for home use, and the systematic exploitation of the resources of his island for his pleasure and utility.⁶ Friedrich Hayek, Nobel Laureate in economics in 1974, was right to claim that economic theory has advanced from the classical economists' use of such extreme forms of methodological individualism, with their stagnant consideration of isolated and self-contained individuals.⁷ Yet if each man is not an island in neo-classical economics, each man is a player. My point is not that economics mistakenly supposes a world of single-player games, but that it analyzes competition as if it consisted "of a number of independent households, a number of Robinson Crusoes, as it were."⁸ Most games we cannot play alone, and economists have rarely interested themselves in solitaire. But by supposing only competitive play, economics presupposes other competitors who, somehow, in the same mold as their opponent, are only located on an opposite side at the same time. Strangely, however, competition neither

⁵ Alfred Lowe, *Politische Ökonomik*, Frankfurt, 1965, p. 21.

⁶ Daniel Defoe, *The Life and Adventures of Robinson Crusoe, A York 'Mariner'*, Edinburg, 1838.

⁷ Friedrich A. Hayek, *Individualism and Economic Order*, London and Chicago, 1980, p. 6.

⁸ Milton Friedman, *Capitalism and Freedom*, London and Chicago, 1982, p. 13.

defines nor shapes the competitors' identities according to the economic tradition.⁹ While the players make decisions in social situations, those decisions are made on the ground of preferences and intentions that are defined exclusively by reference to themselves. Each is thought "to the define the content and borders of her social bonds herself."¹⁰ More specifically, we are thought to compete neither because we enjoy playing with others nor because we wish to mold ourselves in the process of competition but only because we seek to achieve a certain preset goal. Repeating Smith's vision of play, we run as hard as we can, and strain every nerve and every muscle in order to outstrip all our competitors. In this pursuit of ours, we depend on fellow men only as means to our pre-determined ends. Thus, "the first principle of economics is that every agent is actuated only by self-interest":¹¹ Each player is an independent entity whose interactions with others are determined by given motives, goals, and intentions.¹² The "unconditioned striving for personal advancement – even at the cost of the ruin of one's competitor"¹³ becomes the great and singular cause of social interaction while cooperation, altruism, love, and the mere enjoyment of playing are all excluded by economic models.

Mainstream economics preconceives this cause not only as independent from any alteration by the players, but also from the process of competition as such. We are not socialized into being competitive; rather, individuals' goals, intentions and strategies logically precede their social interaction. Self-interest, defined solely in terms of winning and gain, is unalterable among human beings by any conceivable course of events. Within game theory, for instance, economists conceive games as given matrices of payoffs by means of which actors rank the desirability of expected outcomes – measured in terms of profits, quantities, or utilities – prior to entering the game as such. From the standpoint of the logic of competition, market environments thus must be premised as a kind of preexisting stage upon which all economic games are performed. This means, among others, that the commons, or the environmental assets that nobody owns, can never serve as objects of intentional strategies, but instead only function as the pre-given, unquestioned background against which these strategies play out. Simply put, competitors

⁹ I have shown this in more detail in: Silja Graupe, *The Bashi of Economics. An Intercultural Analysis of the Process of Economics*, Heusenstamm, 2007, p. 146-50.

¹⁰ E. E. Nawroth, *Die Sozial- und Wirtschaftsphilosophie des Neoliberalismus*, Heidelberg, 1961, p. 55.

¹¹ Francis Y. Edgeworth, *Mathematical Psychics. An Essay on the Application of Mathematics to the Moral Sciences*. London, 1881, p. 16.

¹² Man "cannot know more than a tiny part of the whole of society and therefore all that can enter into his motives are the *immediate effects* which his actions will have in the sphere he knows." Friedrich A. Hayek, *Individualism and Economic Order*, p. 14, my emphasis.

¹³ Karl Homann und Franz Blome-Drees, *Wirtschafts- und Unternehmensethik*, Göttingen, 1992, p. 26.

do not do battle upon the battle field to conserve or preserve it, but instead, adapt their tactics to its pre-conceived contours in order to pursue their individual goals; The battlefield – in this context, the environment – serves as the premise but not the result of self-interested intentional action.

As game theory tellingly demonstrates, such cognitive blindness even persists if environments happen to be damaged in the process of competition in such a way that they cannot be renewed. Only if we invent a new game in which the overhaul of these damages could be turned into a goal benefiting some player do we approach any rational for sustainability. But any game targeting the environment would depend upon not changing the rationale of players as such – as the possibility of changing the rationale of players would, by a chain reaction, put into question the whole of the game metaphor. This is, at least, the lesson we are supposed to draw from the tragedy of commons and other game theoretical images of social interaction. Here, players pursue their individual self-interest even as they diminish the capacity of the commons to renew itself, thus damaging it to the ultimate cost of all.¹⁴ The dynamics of deterioration is taken as an accident that affects neither the pre-given preference structure of the players nor their frenetic will to win. This is because the latter two are considered essential properties of the agents in the process, irrespective of the specific situation in which the activity of competing goes on.¹⁵ This fundamental idea also determines the logic of rational choice theory, the standard economic framework for understanding and formally modeling social and economic interaction. Here individuals are always weighing the costs and benefits of outcomes (with an eye to their own profit) prior to taking action. As Philip Mirowski has remarked, this makes preferences independent of both space and time: outcomes of interaction are not allowed to depend on how agents go about consuming or producing in the here and now of social interaction.¹⁶ The very activity of trading, for instance, is believed not to socialize either consumers or producers, but to pre-exists them much in the way language is thought to pre-exist its speakers. As John Maynard Keynes put it critically: “It does not count the cost of the struggle but looks only to the benefits of the final result which are assumed to be permanent.”¹⁷ Taken to the extreme, economic agents are thought to remain wholly unaffected by nature’s destruction. For them, envi-

¹⁴ Garret Hadin, “The Tragedy of the Commons.” *Science*, Vol. 3859, December 13, 1968, pp. 1243-1248.

¹⁵ Gary Becker, *The Economic Approach to Human Behavior*, Chicago, 1978. Becker states that economics must proceed upon the presupposition of *stable preferences*, which do not change in time.

¹⁶ Philip Mirowski, *More Heat than Light, Economics as Social Physics, Physics as Nature's Economics*, Cambridge, 1989.

¹⁷ John Maynard Keynes, *The End of Laissez Faire* (1926), part III.

ronments, as the etymology of the word suggests, are taken for granted as the circumstances within which they live. Even in the face of severe environmental crises they think of themselves as maintaining their integrity as unviolated wholes. Their identity corresponds with the fixed boundaries of the ego or I, which is considered “the unity of the acting person. It is given without question and cannot be dissolved through any thought.”¹⁸

After mainstream economics has established the irreducibility of the individual to its own satisfaction, it next establishes the irreducibility of the market. Our second proposition is: *the relationships between players are externally defined by the pre-existing rules of the Smithian game. Thus, there exists a given, omnipotent framework that determines the range of possibilities for the outcome of competition, but is itself unaffected by any competitive game in particular. Fundamentally, this further reflects a cultural bias towards a metaphysics of atomism.*

Even though mainstream economics preconceives agents as entities pre-given to the process of competition, it does not think of them as being entirely socially independent. As noted before, its object of study is not Robinson Crusoe, but the interplay of many Robinson Crusoes. It remains, then, to say what connects them all. Figure 1 illustrates the fundamental economic situation, in which a series of external relations (R_1, R_2) connects the discrete individuals A with other individuals B , and C .¹⁹

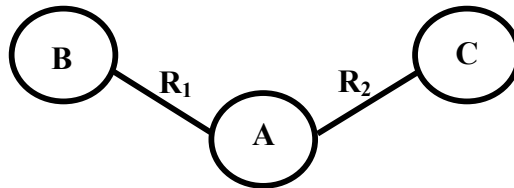


FIGURE 1

Here, the relations are not themselves A but instead something that associates A 's entity with B 's and C 's entity. A enters into its relationships in such a way that it remains essentially unchanged: if the connections were broken or dissolved, A would still be A . This does not mean, of course, that the relationships have nothing at all to do with A 's character. If A chooses to be in the relation R_1 and R_2 with B and C respectively, this indeed reflects some-

¹⁸ Ludwig von Mises, *Nationalökonomie, Theorie des Handelns und des Wirtschaftens*, Genf, 1940, my translation.

¹⁹ Cf. Thomas P. Kasulis, *Intimacy and Integrity. Philosophy and Cultural Difference*, Honolulu, 2002.

thing about *A*'s own nature. That is: *A* has made the positional choice to get connected to the other entities *B* and *C* by means of external relationships. But the latter are not considered part of what *A* is; rather, all retain their autonomy in their independent choices to be connected. In short, an atomistic metaphysics obtains where primary existents bond together externally to form the parts of a larger whole.

Implicitly grounding itself in such metaphysics, mainstream economics understands the economy to be constructed from entities in external relations with each other. Put in the words of Adam Smith, social cooperation in free market economies is thought to arise purely "from a sense of utility, without any mutual love or affection."²⁰ Economic man is believed to voluntarily agree to the social relationships upon which he depends, which are in turn independent of his agreement. Mainstream economics, however, does not grant individuals the freedom to creatively devise other social relationships. The latter are, rather, conceived as the preset menu of choices, which individuals may either fully accept or reject. Their freedom consists in entering the game and accepting its rules – or not entering the game at all. And just as a menu is unchanged by those who select items from it, the rules of the game, which define the relationships between self-interested players, are unchanged by anything that happens in the course of the play: once one chooses to compete, one must invariably follow them. This is to say that there is no freedom to alter the form of one's relationship whilst playing. One might try to choose where to position oneself on the playing field, but the positions are already given in the same way that the squares of the chessboard are already given.²¹ Even upon defeat, the player cannot alter the rules of the games – else a different game would be played. In short, economics invokes the metaphor of games "as a form or spell of play or sport, especially, a competitive one played according to rules and decided by skill, strength, or luck"²² in order to model and analyze free market competition. More specifically, it seeks to distinguish "the day-to-day activities of people from the general and customary framework within which these take place. The day-to-day activities are like the actions of the participants in a game when they are playing it; the framework, like the rules of the game they play."²³ Specifically:

In discussing ordinary games, we have little or no difficulty in distinguishing between the *rules* of the game as such and *plays* of the game within these rules

²⁰ Adam Smith, *Theory of Moral Sentiments*, II.II.16.

²¹ Adam Smith mentions the metaphor of the chess game explicitly in his *Theory of Moral Sentiments*, VI.II.42.

²² Friedrich A. Hayek, *Die Anmaßung von Wissen*, Tübingen, 1996, p. 184, my translation, emphasis added.

²³ Milton Friedman, *Capitalism and Freedom*, p. 25.

(...) Rules provide the framework of the playing of the game, and many different patterns of play may take place within given rules (...) In a socio-political context, the same distinction apply between rules of social interaction and the patterns of behavior that take place within these rules. The distinction here is often more difficult to make than in ordinary games, and the discussion of the latter is helpful precisely in this respect. The validity of the distinction between rules and behavior within rules is general, however, over all interaction settings.²⁴

One of the most crucial characteristics of economic analysis here becomes the necessity “to separate the process through which rules are determined from the process through which particular actions within those rules are chosen.”²⁵ Individual self-interest expresses itself in tactics that play out solely in the context of a nexus of pre-established, external and independent relationships. Coining another important metaphor of economics, Adam Smith expresses this insight most famously by likening the economy to a machine:

The wheels of the watch are all admirably adjusted to the end for which it was made, the pointing of the hour. All their various motions conspire in the nicest manner to produce this effect. If they were endowed with a desire and intention to produce it, they could not do it better. Yet we never ascribe any such desire or intention to them, but to the watch-maker, and we know that they are put into motion by a spring, which intends the effect it produces as little as they do.²⁶

The mechanical image encoded in the pre-analytic vision of economics is that of agents who must bow to forces and obey principles that they cannot hope to understand, on the one side; and on the other stand forces and principles such that they are shaped by a transcendent creative power standing sovereign, and even absolute over both economic agents and their activity. In as much as the mechanism of the machine is ultimately designed by an engineer standing outside and over above the machine and its parts, the rules of competition are thought to be designed by an outside force working behind the back of individuals. From any perspective within the game, this process of creation and construction remains utterly inexplicable. Rules are, so to speak, created *ex nihilo*: neither the players nor their playing do share in their making.²⁷ “Play takes place within the rule, but play does not constitute part of the rules.”²⁸ Thus the Smithian metaphor postulates that “a good game requires acceptance by the players both of the rules and of the umpire to

²⁴ Geoffrey H. Brennan and James Buchanan. *The Reason of Rules*. Cambridge, 1985, S. 5-6.

²⁵ *Ibid.*, p. 6.

²⁶ A. Smith, *Theory of Moral Sentiments*, 102.

²⁷ For the concept of *creatio ex nihilo*, its strong influence on Western tradition and its marked absence in Chinese thought compare Roger T. Ames and David L. Hall, *Dao de Jing, A Philosophical Translation*, New York, 2003, 16-17.

²⁸ Buchannan, Brennan, *The Reason of Rules*, pp. 5-6.

interpret and enforce them."²⁹ For the players, the dynamics of relating freely are systematically excluded by the rules of the game.³⁰

Our third economic proposition is as follows: *mainstream economics implicitly preconceives the competitive struggle of the few to take place within certain spatial and temporal boundaries. Competition is thought to take place inside some 'playing-field' so that the competitors tacitly position themselves against everything outside that playing field – culture, nature, and all agents not playing on the field. Given this framework externalities, the key concept of environmental economics, must arise not only regularly but also systematically. On a foundational plane, this reflects a cultural bias toward dualistic thinking expressed in terms of inner and outer.*

Once the economy is considered as a form or a spell of competitive play played according to rules, it follows that these rules are tacitly assumed to delimit a playing space. We can see this with Smith's metaphor of the race, for instance, which premises a pre-assigned racing track of definite length, a definite starting signal, and a destination. Additionally, it filters the number of competitors, creating another boundary between the outside non-competitor and the inside competitor. More generally speaking, competitive games need to be thought of as spatially and temporally constrained, with a limited population of players, because one can only seek to outrun certain competitors on a given playing field in this moment. This is the meaning of the economist's phrase, bar to entry. What takes place at another setting, or at the same setting at another time, is without avail. Inevitably, it remains external to the race for wealth, honors and preferments. Competitive games designed for winning are thus implicitly exclusive. Only the foot racers race against the foot racers. The various forms of game theory, for example, take competitors to be competing only against their own kind, thus presupposing certain limits to the population of competitors. Also they assume that competitors must interact within certain known spatial and temporal boundaries because otherwise the possible payoffs could not be known a priori. The prisoner's dilemma for instance only conceives of two players entering the game, which automatically ends upon conviction. Also, the game is thought to remain confined to the spatial boundaries of two isolated prison cells. These temporal and spatial limitations of play and limitations of the population of competitors are not the objects of strategic reflections, but rather are unquestioningly accepted at the competition's start.

We can reframe this issue in this way: mainstream economics simplifies competition into a series of discrete finite games whose boundaries remain,

²⁹ Milton Friedman, *Capitalism and Freedom*, p. 25.

³⁰ Peter Herschok, *Buddhism in the Public Sphere, Reorienting Global Interdependence*, p. 27.

from the perspective of the competitors, both inexplicable and not negotiable.³¹ This is the only way it can model these games. This strategy hides the problems inherent in the very conception of such boundaries, which is closely connected to environmental economics' notion of externalities. This problem arises because in finite games, there exist no meaningful ways for agents to relate to the natural and cultural environments placed outside competition's boundaries. Standard economic theory emphasizes the fact that there is a bound on the number of possible voluntary participants in a competition. This however only serves as one face of the fact that any finite game must necessarily exclude some agents who could potentially play, and that their exclusion is not voluntary. This does not mean that the excluded are thus not affected by the game's process. However, their concerns don't count for those playing within the defined boundaries, as indeed all players are concerned with their own self-interest. In their will to win, competitors concentrate on those who are defined as opponents within the game, but remain entirely indifferent to the needs and aspirations of the bystanders. The well-being of non-players invariably remains external to inner logic of the game. It so happens that these games do effect the non-players, however. For instance, the competition among steel makers uses energy from coal and materials from iron mines and disposes of wastes so that it leaves a large environmental footprint – but the steel makers themselves are only concerned with their own profits. The external effects of commerce – from sicknesses born of polluted rivers to global warming – do not only occur regularly, they are built into the system. For it lies in the very nature of finite games to exclude not only bystanders, but also entire geographical regions as well as future generations. The very logic of finite games keeps outsider's needs below the radar of those who are happy enough to be in the game at present. Put into economic terms, Pareto efficient situations usually only hold for a given set of individuals, the selected players, so as to cast into the dark the fate of those “third parties” unhappy enough not to have been included in that set right from the start.

It is worth noting here that the possession of money either explicitly or implicitly provides the ticket to entry for economists. “The market process includes and excludes. The boundary is demarcated by money. If one has money, one has the ticket to the play of the market.”³² This is to say that “solely the binary code of paying or not paying counts: whoever pays, receives, what he wants; whoever fails to pay, because he can't or won't, becomes a

³¹ I borrow the notion of finite games from James P. Carse's *Finite and Infinite games, A Vision of Life as Play and Possibility*, New York, 1986.

³² Karl-Heinz Brodbeck, *Erfolgsfaktor Kreativität, Die Zukunft unserer Marktwirtschaft*, Darmstadt, 1996, p. 229, my translation.

bystander.”³³ “Any persons who are not acquainted at every moment with the prevailing ratio of exchange, or whose stocks are no available for the want of communication, must not be considered part of the market.”³⁴ Because they can get no access to the market game, their powers are reduced to zero, and in a competitive society they cease to exist.³⁵ Men who have no possessions to which others can ascribe a positive value find their existences within the boundaries of economic competition annihilated and, consequently, are pushed to its margin. This, of course, also holds true for all cultural and social phenomena that elude monetary expression. In as much as competitors turn a blind eye against the possible degeneration of their playing field, i.e. their immediate competitive environments, the conditions of their wider cultural and natural environments also remain below their radar.

My fourth proposition concerns the regulatory premises derived from our above-analyzed notion of externalities. *While mainstream economics has traditionally neglected the subject of externalities altogether, due to its insistence on analyzing competition in terms of finite games, environmental economics seeks to internalize external effects into the market framework. To do this, it tries to devise ways in which the rules of the game can be manipulated from the outside while preserving competitive behavior within the game. Fundamentally, what is at stake here is the belief in a transcendent creative power standing sovereign and even absolute over both agents and their activity.*

Consider, for instance, global warming. Over the last several decades as temperatures have trended upwards, an increasing number of environmental economists have agreed that it can be considered an external effect of competition, whose elimination systematically eludes the inner logic of the game. The question, then, is not if the field of economics is aware of the problem at all, but rather how it poses a solution to the problem. Oversimplifying complicated matters somewhat here, the allocation of carbon emission certificates appears a good example of how the system of exchange, or market, must be preserved at all costs. Some central authority, deployed by nations or the entire international community, first sets a specific goal, say reducing carbon dioxide by an amount said to be sufficient to limit global warming to 2°C by 2050. Subsequently, the central authority caps the amount of carbon dioxide every economic agent is allowed to emit, limiting total emission to a certain level. Companies or other groups pay for emission permits and are

³³ Michael Schramm, “Spielregeln gestalten sich nicht von selbst, Institutionenethik und Individualethos in Wettbewerbssystemen,” in: D. Aufderheide, K. Homann (eds.), *Wirtschaftsethik und Moralökonomik*, p. 150.

³⁴ William S. Jevons, *The Theory of Political Economy*, Harmondsworth, 1970, p. 133.

³⁵ C. B. MacPherson, *The Political Theory of Possessive Individualism, Hobbes to Locke*, Oxford, 1962, p. 56.

required to hold an equivalent number of allowances representing the right to emit a specific amount. Because I assume my audience is well aware of the emission trading scenarios currently in circulation, let me skip the details and get straight to the underlying structure of argument here, which has a long tradition both in economic and political theory. Modern environmental economics confidently turns to the unquestioned presupposition that some external agency can design, alter and enforce the rules of the game independent of the inner logic that prevails within the competitive framework, so as not to impinge upon the principle of competition. More concretely speaking, the state here assumes its customary role “to provide a means whereby we can modify the rules, to mediate differences among us on the meaning of rules, and to enforce compliance with the rules on the part of those few who would otherwise not play the game.”³⁶ Here, the state is considered a transcendent agency standing sovereign, and even absolute over the interplay of self-interested individuals:

What the state does ... is to alter some of the terms of the equations each man makes when he is calculating his most profitable course of action. But this need not affect the mainspring of the system, which is that men do calculate their most profitable course and do employ their labour, skill, and resources as that calculation dictates. (...) The state may, so to speak, move the hurdles in advantage of some kinds of competitors, or may change the handicaps, without discouraging racing.³⁷

Bluntly put: due to their pre-analytic vision, mainstream economics, including the sub-genre of environmental economics, models the world, literally, on a board game where the players compete with each other under rules set by a higher power until they achieve optimum performance. Put in the words of Hayek, “as individuals we must bow to forces and obey principles that we cannot hope to understand, while still progress and even the survival of civilizations depends on them.”³⁸ In the liberal traditions of the 18th and 19th century, the supreme force was ascribed to God – now it is ascribed to the market mechanism.³⁹ “Although the old God dies, an old sin lives: God’s erstwhile children often try to take his place. The independent existence (the aseity) traditionally ascribed to an omnipotent personal being called God

³⁶ Milton Friedman, *Capitalism and Freedom*, p. 25.

³⁷ C. B. MacPherson, *The Political Theory of Possessive Individualism*, p. 58.

³⁸ Friedrich A. Hayek, *Missbrauch und Verfall der Vernunft, Ein Fragment*, Frankfurt/Main, 1959, p. 127, my translation.

³⁹ Martin Büscher, “Gott und Markt – religionsgeschichtliche Wurzeln Adam Smiths und die ‘Invisible Hand’ in der säkularisierten Industriegesellschaft,” in: A. Meyer-Faje, Ulrich (ed.), *Der andere Adam Smith, Beiträge zur Neubestimmung von Ökonomie als politischer Ökonomie*, Bern-Stuttgart, 1991, pp. 123-144.

can be vainly arrogated by human beings themselves.”⁴⁰ One might consider, at this point, where the economist herself fits in all this. Is the economist in the market? On the side of the umpire? According to their own theory, (monetary) incentives chiefly motivate the players in the game to obey the game’s pre-given rules; but somehow the economic scientist has the power to step outside the game so as to design the rules. For “it is the economists who design the rules of the game.”⁴¹ Economists, in their theory, are proxies for the God’s eye perspective that sees the totality of the games and the externals of the games. They not only contemplate the spectacle, but also have a divine-like power to predict and control the performance of the economy. They only need to find the switches, apparently, for the mechanism. Thus, they think of themselves, or at least the body of knowledge they possess, as allowing them to transcend the self-interested behavior and rationality of *homo oeconomicus*, albeit not – as we have seen with their little examined pre-suppositions – self-reflectingly so. This has led to the economic triumphalism which we saw all too much of in the so called “Great Moderation” of the past two decades – although less so since the beginning of the slump. Interestingly, economists seemingly don’t notice the performative contradiction in saying that the players can only attend to their strategies for maximizing their self interest in competitive games, but that they, the economists, can possess both knowledge of these strategies and yet transcend them in their models, which are not self-interested. Therefore, the logic according to which they have the possibility to devise and enforce the rules of the game remains altogether inscrutable from their own premises. The ultimate question of who is to design the rule of the game, and how he is to accomplish this task, remains unaccounted for.

Another point worth mentioning here refers to the role of nature within competitive markets. As Herman Daly and others have pointed out, economics has traditionally referred to ecosystems not as the site within which the economy operates, i.e. what surrounds it, but as a subsystem of the economy that includes extractive sectors as well as dumps.⁴² This inverts the real relationship between nature and the economy. In conformity with the pre-analytic vision of mainstream economics, nature is defined for all intents and purposes as an aggregation of resources subordinated to economic agents. Mainstream economics considers nature’s ecological web only as discrete objects or elements upon which economic man directs the force of his rational calculations and behavior. The river that passes by a power plant, for instance,

⁴⁰ S. H. Stenson, “Beyond Science and Technology to Absolute Emptiness,” in: T. Unno (ed.), *The Religious Philosophy of Nishitani Keiji*, pp. 122-23.

⁴¹ Alfred Kyrer, *Neue politische Ökonomie*, München/Wien, 2001, p. 7, my translation.

⁴² Herman Daly, “Uneconomic Growth in Theory and in Fact,” *Feasta Review*, Number 1, 1999.

is just an immediate resource for disposing of waste, and not a flow operating within the total global water economy. As such, these elements are not taken as the essential environs of competitive games – literally the physical material of the playing field and the players – but only as elements to be calculated upon within the game’s pre-given matrices of possible in- and outputs. Contemporary environmental economics, inasmuch as it sticks to the mainstream paradigm, is prone to adopt this understanding of nature insofar that it seeks to internalize economy’s externalities by making them, too, subject to a market game. This field of economics thus reframes strictly environmental issues in the language of rules and incentives that will be accepted by economic agents as mere obstacles or handicaps in their unwaning race for wealth, or as incentives to be used by these players to best each other in their competitions and as bars to entry. Said differently, environmental economics does its best to reframe environmental issues in a language of abdication, restraint and obstruction that, if viewed from the viewpoint of the competitors, holds no positive meaning. Economic man may be coerced to irrevocably bow to the rules of the game designed to protect the environment, but only due to an elaborate scheme of incentives and punishments, not to deeper insight into the planetary community of man and nature on the part of the individual.

The fifth economic proposition deals with the theme of our Seminar, namely responsibility: *Both for mainstream economics in general and environmental economics as a sub-genre posits responsibility against all forms of creative and spontaneous responsiveness. Thus, responsibility is confined to a negative notion, namely, that of strictly obeying pre-given rules within certain temporal, spatial and population boundaries. As such, it reflects a cultural bias towards an ethics that is primarily a morality of principles.*

“There is,” Nobel Laureate Milton Friedman famously wrote, “only one social responsibility of business – to use its resources and engage in activities designed to increase its profits so long as it stays within the rules of the game.”⁴³ Here we can see, from what we said above about finite games, that Friedman’s statement is in full conformity with the pre-analytic vision of mainstream economics. The systematic locality of moral responsibility, following a long-standing tradition in the history of economic thought, is disconnected from the whole of the economic and ecological system. This locality does not lie within the process of competition but is pushed to the latter’s margin. “The systematic location of morality for a free market economy consists in its framework of regulations.”⁴⁴ Moral responsibility is

⁴³ Milton Friedman, *New York Times Magazine*, September 13, 1970.

⁴⁴ Karl Homann und Franz Blome-Drees, *Wirtschafts- und Unternehmensethik*, p. 35.

thought to be fully embodied by the rules of the game, which then permits each move within the game to follow the logic of profit seeking. Morality, then, becomes a question of fairness of the competition – as in our original quote from Adam Smith. As the rules of the game are thought to be exhaustively determined by an outer force, moral duty within the competitive process becomes wholly identified with the profit motive, and is adjusted only with that goal in mind. Economic agents are obliged to strive for their own personal advantage; their unconditional will to win is turned into a moral imperative itself. Each competitor needs to outrun the others without fail, because otherwise the social benefit accruing from the ‘invisible hand’, which from an absolute standpoint is believed to guide competition as a whole, will not be optimized. What I would like to point out here specifically is the fact that such a vision of responsibility runs the risk not only of downplaying our spontaneously responses to the immediate needs of our fellow human beings and our natural environs – it even precludes it. Because unstinting obedience to rules governing competition combined with the profit seeking goal are considered necessary preconditions of competitive play, they can never be abrogated, not even on behalf of compassion in the face of emergencies, such as famine, or ocean acidification.

As the German ethicist Karl Homann unapologetically states, spontaneous help must be considered a “mortal help” and spontaneous sympathy for one’s neighbor as unethical. “We must not yield to the intention, in the face of hungry children of the poorest of the poor, to give unedited ‘spontaneous’ help, because such conduct not only doesn’t solve the problem but makes it worse... The conduct of a Saint Martin will only sharpen the poverty problem in developing countries and would be in that respect unethical, perhaps even a crime.”⁴⁵ The other is best helped, then, by strictly adhering “with the most obstinate steadfastness to the general rules.”⁴⁶ As the Japanese ethicist Watsuji critically remarks: “every form of solidarity here can only find its expression in a law, and responsibility and duty can only be enacted through coercion.”⁴⁷

The five propositions common to mainstream economics and mainstream environmental economics come down to this: interhuman relationships are seen as subordinate to a universal framework of laws and regulations, elaborately enforced by incentives and punishments, with the result that equality (before the law) and freedom (to strive for one’s own personal advantage) are thought to complement each other and form the complete principle of civility

⁴⁵ Karl Homann, *Anreize und Moral, Gesellschaftstheorie – Ethik – Anwendungen*, Münster, 2003, pp. 20-21.

⁴⁶ Adam Smith, *Theory of Moral Sentiments*, p. 204.

⁴⁷ Tetsuro Watsuji, *Watsuji Tetsuro's Rinrigaku, Ethics in Japan*, transl. by S. Yamamoto, R. E. Carter, New York, 1996, p. 25.

upon which the social whole depends.⁴⁸ More bluntly put, it is believed that the negative impacts of competition, inflicting immeasurable suffering upon millions, can be thrust aside by appeal to some outside force, be it an ‘invisible’ or ‘visible hand’.⁴⁹ The problem to be solved remains merely to decide on the best possible framework, be it ‘natural’, ‘public’ or ‘divine’. But what if the process of competition as such happens to determine, in our complex societies, what the rules of the game are supposed to mean? What if the paradigmatic distinction between the rules of the game and playing the game is an illusion?

As long as economists are bounded by the pre-analytic vision of finite games, and paradigmatically presuppose this separation, such questions will not even swim into their view. They will act in a “political manner,” not only in the face of climate change and environmental degradation, but also in relation to continuing financial and economic crises. At best, they will continue their knee-jerk call for “new rules of the game.” It is precisely this conceptual deadlock that, in my opinion, we need to overcome by engaging in intercultural dialogue with the Asian traditions. They expressly do not share this pre-analytic vision of a universal that is capable of dictating rigid rules of the game, rather, they urge us to explore an entirely different vision of play.⁵⁰

II. An Alternate Vision

As early as 1705 Leibniz wrote in regard to the Chinese:

Their language, their character, their way of life, their craftsmanship, *and even their games* are so different from ours as if they were people from another globe; it seems possible that even a very simple, but precise account of what they practice could give us a more useful opening than to study the rites and motives of the Greek and the Romans to which so many scholars attach.⁵¹

While I am far from advocating Leibniz’ insight in its entirety here, I do share its basic view that the Chinese and Japanese vision of games can in fact give us an opening to think beyond the pre-analytic vision and the privileged game metaphor we have been discussing. Again, my argument here is far from universalizing some best game metaphor. I am not saying, for instance,

⁴⁸ Elizabeth Gallu, “Sūnyata, Ethics and Authentic Interconnectedness,” in: T. Unno (ed.), *The Religious Philosophy of Nishitani Keiji, Encounter with Emptiness*, Berkeley, 1989, p. 191.

⁴⁹ The Japanese philosopher Keiji Nishitani, for example, strongly opposes this belief. Cp. Nishitani Keiji, “Vom Wesen der Begegnung,” in: Ryosuke Ohashi (ed.), *Die Philosophie der Kyōto Schule, Texte und Einführungen*, Freiburg i. Br., 1990, pp. 253-274.

⁵⁰ Cf. Silja Graupe, *The Bashō of Economics*, pp. 236-52.

⁵¹ Quoted in: François Jullien, *Vortrag von Managern über Wirksamkeit und Effizienz in China und im Westen*, Berlin, 2005, p. 16, my translation, emphasis added.

that the contemporary Chinese and Japanese are all in disagreement with the foundational premises of mainstream economics if the latter is explicitly uncovered. However, clearly the other extreme, taking all cultural differences to be minor variants on the same premises, is ethnographically suspect, and tends to hide the acculturation processes by which the global market system came about. Cultures do disagree, most often below the radar of awareness, about their foundational premises. This is actually a creative affordance given to us by the plurality of cultures. Thus, in this concluding section of the paper, I want to touch briefly on the very possibility of an alternative view of games, rules, environments and players. In doing so, I think I am contributing in my own way to the development of both critical and creative tools to expand the range of common solutions – and possible frameworks in which these problems and solutions can be articulated – to the environmental crises that all cultures today jointly face.

Summarizing the problem discussed in the preceding sections, we could say that environmental economics' concept of responsibility hinges on the presupposition of an external power or agency, standing sovereign, and even absolute over competing, autonomous individuals. At the risk of oversimplifying matters here, it seems to me that East Asian philosophy would regard the failure to examine this presupposition as more than the bad luck that we don't have more curious economists – it amounts, instead, to a systematic failure. This is because for them “there is no view from nowhere, no external perspective, no decontextualized vantage point. We are all in the soup.”⁵² Overcoming environmental crises cannot be a question of discovering another or better idea of an absolute ruler, designing independently an ever more efficient framework of continued competition. Rather, the hope of limiting the struggle of egoists through an exterior force, a prime mover, becomes regarded in itself as illusionary. This is to say that the infinite terror of egotistic action – which, in the West, finds form in the Hobbesian image of the primitive jungle – cannot simply be thrust aside by “the renunciation of the opposing sides being imposed by something from the outside”⁵³ – that is, the Hobbesian solution. Every effort aiming at releasing the suffering of people, which lies in the reality of their absolute opposition as competitors, through reference to a pre-given universal “seems like trying to scratch your feet through the soles of your shoes.”⁵⁴

More concretely speaking, in the Chinese and Japanese traditions we find a pre-analytic vision that does not hinge on the notion of some originative and independent source of order or, expressed differently, on a ‘two-world’

⁵² Roger T. Ames, David L. Hall, *Dao de Jing, A Philosophical Translation*, New York, 2003, p. 18.

⁵³ Nishitani Keiji, “Vom Wesen der Begegnung,” p. 259.

⁵⁴ *Ibid.*, 260.

theory that categorically separates some independent source of order from what it orders.⁵⁵ Speaking in terms of our game metaphor, this vision supposes something radical: that instead of redefining the role of the umpire vis-à-vis the constitution of the rules, we simply abandon the notion of an independent umpire. Said differently, it does not seek to externally change or redefine some of the individual rules of the present game but to undertake an entirely different kind of play; a play, in which playing and ordering are so enmeshed that any rules are continually and attentively shaped and redefined in the very process of play itself. However, abandoning the notion of the umpire is only the first step – or rather, is dependent upon other steps. Most notably, the core assumptions of economics’ methodological individualism must be re-analyzed. In his fascinating book on philosophy and cultural difference, Thomas Kasulis argues that the basic cultural orientation for the Japanese is not one of context independent agency but the intimacy of “belonging-with.”⁵⁶ As stated earlier, the pre-analytic vision of economics makes us to think that economic actors exist autonomously, and so independently from one another. Their relationships, defined by the rules of the game, are additive, not integral, to their individuality (refer back to figure 1). If the basic cultural orientation is one of intimacy, however, then agents are thought to be internally connected: “It is part of the essential nature of the relatents that they are connected as they are; they are interdependent, not independent, entities.”⁵⁷ In game terms, relations are now seen as integral to the players: how they interact with others defines their very identity as players. In a strong sense, they only exist in the “inbetweenness” of playing with others.⁵⁸ What *A* is depends, in a fundamental way, on the relations he maintains with *B* and *C*. To dissolve its internal relationships with others would not merely disconnect him to the other two; it would actually transform an aspect of himself (see figure 2).

Such a vision of agency surely “amounts to an ontological gestalt shift from taking independent and dependent actors to be first order realities and relations among them as second order, to seeing relationality as first order (or ultimate) reality and all individual actors as (conventionally) abstracted or derived from them.”⁵⁹ Such a shift does not only turn the assumption of

⁵⁵ *Sun Tzu, The Art of Warfare*, pp. 46-50.

⁵⁶ Thomas P. Kasulis, *Intimacy and Integrity*.

⁵⁷ *Ibid.*, p. 36.

⁵⁸ Cp. for example the work of the Japanese scholar Kimura Bin, who states: “The ‘betweenness of person and person’ (*hito to hito to no aida*) and ‘betweenness’ (*aida*) do not signify merely a relationship between two individuals. The ‘betweenness of person and person’ is the ‘locus’ (*basho*) functioning as the source from out of which both I and others arise.” Cited in S. Odin, *The Social Self in Zen and American Pragmatism*, New York, 1996, p. 70.

⁵⁹ Peter Herschok, *Buddhism in the Public Sphere*, 147.

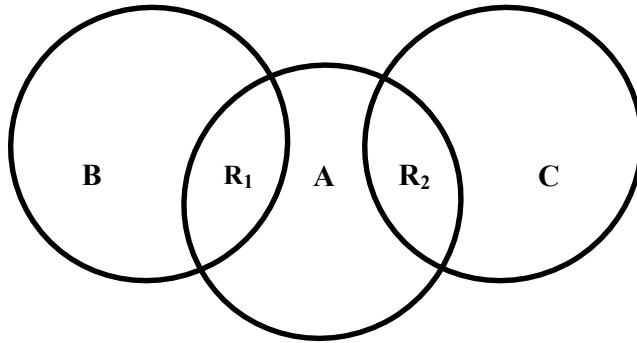


FIGURE 2

context independent agency upside down; it simultaneously alters the notion both of competitors and competition. On the surface, this means that we have to abandon Robinson Crusoe – as an economic idol, to his place in our childhood; he is misleading at best. Players don't choose to connect to others according to their pre-determined preferences. On a deeper level, we should no longer conceive of the game as a pre-given matrix of payoffs determined by external rules, but rather see the very dynamics of the process of playing as primary, shaping both players and play in an ongoing, evolving and ever changing process. Playing, here, becomes a subjectless, processual event, a "determination without a determining agent who could govern events from a superordinated level."⁶⁰ Accordingly, setting its rules from any position outside the play would not only be a useless attempt but also an ultimately distractive and destructive one.⁶¹

There is no need here to discuss in detail the rich meaning of these changes. Broadly, our vision broadens from one that can only countenance finite games to one that intuits infinite plays, which, because of having no given form or content, do not exhibit any fixed entanglements.⁶² As we have tried to show above, economics' pre-analytic vision of games makes players prone to consider their environments as a pre-given stage, upon which they can play out their individual interests. Consequently, the latter attempt to follow set strategies derived from previously modeled situations.⁶³ As such, they remain incapable of reacting to the concrete and site-specific circumstances of the game, even in the face of irreparable damage. In infinite games, skillfulness

⁶⁰ Nishida Kitarō, *Logik des Ortes*, translated and edited by R. Elberfeld, Darmstadt, 1999, p. 166.

⁶¹ Peter Herschok, *Buddhism in the Public Sphere*, 138.

⁶² T. Shimomura, "Mentalität und Logik der Japaner," in Ryosuke Ohashi (ed.), *Die Philosophie der Kyōto Schule*, 380-84. Shimomura uses the Japanese term *kukan*.

⁶³ François Jullien, *Vortrag vor Managern über Wirksamkeit und Effizienz*.

depends on adequately responding to the potentiality of situations, adapting oneself skillfully to the changing events while shaping these events in turn.⁶⁴ One acts relationally, not by distancing oneself theoretically from the situation, but by means of active improvisation.⁶⁵ Such improvisation includes not only the request to alter the common rules of the game whilst playing but, equally important, the potential of changing oneself: protest against the economic conditions of our days becomes ultimately self-referential – “a criticism of an order in which one’s self is a constitutive factor.”⁶⁶ To adequately respond to the tragedy of the commons, for instance, one does not passively await the removal of obstacles to the game by an external agency but begins to act so as to change one’s own character. One needs to grow responsive to the present situation – beyond both the morality of fixed principle and economics’ deeply ingrained presupposition that we can and should not to alter our egotistic natures, but rather hedge it about with rules so as to mitigate its most disastrous effects by taming it from the outside.

Due to its hidden ontological commitment to context independent agency, environmental economics presupposes economic agents to relate on an extrinsic level to each other, to things, and to their environments. If all these relationships dissolved, agents would still remain intact. Even more, environmental economics demands relationships to be cut down to a minimum in order to preserve individual agency in its striving for personal gain and advantage. But if we were to understand, according to Japanese and Chinese visions, relatedness as intrinsic and constitutive, the dissolution of relationships would appear as surgical. “Terminating an internal relationship ... results in ... relatents losing a part of their identity: the a and b become less themselves or at least less of what they had been.”⁶⁷ My hope is that upon this alternate vision we might eventually grow capable of conceiving today’s growing economic interrelatedness not as a threat to our individuality but as a heightened potential for developing and nourishing our personalities in a net of relationships expanding beyond any spatial, temporal or numerical boundaries. This would not only make the very concept of externalities inadmissible – and remember, environmental economics starts with externalities – but also the very idea of controlling, calculating and, ultimately, managing social and environmental changes. Responsibility, in the sense of mere obedience to universal rules and principles, gives way to situated responsiveness that, in turn, gives rise to sociopolitical and economic orders, which are interdependent and mutually entailing. Moreover, the goal of playing changes from merely

⁶⁴ Ibid.

⁶⁵ Peter Herschok, *Buddhism in the Public Sphere*, p. 150.

⁶⁶ Sun Tzu, *The Art of Warfare*, p. 69.

⁶⁷ Thomas P. Kasulis, *Intimacy and Integrity*, p. 60.

outstripping one's competitors to the 'art of contextualizing'. It consists, as especially the Chinese art of warfare informs us, in effectively correlating and contextualizing the social and natural potentialities of the situation. As such, it has to do with the quality of the continued journey, not with gaining a definite victory.⁶⁸

⁶⁸ Sun Tzu, *The Art of Warfare*, p. 62.

Cultural Islam: An Alternative to Political Islam

I. R. NASYROV

Globalization, or the process of the global economic, political and cultural integration and unification of the modern world, will intensify the standardization of cultural norms and values on a global scale. The rapid penetration of the technical and scientific achievements of the Western world into all spheres of life has forced other cultures into direct contact with an unfamiliar civilization.

Different cultures have interacted before, of course; convergence of cultures is a frequent occurrence in history. But the peculiarity of the current processes of cultural interaction is that globalization, which is predicated on the technological superiority of the West, creates a situation of cultural hegemony that is perceived by members of other non-Western civilizations as a threat to their cultural and ethnic identity.¹ This gives rise to the threat of assimilation to Western culture, which entails the danger of loss of national and religious identity. Thus the problem of interaction between cultures in a globalizing world is essentially the problem of how, in the inevitable encounter with the West, non-Western peoples can preserve their own cultural and national traditions, or in other words, how they can find an optimal balance between their own traditions and the newly introduced values of the West.

There are different approaches to the interaction of cultures in the era of globalization: a) the claim to hegemony of one culture; b) dialogue aimed at a synthesis of cultures; and c) dialogue as a way to achieve unity while preserving diversity.² The last option is now seen by many as the best way for cultures to interact.

This sheds light on the main problem. Dialogue and mutual understanding require common ground (S. H. Nasr).³ Usually, justice would intuitively

¹ Graham Fuller, *The Future of Political Islam*. New York: Palgrave MacMillan, 2003, p. 74.

² M. Stepanyants, *Rossiya v globaliziriyishemysya mire (Russia in global world)* // Philosophical Journal, Moscow, 2008, n. 1. pp. 135-140.

³ Sayyed, Hossein Nasr, *Religious and Civilizational Dialogue* // Islam 21, issue 29, June 2011.

be considered the main component of this common ground (E. Levinas).⁴ Regardless of their ethnic, religious or cultural identity, people today need to order their lives in such a way that their rights and freedoms are granted maximal realization. Such a state provides for truly equitable relations between people, or equity. Therefore, in the context of globalization, implementing such a state of equity depends on developing “a certain system of human values,”⁵ which is clearly rooted in a universal model of justice. But it is obvious that people perceive the universal idea of justice as a categorical imperative only when the proposed concept of justice meets the understanding of justice accepted in their culture.

This problem finds its most acute expression in the complex set of relationships between the West and the Islamic world, which has been referred to as the conflict of the Western world with the Islamic world,⁶ or, in the frankly alarmist words of Samuel Huntington, as the “clash of civilizations.”⁷ The strained relations between the modern Western world and the Muslim East is often understood in the West as a confrontation between Christianity and Islam, and some analysts believe that this conflict threatens to escalate into war between the West and the Islamic world.

However, the attempt to develop a truly global unity in humanity on the basis of values founded in the notions of divine authority and justice, is actually a joint aspiration shared by both Islam and Christianity in their capacity as world religions.⁸ In the arsenal of modern secular ideologies of culture there is no idea of divine justice as a general principle governing people’s lives. Consequently, many people believe that the cause of the conflict between the West and Islam is that the Islamic concept of “divine justice”⁹ is inherently violent and is underpinned by a violent principle of implementation (*tabiq al-shari’a*).

⁴ E. Levinas, *Otherwise than Being*, and *Beyond Essence*. Trans. by Alphonso Lingis. Foreword (Richard A. Cohen). Duquesne University Press, Pittsburgh, Pennsylvania. Eighth printing, 2009, p. 16.

⁵ M. Stepanyants, *Polikulturnoe obrazovanie kak moderator dialoga kultur (Multicultural Education as Moderator for Dialogue of Cultures // Eastern World. Philosophy: Past, Present, Future. Moscow, “Vostochnaya literature” (“Oriental Literature”) Publishers, RAS, 2005, p. 354.*

⁶ J. L. Esposito, *Islam and Politics*. Syracuse University Press, 1987, p. xv.

⁷ Samuel H. Huntington, *The Clash of Civilisations?* // *Foreign Affairs*; Summer 1993, 72, 3; pp. 22-49.

⁸ M. Stepanyants, *Polikulturnoe obrazovanie kak moderator dialoga kultur (Multicultural Education as Moderator for Dialogue of Cultures // Eastern World. Philosophy: Past, Present, Future. M. Stepanyants. Moscow, “Vostochnaya literature” (“Oriental Literature”) Publishers, RAS, 2005, p. 354.*

⁹ Majid Khadduri, *The Islamic Conception of Justice*. The Johns Hopkins University Press, 1984, pp. 3-5.

On the Islamic side, there is a different concept of divine and human unity: Islamic theology recognizes God as the ultimate Ruler and Legislator of the community of Muslims.¹⁰ Western ideology, however, presupposes an ontological unity of the various cultures and civilizations, and therefore takes unity of mind to be the basis for the essential unity of mankind in a globalized world, on the grounds that mind is higher than the particularities of culture, history or religion. The Muslim reaction to this approach is the perception that “Westernization” involves not just the imposition of Western standards of living and being human in different spheres of life (economic, cultural, ideological and military), but that this is actually the aggressive invasion of a godless worldview, represented by “the West.”

This raises a number of questions: are Islam, based on divine justice, and secular society, based on liberal principles, compatible? Does Islam possess the internal resources to minimize the religious confrontation between the Islamic world and global society? What trends in Islam can shape the future of the Muslim community? Finally, what branch of Islam can provide support for a harmonious and peaceful interaction between civilizations?

We formulate the question in this way for the simple reason that only the Islamic world has seriously put forth an alternative to the Western imperial model of world hegemony. Islam proposes a no less hegemonic model, consisting of the transformation of the whole human community into a *dar-ul-islam*, a single Muslim community, or a single *umma*.¹¹ This project of the hegemony of Islamic culture is not only the obsession of a small number of religious radicals; it also fires the imaginations of numerous educated Muslim intellectuals, as well as people from different strata of Islamic society. They no longer feel themselves to be the passive victims of cultural assimilation, but rather see themselves as representatives of the civilization that will act as the “gravedigger” of the West. The very real conflicts in different parts of the Islamic world conducted by leading Western countries are seen by some Muslims as merely the inevitable trials on the way to their future victory over the historically doomed West.

These views are not confined to criticism of the Western worldview. Islamic fundamentalists also criticize openly the ideology of Muslim reformism.¹² It is common knowledge that Muslim reformers and liberals at the end of 19th and 20th centuries, unlike conservatives, believed in the possibility of a synthesis between Islamic and Western cultures, and even insisted on the

¹⁰ Majid Khadduri, *The Islamic Conception of Justice*, p. 3.

¹¹ M. Stepanyants, *Rossiya v globaliziriyishemysya mire (Russia in a Global World)* // Philosophical Journal. Moscow, 2008, n. 1. pp. 136-137.

¹² Ahmad S. Moussalli, *Radical Islamic Fundamentalism*. American University of Beirut, 1992, pp. 151, 244.

need to follow the experience of the West in reforming and modernizing all aspects of public life; they also outlined projects and ideas to achieve this objective.¹³

Over time, Muslim reformism was itself subjected to a severe critique by Islamic “revivalism,” or fundamentalism.¹⁴ Islamic fundamentalists have claimed that the policy of secularism and reformism conducted, for example, in Turkey in the 20th century, is a dead-end. Accordingly, the fundamentalists insist on returning to the origins of Islam, espousing formulas such as: “No God but Allah” means that the only ruler is God, the only true *shari’a* (Islamic Law) is God’s and the only true authority is God’s.”¹⁵ Al-Mawdudi, the Muslim revivalist leader and a major 20th century Islamic thinker, described the characteristics of the Islamic state in terms of three concepts: 1. No individual or group has any role in governance (*al-hakimiyyah*) because God is the only ruler; 2. No one can legislate but God; 3. The law of the Islamic state is divine law.¹⁶

Islamic fundamentalists also defend the idea of the self-sufficiency of Islamic culture. The most radical proponents link the hegemony of Islamic culture to the establishment of Islamic rule throughout the world in the form of a worldwide Caliphate, or Islamic State. Islamic fundamentalism strongly rejects the spirit of religious pluralism, dismissing it as a heresy threatening the neo-absolutist claim for the dominance of political Islam throughout the world.¹⁷ In other words, political Islam is radical Islam, with all the intolerance, fanaticism and sectarianism associated with that concept.

The recent spread of these ideas in the Muslim world is abetted by the following circumstances. The idea of the synergy or synthesis of cultures is widely perceived to be a failure, even in the Western world. The majority believe that the global fusion of cultures was an attractive idea that has turned out, on closer inspection, to be just a starry-eyed dream. So does this mean that 19th-20th century Muslim reformism was essentially an unproductive phenomenon and that the Islamic fundamentalists who claim that the Islamic world must evolve according to Divine Law (*Shari’ah*), once and forever enshrined in the Qu’ran, are right? If we recognize culture as something fixed, as a kind of monad, then yes. But such a simplistic approach to culture is too vulnerable to criticism. Culture does possess invariant charac-

¹³ J. L. Esposito, *Islam and Politics*. Syracuse University Press, 1987, pp. 57, 93.

¹⁴ M. Stepanyants, *Traditsiya i sovremennost’ (Tradition and Contemporaneity)* // Eastern World. Philosophy: Past, Present, Future. Moscow, “Vostochnaya literature” (“Oriental Literature”) Publishers, RAS, 2005, p. 124.

¹⁵ Ahmad S. Moussalli, *Radical Islamic Fundamentalism*. American University of Beirut, 1992, p. 151.

¹⁶ Ibid..

¹⁷ Bassam Tibi, *The Challenge of Fundamentalism*. University of California Press, 2002, p. xiv.

teristics, or universals, but it is also a living, self-developing organism. Professor Marietta Stepaniants is right to question the conception of culture as an unchanging static constant.¹⁸

In our opinion, the idea that Islamic culture, like any culture, is capable of development casts doubt on the thesis of Islamic fundamentalism that Islamic civilization is incapable of learning from other cultures due to its absolute self-sufficiency. On the contrary, it can be argued that the process of rapprochement between Islamic peoples and Western culture that began at the end of the 19th century was triggered not merely by external but also by internal factors.

As early as the mid-19th century, the violent intrusion of Western technological and scientific achievements into all spheres of life in the Islamic world forced Muslim nations to initiate direct contact with the West. In the 20th century, Turkey was the Muslim country that implemented the most radical steps towards building a secular society, where religion and state were separate. However, Turkey's secularists were motivated not just by Western models, as is contended by modern opponents of the policy of Islamic "openness" to world cultures. In fact, the project of secularization and Islamic reform in Turkey at the beginning of the 20th century had a basis in the Islamic classical heritage.

A key component of these reforms was provided by the philosophy of history outlined by Ibn Khaldun (d. 1406), the prominent late medieval Arab historian. Ibn Khaldun's doctrine denies the principle of theocracy, and the caliphate is treated by him as a secular power. Thus, Ibn Khaldun in fact claimed the primacy of natural (geographic) and economic factors over the religious factor in the development of civilizations and the emergence of states.

Later in the 20th century, in 1914, Zaki Validi Togan (1890-1970), an eminent scholar of Islam and specialist in Turkic history at Istanbul University, used Ibn Khaldun's philosophy of history to write a negative account of the role of theocracy in Muslim history, particularly among the Turks, and expressed his critical attitude towards the ideology of Islamism.¹⁹ He believed that Muslim assimilation of the achievements of Western civilization must go hand in hand with an adaptation to Western culture, for which the separation of church and state was paramount. To this end, he emphasized that the Turks have always distinguished between the Sultanate and Caliphate

¹⁸ M. Stepanyants, *Rossiya v globaliziriyishemysya mire (Russia in global world)* // Philosophical Journal. Moscow, 2008, n. 1, p. 141.

¹⁹ Bilgi Mecmuasi, 1914, n. 7, p. 733-743 // Work cited from Zaki Validi Togan, *Tarihite usul*. Istanbul, 1985, p. 164.

(i.e. state and religion), as Ibn Khaldun himself noted in his work “The Muqaddima” (The Prolegomenon).²⁰

From Zaki Validi Togan’s point of view, Ibn Khaldun’s original theory about the cyclical development of civilizations contains the following points: the recognition of the role of economic and geographic factors in history; the recognition of man as a social and culturally conditioned being; and the refusal to recognize the state as an entity based on religion. Based on these tenets, Zaki Validi Togan expressed the idea that support for the idea of the secularization of Islamic society can be found in the classical heritage of Islam. He concluded that the attempts of the Egyptian Muslim reformer Muhammad Abdou (1849-1905) to modernize Islam by founding it on principles of modern law were fruitless.²¹ Modernizing Islam demanded a new look at its classical heritage.

It is well-known that Mustafa Kemal-Pasha (Ataturk), the first president of the Turkish Republic, carefully studied the thought of Zaki Validi Togan (1890-1970) and took it into account while carrying out his reforms in the creation and development of secularism in Turkey.

The thesis of the historicity of any culture, including Western culture, as a historically transient form of human society, is very important. This thesis justifies the claim that non-Western cultures are not fixed non-historical phenomena, destined to serve as passive objects for the “creative influence” on them of Western culture. This means that since in the past there have been close cultural links and mutual influences between Islam and the West, the relationship of these and other cultures can have a multidirectional nature in the form of a dialogue between cultures, even in a globalizing world. Moreover, in our opinion, even the doctrinal and religious tradition of Islam can be subject to this analysis; it, too, is characterized by openness, flexibility and tolerance.

Firstly, Islam presented itself through the Qu’ran as a message to all mankind, without distinction between persons according to language, color, gender or other markers. The universality of Islam lies in the fact that the Qu’ran finds the metaphysical unity and equality of human beings in the fact that they are creations of the One God. Hence the inscription of religious tolerance in Islam, something built into the system of Islamic doctrine itself (*‘aqida*).

Secondly, Islamic mysticism (Sufism) was able to more fully express Islam’s potential universality, and its capacity for tolerance. Al-Ghazali (d. 1111), the prominent Muslim theologian and mystic, in his “The Revival of

²⁰ Zaki Validi Togan, *Tarihite usul*, p. 163.

²¹ Bilgi Mecmuasi, 1914, n. 7, pp. 733–743 // Cf. Zaki Validi Togan, *Tarihite usul*. Istanbul, p. 164.

the Religious Sciences" (*Ihya 'Ulum al-Din*) argued that although people have different ways of worshiping God, they are all correct.²² Ibn 'Arabi (d. 1240), one of the most prominent and influential Islamic philosophers and mystics, argued in "The Seals of Wisdom" (*Fusus al-Hikam*) that God is "everywhere, and there is nothing more than belief. This means that every human is right, and therefore deserves a reward [from the heavens]; everyone who earns this reward is happy, so everyone who is happy has been rewarded by their Lord, even if for some time he undergoes sufferings in the next world."²³ The doctrine of Ibn 'Arabi on the unity of being (*wahdat al-wujud*) insists on the essential oneness of humanity and strengthens the position of the Qu'ran on the metaphysical equality and unity of all peoples.

Thirdly, we find that the idea of the essential equivalence between the different schools of Islam, that is, a true intra-confessional tolerance, was defended even by the early Islamic theologian, Ahmad Ibn Hanbal (d. 855), a leading traditionalist Islamic jurist. It is, in fact, his ideas about the need to preserve the purity of the faith that have inspired the proponents of modern Islamic fundamentalism. However, in contrast to their reading of him, in his interpretation of Islamic doctrine (*'aqida*) he writes that "we are not accusing any Muslim of lack of faith, even if they have committed grave sins."²⁴

All this suggests that political Islam can only grow weaker as time passes, while cultural Islam is equipped to meet the challenges of history and grow stronger. Cultural Islam, in my definition, rests on two postulates. The first is an adherence to the principles of justice and reason. This principle, it will be noted, leaves intact the most fundamental philosophical thesis of the Qu'ran, the thesis of God as the origin of the world, a thesis which proponents of the identity of modernity and secularism sometimes assert must be denied. The early Islamic rationalist scholars, the Mu'tazilites, in fact identified God with omnipresent regularity, and harmony, and identified God with justice and reason. The second postulate of cultural Islam is the categorical imperative of doing good.

Relying on these two postulates allows representatives of the Islamic world to perceive the problem of world peace, and the problems of democracy, human rights and women's rights, as their own problems. The rise of ideas that have a universal value and the rise of universal moral imperatives that transcend a person's own culture are, in fact, only possible when persons rely on their own culture.

²² Al-Gazali, *Ihya 'Ulum al-Din (The Revival of the Religious Sciences)* (in Arabic). Beirut: Dar al-kitab al-'arabi. No date of publication, Vol. II, p. 39.

²³ Ibn 'Arabi. *Fusus al-Hikam*. Beirut: Dar al-mahadja al-baida, 2001, p. 160.

²⁴ Ibn Abi Ya'la, *Tabaqat al-hanabila*. Riyadh, 1999, Vol. I, p. 350.

It is hardly possible to reduce the moral responsibility of a person to the “radical challenge” described by Sartre. A specific person’s sense of moral responsibility is always intertwined with the larger world of that person’s family, parents, and the historical fate of their people. When that context is taken into account, Sartre’s paradox becomes impossible to formulate. Sartre gives an example in his *L’Existentialisme est un Humanisme* of a young man who is torn between remaining with his ailing mother and going off to join the Resistance. (Charles Taylor has analyzed this paradox in some detail.²⁵) But the answer is that a son will take part in the Resistance with the blessing of his sick mother, for his mother’s understanding of moral responsibility also includes a sense of being tied to the fate of her’s and her son’s people.

A counter-question is possible: is it not political Islam that is the only truly effective force that is able to defend the interests of the Muslims? There are several reasons why such a question must be answered in the negative.

Political Islam affirms the priority of the interests of the Muslim community over the interests of a particular Muslim.²⁶ Under the guise of “protecting the interests of the Muslim community, or nation” it is possible to promote the interests of a particular Muslim country to the detriment of the national interests of other Muslim countries, and the corporate interests of a particular Islamic organization. In this sense, political Islam can serve as a conduit of narrow corporate interests, and the political elite of great nations can make their own and other nations hostages to grand projects aimed at restoring the “world order.”

In these Islamic global “projects” (such as a worldwide Caliphate, or worldwide Islamic State) there is no historical perspective, because they are utopian projects. This also applies to the project of Islamic fundamentalism to return to the origins of Islam, the Qu’ran and the Sunna (teachings and practices of Muhammad). Its main theoretical drawback is the false premise of the self-sufficiency (autarky) of the Islamic world. Globalization will force, and already is forcing, the Islamic world to open up to the rest of the world. “The Arab Spring” of 2011 proved that what the Arab world wants is not religious revenge, not chimeras such as a global Islamic Caliphate, but democratic changes in social and economic development, and the emancipation of the individual. This proves that in fact the Muslim world is consistently moving in the direction of secularism and secular society,²⁷ as long as the

²⁵ Charles Taylor, *Responsibility for Self // The Identities of Persons*, ed. by A. O. Rorty. Berkeley: University of California Press, 1976, pp. 111-126.

²⁶ Ahmad S. Moussalli, *Radical Islamic Fundamentalism*. American University of Beirut, 1992, pp. 151, 243. Quintan Wiktorovicz, *Radical Islam Rising*. Rowman & Littlefield Publishers, Inc., 2005, p. 208.

²⁷ Olivier Roy, *The Failure of Political Islam*. Harvard University Press, Cambridge, Massachusetts, 1984, p. 198.

peoples of the Arab countries are primarily concerned with social rather than religious issues.

In many countries, for example, Russia, Muslims are the bearers of a secular culture and education, and no one will be able to bring them back to the Middle Ages. The basis of their socio-cultural knowledge is secular knowledge which they encounter first as children, and later in school and higher education establishments. These Muslims turn to Islam as a means of religious self-identification at an older age. In other words, they accept Islam as part of the historical past of their people, as part of national culture, as a historical form of the existence of moral standards of their people. Islam for many Muslims is not an ideology in the strict sense; hardly any of them take seriously the Qu'ranic stories of hell and heaven in all their detail. Most of them accept the modern scientific world picture, and trying to impose on them a pre-medieval religious world view is ridiculous. These are all major factors that contribute to the weakening of political Islam and the increased influence of cultural Islam.

This constitutes an additional argument for critics of Samuel Huntington's theory about the clash of Western civilization and the Islamic world. This rests on the controversial thesis about the decisive role of religion in society. He supports a similarly monistic view of history to the Marxists. The only difference is that the proponents of historical materialism insist on the critical role of economic factors in history, and Huntington emphasizes the role of religion in the relations between civilizations. He does not take into consideration that among the main reasons for the growth in the region of Islamic fundamentalism and radical Islam in recent decades is the military invasion by Western countries of Iraq and Afghanistan, and support for such actions by the U.S. and its allied authoritarian regimes in the Arab countries. Western countries' pursuit of such policies only slows the spread of democratic institutions in the Islamic world.

The perception of the Muslim community as a single, one-dimensional community, whose interests are above the national interests of particular Muslim nations is a simplification, a distorted perception of reality. The Muslim community, or nation (*umma*), is an element of an ideological system, an ideological phenomenon, which is manipulated by the ideologists of the political elite of major Muslim ethnic groups, and by Western experts like Huntington. In fact, the West is not dealing with a single Muslim community, but with specific Muslim nations, and it influences not only purely religious interests, but also the national (political, social, economic) interests of those nations. The religious factor is just one of many aspects of a complex set of contradictions between the West and the Islamic world.

There is a stereotype that the Islamic factor has much more impact in the Muslim world than the national factor. This is a common mistake. It is not only the great nations that have national interests. The national interests of Muslim peoples, like other peoples, arise due their vital needs and requirements, which are satisfied through competition for land, water and other resources. As soon as their territories fell within the scope of the interests of imperial nations (Western countries, Russia, China), and foreign companies, the mobility of these people increased, and the objective grounds for ethnic nationalism were formed.

Massive movements in Arab countries (Egypt, Tunisia, etc.) in 2010-2011 (the so-called "Arab Spring") confirmed that Islam is an important, but not the only or the main, factor in the identity of Muslim nations. The Islamic world is not opposed to the West as a single entity, one-dimensional and hostile. The World of Islam consists of many nations, each of which has its own national interests.

The role of intellectuals in the dialogue of cultures is also not straight forward. Intellectuals (philosophers, writers, etc.) are often powerless to influence directly the complex relationship between the West and the Islamic world and the relationships between different cultures in general. One person is unable to bear the burden of responsibility for all humanity. Moreover, it is difficult to distinguish clearly between the consequences of the actions of intellectuals and the consequences of the actions of other people, as Paul Ricœur describes.²⁸ But then who can really become the subjects of intercultural dialogue? In our opinion, the real subjects of the dialogue of cultures are the people themselves, such as the Afghan people who resisted the Soviet invasion,²⁹ or the people of Egypt, who overthrew the authoritarian regime of Hosni Mubarak. This is the way, slowly, and incrementally, that the foundations for democracy and civil society are formed in non-Western countries. Consequently, the decisive factor in finding a mutual understanding and dialogue between cultures is the struggle of peoples for their real interests. The task of intellectuals is to articulate those interests.

Under these conditions, cultural Islam as an alternative to political Islam in fact means the following. Islam can respond to the challenges of the modern era, if Islam is able to offer itself as a cultural Islam. I do not agree with the thesis of Samuel Huntington's clash of civilizations. Islam as a culture has never opposed the West; on the contrary, Islam in its heyday was a part of Western civilization, the civilization of the Mediterranean basin.

²⁸ Paul Ricœur, *The Just*. Trans. by David Pellauer. The University of Chicago Press, Chicago and London, 2000, p. 30.

²⁹ Olivier Roy, *Islam and Resistance in Afghanistan*. Cambridge University Press, 1990, p. 234.

I agree with the view of the eminent Turkologist and orientalist, Dr. Zaki Validi Togan (1890-1970), that the Islamic East belongs to the eastern world only in the purely geographical sense, and that in fact, as it manifests itself in different civilizations, the Islamic East is actually a part of Western civilization, merely differing from it as a culture. The unity of the Islamic world with the classical civilizations of antiquity is demonstrated in numerous ways: in the Sumerian measures of weight and currency such as the dinar, the dirham, the miskal, the *Khorezmian dina kram* (gram); in the use of Seleucid chronology and the mention of Alexander of Macedon in the Qur'an as a prophet of the monotheistic religions; and so on. Islamic culture was formed as part of a common Mediterranean civilization. Islamic civilization is heir to the civilization of antiquity. Islamic culture managed to preserve and increase the cultural, scientific and philosophical traditions of antiquity. And in the 9th-11th centuries, Islamic culture began to determine the level of the world's material and spiritual culture.

In sum, there is no insurmountable wall between the West and the Islamic world in principle. The West and the Islamic world are two hypostases, two different incarnations of a single Mediterranean civilization. They are united by a common civilizational heritage and a common religious tradition, the Abrahamic tradition. Historically, the difference between them arose due to the economic decline of the Islamic world. However, the difference between the Islamic East and the West will remain for some time yet, but it should be viewed not as a substantial difference but precisely as a transitory, contingent one.

Today, the economic and cultural development of Islamic countries should bring the Islamic world and the West ever closer. Globalization will force the Islamic world to join the common global space. Muslims have to join Western nations in social and economic competition. For Muslims today, the fight for rights is not a religious, but a national economic issue, and should not be limited to conducting ritual prayers in the major metropolitan cities of the West, or in offices and military units. Muslims must work together with the leading nations of the world (the West, Russia, China, India) and jointly participate in economic and cultural competition in various sectors (manufacturing, science, IT technologies, etc.). The Islamic world needs radical social change, and the establishment of modern institutions to carry out fundamental breakthroughs in science, education and the economy. These transformations are certainly possible: after all, in its "golden period" in the 11-12th centuries, Islamic civilization determined the level of the world's material and spiritual culture and so surely has the capacity to take up a leading role again today – as long as the nature and mission of Islam is rightly conceived.



Part III

**Social Responsibility
and Contemporary Challenges**



Globalization or Borders: Balkan Dilemmas

ANNA KRASTEVA

Bordering, Ordering, Othering, the title¹ used by Henk van Houtum and Ton van Naerssen (2002), insightfully synthesizes border politics. I will articulate three of its main characteristics: The ambition of this new field to express and to affirm itself as one of the leaders of the *spatial turn* in social sciences; The determination of borderland studies to address the crucial concepts of power, sovereignty, de/re/territorialization, difference, alterity; The constructivist pathos of this new vision, in which borders lose their geographical grammar and political solidity, and become the battleground for meaning, signification, and power.

All three characteristics are crucial for my analysis, situated at the conjunction of “overproduction of borders,” on one side, and the “overproduction of representations” (meanings, and imaginaries of boundaries), on the other. The Balkans are one of the *loci* marked by an intensive whirlpool of the politics of bordering, ordering, and othering.

The paradox of borders is that the concept emerges in the same moment as its opposite, and affirms itself in front of a huge wave, a real theoretical hurricane, which presumably should completely erase it. Globalization – the indisputable theoretical fashion of the 1990s to the present – describes the *deborderization* of the world, the end of the realm of the territorially defined and grounded power in the form of nation state, and the emergence of a world-system which has a hierarchy and structure – centre and periphery – but this structure is completely deterritorialized; rather, it is economic, political, and symbolic:

The world society created by globalization cut across national boundaries, not only economically, but through a multiplicity of social circles, communications'

¹ From the introduction to a special volume of *Tijdschrift voor economische en sociale geografie* (Vol. 93, n. 2, 125-136), on borders, security, otherness.

networks, market relations and lifestyles, most of them specific to any particular locality (Beck, 1999).

The space shrinks like a *peau de chagrin*. Geographers such as Etienne Piguet illustrate this devolution in a series of images of the globe in a modern art installation: a big one in 1840, considerably decreased by 1930 after railroads and the massification of ships, shrinking even more from the '30s to '60s, with the first long distance jet flights, becoming even smaller in the '80s with regular and cheaper flights. What is the globe image in the spatial imaginary of 21st century? No materiality any more, just a question mark – '?' – in Piguet's scheme (Piguet, s.a.). Social sciences know more of what space used to be than what it's becoming.

New metaphors express this de-territorialized world – liquidity, fluidity, flows, and networks. While scholars de-solidify the world and the places, artists experiment with new forms, passing sinuously from one to another, or several in one, as in Jean Arp's sculpture *Evocation of a form*, which is 'human, lunar, spectral'.

The boundaries are downgraded as symbols of the past, of the fixed world of '*space of places*' to be increasingly replaced by a dynamic world of '*space of flows*' (Castells, 1999).

'*Le roi est mort! Vive le roi!*' The new century starts with two radical claims: the death of distance and the birth of a borderless world. The 'when' and the 'where' of the new world's proclamation are more than coincidental: in 2001 *The Economist* publishes 'The death of distance'. Both the diagnosis – *borderless world* – and the ideological label – *revolution* – are provided:

Wireless is killing location, putting the world in our pockets. The communication revolution is profoundly democratic and liberating, leveling the imbalance between large and small, rich and poor. The death of distance, overall, should be welcomed and enjoyed (Caincross, 2001, p. 2, p. 6 in Piguet, s.a.).

Symptomatically, the problematization and criticism of globalization do not rehabilitate borders as they share globalization's spatial metaphors, but attack the concept from different perspectives such as the new inequalities of Zygmund Bauman (1998).

David and Goliath illustrate the distribution of forces between borderland studies and globalization. As in the biblical story, David proves to be inventive and vital, and substantiates its position by three main arguments: 1. What is remarkable in the current situation is not so much the vanishing of state borders, but the explosion of *new borders*, their multiplication and diversification – biometrical, internal, functional, time borders, borders beyond borders, smart borders, symbolic boundaries... 2. Globalization reshapes the world economically through institutions 'without frontiers' (multinational

corporations, international NGOs) and globally harmonized financial techniques. In this increasingly economized world, borders are even more needed for their impact on identity formation. Borders both delineate and order – *b/ordering*. They frame identities and define alterity: “The material inscription of borders constitutes a strong act of imagination in the world. Producing a safe interior, borders create a membrane or buffer zone linking both in a particular way, projecting the imagination of a larger, encompassing reality on the ground” (Paasi, 1996). 3. The third argument is rather original in its self-referentiality – the borders do exist, because there are borderland studies: “Increasing academic interest in boundaries suggests they exist very firmly on the research agenda” (Paasi, 2005, p. 24).

Spatial Turn

The global has replaced the universal; space has replaced time (Therborn, 2000). As opposite as globalization and borders could be, they are both expressions of the same transition – from one established understanding of the social to a new one, the first – having *time* as its cornerstone, the second – *space*. This epistemological change does not aim to turn its back on temporality or duration. Its ambitions point in two other directions: relativising determinism, which is an inherent part of historicism, and, most of all, giving contingency a chance (Krasteva, 2004).

The *spatial turn*, which marked the social sciences in the ‘90s, expresses the radical character of this theoretical transition and its ambition to offer an active understanding of space:

Space is not only a passive reflection of social and cultural trends, but an active participant, i.e. geography is constitutive as well as representative (Warf and Arias, 2008, p. 8).

Space as social construction is the second theoretical insight. Being situated in space acquires more complex and deeper meanings; the theoretical emphasis being put increasingly not only on multiple scales, but rather on multiple agencies: “Foundational is the insight that space is socially produced; rather than a mere physical container for the play of social forces and temporal relations, space is conceived at once as both the medium and presupposition for sociality and historicity” (Houtum, Kramsch, Zierhofer, 2005, p. 4).

The road of social sciences to space as a social construction is already paved by philosophy. In “Otherwise than being or beyond essence” Emanuel Levinas asks: Would proximity be a certain measure of the interval narrowing between two points or two sectors of space, toward a limit of contiguity

and even coincidence, and he gives two answers: “Then the term proximity would have a relative meaning. Its absolute and proper meaning presupposes ‘humanity’” (Levinas, 2009, p. 81). E. Levinas is representative of the passage, brilliantly elaborated by modern philosophy, from the Euclidean conception of geometrical space and Descartes’ understanding of space as attributes of things to 20th century phenomenology. Indeed, as M. Heidegger claims, we can not ask what time/space *is*, we can only ask how time/space comes to *us*.²

Two pieces of contemporary art can illustrate this passage from the classic to the new understanding of space: the famous “Balzac” of August Rodin and the “Post-Balzac” of Judith Shea. Rodin’s sculpture made the illustrious writer appear larger than life, a creative genius rising above ordinary events. The contemporary reading of Shea depicts the writer’s robe without the man inside it. In the former case, we admire the plenitude, in the latter the coat is empty; we see the contours of nothingness. The original expressivity of Rodin’s sculpture provokes us to admire or reject, the empty robe of Shea and expects from us to continue the artist’s work, to fill in the coat, to invent the content. And because of the multitude of spectators’ looks, the contents will be legion.

The classic understanding of space is clearly defined in terms of geography and politics, the constructivist one is open and demands various contents. Etienne Piguet reads space through social inequalities:

L’espace ne se contracte pas de la même manière pour tous. Dans le domaine des migrations, tout change selon qui vous êtes. Pour un professeur d’université ou un expert en informatique, les barrières à l’immigration extra européenne vont se dissoudre, lui permettant, avec sa famille, de s’établir en Suisse sans délais. Pour un demandeur d’asile, ces mêmes barrières resteront peut-être infranchissables. Pour une danseuse de cabaret en provenance de l’Europe de l’Est il sera possible de gagner en Suisse, mais pour huit mois seulement, sans aucun membre de sa famille, même un enfant, et sans pouvoir jamais espérer avoir le droit d’exercer au autre emploi que celui, bien particulier, pour lequel un permis lui a été octroyé (Piguet, s.a., p. 8).

The social construction of space invalidates some classical laws, e.g., Ravenstein’s stated, at the end of the 19th century, that the number of migrants diminishes with distance (Piguet, s.a.). The explanatory weight of distance is downgraded. Proximity and distance are not so much spatial variables in the interpretation of social processes; rather, they could be explained by social factors. The location and geographical distribution of social groups such as refugees becomes exclusively a function of governmental policies and strat-

² I would like to express my gratitude to Zhang Haojun from Capital Normal University in Beijing, China for his insightful summary of the western conceptions of time and space.

egies of individuals to resist them. The relevant concepts are not distance/proximity, but politically regulated closeness and socially defined inequalities: “Cette géographie est aussi celle de l’inégalité du monde” (Piguet, s.a., p. 8).

Border Studies

The spatial turn produced not only new emphasis and insights, but also new fields of research. Its visibilization and institutionalization are the most manifestly expressed in the new and rapidly developing field of border studies.

We again face the paradox that the less relevant the borders become in international relations the more intense the research on them is. The frontiers have been downgraded in Western and central Europe “from *causae belli* to irritating and minor distractions” (Anderson, p. 233). Most writings prior to 1960s, concludes M. Anderson, “therefore apply to situations and refer to events which make the arguments they contain of little relevance to contemporary debates” (Anderson, p. 233).

New, yet ambitious, borderlands studies affirm themselves as a fully fledged field equipped with all attributes of scientific institutionalization: The *Association of Borderlands Studies* created in 1976 comprises members from all social sciences and all areas of the globe; The *Journal of Borderlands Studies*, first published in 1986, offers a theoretical tribune for a variety of approaches, concepts, theories and empirical studies. A significant achievement of borderland research is the genuine multi- and interdisciplinarity with 40 distinct disciplines represented on the pages of its journal, the primary ones being economics, political science, sociology, and geography coming fourth (Pisani, Reyes, Garcia, 2009); The articulation of borders in an impressive list of subjects clustered around four main dimensions – political, economic, cultural, regional.³ The idea of boundaries have been associated with such diverse topics as cognition, social and collective identities, commensuration, census categories, cultural capital, cultural membership, racial and ethnic groups positioning, hegemonic masculinity, scientific controversies, group rights, immigration and contentious politics (Lamon and Molnar, 2022, quoted in Houtum, Kramsch and Zierhofer, 2005).

³ *Political* – state, nation, sovereignty and territoriality, nationalism, territorial trap, critical geopolitics, ecopolitics, de/re-territorialization, cross-border regionalization, cosmopolitanism; *economic* – cross-border interaction, regionalization/regionalism, space of flows/space of places, disappearance of borders, annihilation of space; *cultural* – politics of identity, national culture, ethnicity, gender, refugees, immigrants, otherness, cyberspace, supranational movements and identities; *regional* – regions as social constructs and historical processes, demarcation of regions, regionalism regional identities and consciousness (Paasi, 2005, p. 667).

Two views map the border studies scene. The first – diachronically and theoretically – defines boundaries as concrete empirical phenomena; the second shifts the focus to the construction, uses and meaning: “what matter is function and process rather than form and location” (Paasi, 2005, p. 664). The former mobilizes the strong argument that “any union which does not encompass the world implies a differentiation from its environment and hence is characterized like any system or organization by its borders” (Hassner, 2002, p. 41, quoted in Andreev, 2004, p. 379). It looks at the *real* problems and structural conditions that *determine* the *nature* of borders (Andreev, 2004). The new approach emphasizes social practices, narratives, symbolism. The same distinction could be labeled *positivist versus post-positivist*⁴ approaches with their preferences for objective issues in the first case and representations, discursive production and bordering processes in the second.

Objectivity has not evaporated but vanishes as in Sol Lewit’s painting “Objectivity,” where the term “objectivity” is initially visible and emphasized, but at each step fades further as it becomes indistinct and vague.

Each conception has specific political and historic temporality. Paasi delineates the geopolitical context these interpretations stem from and draws their political implications. The idea of fixed borders is the theoretical ‘translation’ of a world ‘fixed’ by the Cold War. The constructivist approach refers to a post-Iron curtain globalizing world, which almost doubled the number of states and created regional integration and blocs such as the EU, NAFTA, etc. The theoretical ambitions also vary. Every border is unique in the first understanding; empirical research is valued. The second approach is tempted by conceptualizations and the interplay between contextualizations and abstractions.

Both approaches share Max Weber’s understanding that borders are not casual demarcation lines between states, but real political institutions, and both are equally, yet differently, equipped theoretically to applying it.

Inspired implicitly by a post-modern epistemology, Paasi explains the differences between the two perspectives by a double sense of location: location of borders, but also location of biographies of border scholars,⁵ thus distinguishing generations in the development of border studies (Paasi, 2005). This is very visible in Balkan studies, focused and even ‘obsessed’ by objectivity during communism. It was only after the democratic changes and the increased academic mobility that the constructivist poststructuralist approach became an intellectual fashion. Maria Todorova’s bestselling book *Imagining the Balkans* is an excellent example of the poststructuralist approach.

⁴ Other labels circulate also: poststructuralist, postmodern.

⁵ T. Tamminem is even more specific, stating that many representatives of the traditional objective approach work as experts and advisers in various international institutions or in the service of national governments (Tamminem, 2004).

Summarizing the displacement of the border from the border, Paasi synthesizes the border studies' achievements in this complex interpretation of boundaries as:

...not merely border lines in 'border regions'. Boundaries are hence to be found not only on border areas but in wider social practices and discourses all around societies; they are impregnated with social power that manifests itself not only in politics, but also in economics, culture, education/socialization and governance. Boundaries are part of the material and discursive practices/processes by which the territorialities of societies are produced and reproduced (Paasi, 2005, p. 669).

The traditional approach emphasizing objectivity is criticized by the new poststructuralist or postmodern conception for being "ideological discourse or means of creating 'normality' rather than a genuine field of scientific research" (Tamminen, 2004, p. 402). The post-structuralist critical approach does not examine spatial localizations as reality per se. "They find it more interesting to analyze geopolitical practices: How are different spaces and territories giving meaning in the network of power and knowledge? How are 'geographical realities' constructed and mobilized in various political games and through multiple discursive practices, such as narratives of national origins or textual documents on national security" (Tamminen, 2004, p. 402).

One could be full of admiration for the theoretical project of border studies aiming not only to explore new territories and look at space, territoriality and borders through new lenses, but also to attack the conceptual hierarchies of social sciences for decentering, reconfiguring and remapping them:

The 'border' has been mobilized as a strategy among those wishing to destabilize bounded categories of class, race and gender in the service of a new cultural and spatial politics attuned to multiplicity and 'difference' (Houtum, Kramsch, Zierhofer, 2005, p. 4).

Explosion of Borders

Borders, boundaries, frontiers – the proliferation of concepts illustrate the multiplication and diversification of borders and theoretical tools to problematize and analyze them. Two objectives guide the new field: first, the forging of new notions and approaches and second, the decentering and destabilizing of existing concepts.

'Hard' versus 'soft' borders is the main opposition that structures the typology of borders. It refers to the distinction between the new-Westphalian state and the new-medieval empire. In the first case, the borders are high and fixed; there is a high degree of socio-economic and cultural homogeneity

and one type of citizenship. In the neo-medieval empire,⁶ the borders are soft zones in flux, socio-economic discrepancies persist and cultural identities co-exist, there is interpenetration between different types of political units and loyalties and diversified kinds of citizenship with different sets of rights and duties (Andreev, 2004).

The conceptualization of borders follows three different lines: the first is focused on new types of borders such as Schengen (Hayrynen, 2009); the second 'reconciles' and 'compacts' time and space in 'time borders' (Palang, Semm, Versstraete, 2009), the third emphasizes the emergence of technologically constructed borders like the biometric ones. The biometric border condenses a huge symbolic potential and challenges imaginaries, representations, images. It has a successful art career, 'playing' the main 'personage' in films (*Children of Men*), novels (*Surveillance*), dance theatre performances (*A Cure for Surveillance*), (Duran, 2010).

The Schengen border and the Eurozone are interesting cases of the new borders, cutting across the lines of traditional ones. Schengen border is a European initiative, but does not coincide with the EU: some member states are excluded – UK, Ireland, Romania and Bulgaria,⁷ while non-member states are included, such as Norway, Iceland, and Switzerland. "Each of these borders functions in a different way, so that the coincidence of legislative, economic, military and ideological boundaries typical of nation states does not occur as such" (Hayrynen, 2009, p. 58). As different from the nation state's frontier the Schengen border might look, both share a fundamental characteristic – a 'teleological narrative', an ambitious ideological message. In the Schengen case that is freedom – dismantling the redundant border infrastructure within the Schengen space and modernizing the surveillance technologies against external threats to protect the 'free' countries.

One image of border is particularly attractive, seducing novelists, scholars, and the public imagination. Arthur Hailey's bestseller (1967) *Airport* presents it as a microcosm of a society where high technologies, management of complex systems, human will, determination and strong leadership intermingle. The past decades do but reinforce the symbolic weight of the airport, which has left the sphere of the imaginary to become a source and object of a new policy – *politics at the airport* (Salter, 2008):

Few sites are more iconographic of both the opportunities and vulnerabilities of contemporary globalization than the international airport. The popular imagination is filled with images of postmodern hubs that cater to the contemporary road warriors and global nomads that philosopher Peter Sloterdijk and architect

⁶ This is associated with the EU.

⁷ However, they are included for completely different reasons.

Rem Koolhaas have dubbed the '*kinetic elites*'. Cities into themselves – with all attendant institutions, social forces, policies, and anxieties – airports are both an exception to and paradigmatic of present-day life. Using a foucaultian frame, they can be understood as 'heterotopias', social spaces that are 'in relation with all other sites, but in such a way to suspect, neutralize, or invert the set of relations that they happen to designate, mirror, or reflect. Airports are national spaces that connect to international spaces, frontiers that are not at the territorial limit, are grounded sites that embody mobility (Salter, 2008, p. ix).

Airports illustrate Marc Augé's idea of supermodern '*nonplaces*' in which social relations are based on mobility rather than fixity (Augé, 1995; Salter, 2008). Airport as a new border is a recent theoretical invention, scholars are still divided how to conceptualize it and judge it. One interpretation thinks of them in foucaultian terms and deduces that airports are 'bad news', because they are "a stress laboratory, a no-man's land between the nation and the world, a surveillance machine for automated bodies, shepherded from control station to control state" (Löfgren, 1999, p. 17, quoted in Salter 2008, p. x). The second interpretation is enthusiastic about mobility and fluidity, in which airport are champions: "Airports have become a new kind of discontinuous city, whose vast populations, measured by annual passenger throughputs, are entirely transient, purposeful, and for the most part happy. Above all, airports are places of good news (Ballard, 1997, quoted in Salter, 2008, p. ix).

What does a border mean? Among the variety of answers, five are central: 1. *Death* is the most terrifying and the most visible impact of borders. Africans in the Mediterranean, Mexicans at the US-Mexico border, the victims of crossing state borders are numerous and increasing. Both the reasons and their geography have been mapped out by a recent publication of MigrEurope. To quote but one fact: in only one place – Gibraltar – in only 3 years, 3300 people have died because of their desire to cross the border. 2. The centrality of borders determines classifications. One and the same type of migrant fleeing for the same reasons are classified differently in regard to their incapacity or capacity for crossing the border: refugees are those who succeed, and internally displaced persons – those who don't. Similar to the former, the latter also leave their place of residence escaping wars, ethnic cleansing, violence, etc., however, they are blocked within the territory of the state. 3. The border economy is flourishing, taking a large variety of forms, both illegal – trafficking, smuggling, and legal – cross border commerce, 'suitcase trade', commuting workers – living in their own country and working in a neighboring one. 4. *Politics* is what the whole study is all about. Here, I only mention the multiplication of border controls at non-border places: they start far away from the borders in the country of origin in consulates; they are severe and systematic at airports; they continue within the country with regular checks; they are especially harsh with representatives of visible minorities and

penetrate even to the bedroom – the intimate part of the private sphere with the checks for fake marriages. 5. *Identities* are always defined by the interplay of belonging and exclusion, sameness and otherness, ‘Us’ and ‘Others’.

B/Ordering

Two streams of thought – the understanding of border as “spatialization of identities, nation and danger” (Paassi, p. 18) and the Foucaultian idea of a society dominated by the technology of security and the microphysics of power, incorporating the social control inside the individual itself, converge and interfere to substantiate the *ordering* as the theoretical, political and civic core of border studies. *B/ordering* is the term forged for emphasizing their unity and mutual reinforcement. I will articulate the concept in two new developments and three interpretations.

The first trend expresses the deterritorialization of borders in two different ways: by displacing both the border and its institutionalization, and by relativizing the borders through the flows crossing or not crossing them. Frontex – the EU transnational border management agency – is a typical instance of security-focused political practice, illustrating the claim that borders are not necessarily at the border (Vaughan and William, 2009).

The second development concerns crossing borders in a high tech globalizing world. It becomes such an intensive practice that new concepts are forged for conceptualizing this diversification of flows: ‘*fast geography*’ (flows such as telecommunications), and ‘*slow geography*’ (transport of goods or flows of migrants and refugees) (Paasi, 2005, p. 24).

Putting order to the interpretations of ordering is mission impossible, but I will attack the task by distinguishing three approaches: the radical critic of the normalization of exceptional biometric procedures; the concept of ‘e-gates’ differentiating access to space and security; the theatricalization of biometrics and security.

Giorgio Agamben, a vanguard representative of the conception of the ‘*generalized biometric border*’ explains his refusal to travel to USA, because of the attempts to:

accustom citizens to supposedly normal and humane procedures and practices that had always been considered to be exceptional and inhumane. Today’s electronically enhanced possibilities of the state to exercise control over its citizens... were unimaginable in the past. But there is one threshold in the control and manipulation of bodies, the transgression of which would... equal a next step towards what Foucault has referred to as the progressive animalization of man through extremely refined techniques. The electronic registration of fingerprints, the subcutaneous tattoo [*sic*] and other such practices must be located on that threshold (Agamben, 2004, p. 1, quoted in Maguire 2010, p. 31).

In the same vein of thought, but replacing radical criticism by historically informed and comparative discussion of biometric security, Maguire develops the idea of a series of graduated *e-gates*, which differentiate access to spaces and privileges, and ensure that you do not have any people you do not want in a particular area (Maguire, 2011). The marriage of security and biometric technologies give birth to *biometric citizenship*.

The same idea of virtual borders, Foucaultian power, and obsession for security, is formulated in the original perspective of public ritual and spectacle. Illegal immigration is a case in point. The real place of law enforcement should be the employers, who hire cheap illegal migrant labor force. This 'place' however, is too invisible, too hidden, too incapable of exciting public imagination. Politics faces the challenge to make visible, to catch public attention, to produce affectivity and satisfaction from a strong and efficient government. Here come the borders with their 'materiality' and imaginary potential, apt for being transformed into a scene of a performance. *Migration policy* becomes *symbolic politics*:

Immigration enforcement is a 'public spectacle' where actual enforcement becomes a highly visible display of authoritarian maneuvers by uniformed personnel (De Genova, 2005). This spectacle gives the impression that the state is indeed in control of the border (Duran, 2010, p. 221).

Paasi gives another example of border performance. It takes place regularly in the border area of India and Pakistan, where the "border guards organize a flag-lowering ceremony every day and behave like peacocks in front of their applauding national audiences" (Paasi, 2005, p. 669).

The theater/drama expresses the affective charge of borders, their double aesthetic and emotional dimension, the intensity of perceptions. Paasi's example bridges ordering to the other crucial function of borders – 'othering'.

Othering

When Federic Barthes defined ethnic boundaries, he emphasized that the cultural content (language, religion, ethnicity) is less important than the relations between 'Us' and 'Them' and in fact is actualized in the relationship itself. The encounter counts, where 'We' meet the "Other" in conflict, competition, cooperation.

Bordering is othering in three senses: 1. Political and mental definitions of borders frame identity politics; 2. By deciding what to include and what to exclude, bordering spatializes sameness and otherness, assigning them different legal and political status: "Those 'inside' have different possibilities of action than those 'outside'" (Tamminem, 2004, p. 403); 3. Bordering defines,

but does not determine othering. Borders show a Janus-face, “poised between openness and closure, inclusion and exclusion, fear and desire” (Houtum, Kramsch and Zierhofer, 2005, p. 12).

Overproduction of Borders

Overproduction and overactivity, fragmentation and integration of territories, opening and closing spaces, the dynamic of borders is intense and expressed in diverse, often contradictory tendencies.

Overproduction and overactivity is the first couple. The overproduction of borders has affirmed itself as a favorite political activity during the past century, enlarging its scope and accelerating its rhythm. The number of states tripled for one hundred years: from 55 at the beginning of the 20th century, to 80 around 1960, to 193 nowadays. “Particularly significant has been the post-World War II period, during which, almost 120 new states have emerged on the world map as a result of decolonization (95 states), federal disintegration (20) and secessionism” (Paasi, 2005).

The post communist geopolitical area has been particularly productive: 20 of the 36 new UN members after 1990⁸ are from Central, Eastern and Southeastern Europe.

The potential for new states is not exhausted: the 200 states today are much less than the 400-600 ‘nations’, many of which are seeking states of their own. Paasi reinforces this argument by another observation: only a few conflicts between states have taken place each year since the mid-1990s, whereas the number of internal conflicts has been 26-28 per year (Paasi, 2005).

Few scholars dare predict the emergence of new states. Christopher suggests that the current potential for placing new states on the world political map is of the order of 10-20 units (Christopher, 1999, quoted in Paasi, 2005). The borders exceed the states: the present 193 states are divided by more than 300 land boundaries, each of which has a unique history (Paasi, 2005).

The EU is an emblematic example of overactivity on borders: traditional state borders fade while new borders like Shengen are constructed. The overactivity is expressed also in the intense institutionalization of the new borders: *Frontex* – EU Agency for data security; *Eurodac* – European database of fingerprints of asylum seekers, *Eurosur* – European border surveillance system. Operational from 2005, Shengen is in charge of the border control management and is responsible for the same high standards of efficiency that are respected and applied by all member states. Symbolically important, this is

⁸ <http://www.un.org/en/members/growth.shtml>. Consulted on 3.09.11.

the first EU agency headquartered in a new member state – Warsaw, Poland. Criticized by the NGOs for excessive securitization, supported by governments, Frontex does not limit its activities to coordination. Special European forces of rapidly deployable border guards, called Rapid Border Intervention Teams (RABIT), were created in 2007 to assist in border control, particularly in Europe's *southern coastlines*. Frontex's European Patrols Network began work in the *Canary Islands* in May 2007, while armed officers were deployed to the Greco-Turkish border in October 2010.

The second couple of opposite trends encompasses the *integration* of territories, exemplified in the EU, on one side, and the *fragmentation* of small territorial units, on the other. The Balkans are hyperactive in fragmenting the region in small, and ever smaller, territorial units. The former Yugoslavia was disintegrated into five states in the 1990s, and this disintegration continues today with the creation of Montenegro in 2006, and Kosovo in 2008. That same year Montenegro became a member of the UN. With the title, 'Europe', Kosovo's national anthem declares loud and clear the country's desire for integration, yet the state is still not recognized by the UN.

Opening vs Closing space is the third couple of the border's dialectic. My students do not even know the concept of 'exit visa', they are born and live in a world where the problem could still be entry into your destination country, but not the exit from your country of origin. Nonetheless, the exit visas have been abolished in Bulgaria, as well as in China, only two decades ago. In the same period when we witness the opening of Russia, China, Central and Eastern Europe, we see the closing of other geopolitical areas like the Mediterranean region.

Imagining Balkans Borders

Balkan borders and especially *Balkans as border* have shaped the Balkan self-image and representation and Europe's representation of the Balkans. The topic is so crucial that it stands central even in fields very distant from border studies. The first chapter of the recent book *British Literature and the Balkans* (Hammond, 2010) analyses the '*Frontier Myths*' as follows:

The idea that there exists some other radically other Europe in the East is one of the most enduring myths in Europe's imaginative geography (Hammond, 2010, p. 19). The Balkans represent Europe disfigured by the presence of non-Europeans" (Hammond, 2010, p. 49). This means that some geographical boundaries are also boundaries of cultural identity (Di Giacomo).

"The Balkans represent something 'near' geographically, but very 'different' politically, socially and economically" (Andreev, 2004, p. 380). How do the Balkans reinterpret, nowadays, this controversial historical heritage of

Balkans as borders? There are three main ways: overproduction of strong borders and further strengthening them; efforts for crossing the borders – stronger towards EU and more hesitant towards regional cooperation; over-investment in symbolism and imaginaries.

Strengthening the Strong Borders

The Balkans are among the top world producers of borders in the last two decades. In this small region border numbers have increased – six new states – “formal and informal borders; borders between states and regions; borders that exist within the economic and socio-political spheres; borders that have a clearly defined status and borders that are permeable or even contested through a variety of means and by different actors” (Gropas, 2004, p. 49).

The borders are conceived as strong, because they are in the core of the key priorities – state building, legitimacy, security, democracy:

Currently, South East Europe is the only region where the situation with state borders is markedly different from the rest of Europe. Here borders still matter. They are hard rather than soft and exclusionary rather than inclusionary. To paraphrase George Orwell, if all borders in Europe will become obsolete one day, some borders might become obsolete more slowly than others (Andreev, 2004, p. 382).

The strong state borders are doubled and reinforced by linguistic borders: the Serbo-Croatian language has split in Serbian, Croatian, Bosnian, and Montenegrin languages. To each nation – its own language. The topic is so hot that both the supporters and the critics speak loudly and passionately, the analytical cannot emancipate the political, one crosses discursive swords rather than arguments.⁹

The Balkan borders are further strengthened and reinforced by their particular embeddings: not in ‘cold’ political factors, but in ‘hot’ identity belongings:

State borders are not embedded in the supranational and international level, which is the region, Europe and the global community of states, but in the sub-national and local level of identity where individuals and organized interest groups find most support and space for state-building activity (Andreev, 2004, p. 383).

⁹ See Vjeran Pavlaković' review of the book S. Kordić, *Jezik i nacionalizam [Language and Nationalism]*, Zagreb: 2010.

Crossing and Softening the Borders

Nonetheless, there are possibilities for softening of borders. Political and academic discourse in the Balkans cross borders and bridge states in the Balkans in three different ways. The first can be clearly traced and is sustainable: “the road to Europe.” European integration is the royal road to overcome closeness and friction¹⁰ and to bring a new understanding of borders: Euro-Balkan negotiations aim at transferring to this area a new “cooperative conceptualization of space” (Tamminem, 2004).

The second is through regional cooperation. Tamminem writes:

Difficulties concerning regional cooperation in southeast Europe are in general linked to conflicting definitions of such concepts as region and regionalism. Institutionalizing regional cooperation is a process of region-building. This, however, engages a political struggle over the particular meanings given to the region under construction (Tamminem, 2004, p. 405).

Bridging the Balkan states is a more sinuous road. The agency for the first road is better defined – moderate and pro-European governmental elites, and strongly supported by civil society. However, scholars are still trying to identify who will lead this regional cooperation. Most initiatives – Stabilization and Association process, Stability Pacts, etc. are initiated from outside. A strong negative factor complicates the picture: the borders are regularly crossed, yet often in the interest of ‘negative social capital’ (Gropas, 2004): non compliance with laws, ever-growing illegal or outright criminal sector, trafficking, etc.

Policies and interstate relations sometimes bring positive energy and water to the mill of crossing borders and regional openness. This trend could be illustrated by the case of the transformation of the border between Albania and Kosovo after the communist regime, summarized in the title ‘De la frontière infranchissable a la simple delimitation administrative’ (Courrier des Balkans, 2010).

The third way Balkan elites contribute to the softening of borders is by looking to diversify the agency defining and operating across borders, trying to bridge peoples and societies. The theoretical answer to this political challenge is not particularly original, yet it is still promising: the civil society. Gropas proposes looking at the Balkan borders, which could assure a sustainable security through the lenses of “a different conception of border: one that is unbundled from its territorial form, since it is neither spatial, nor geographic in nature... a concept of borders that involves the way civil

¹⁰ The Europeanization of Balkans is also a way to avoid the Balkanization of Europe.

society, politics and the economy operate among and across states and regions” (Gropas, 2004, p. 53).

Julie Mostov takes a step further. She starts from the distinction between *hard and soft borders*, where the former refers to determining territory and sovereignty since the Westphalia Treaty and enclosing citizens into fixed spaces. The soft border approach is grounded on “a transnational notion of citizenship rights, exercised in overlapping soft-bordered polities by individuals and groups with multiple memberships and alliances” (Mostov, 2008, p. 99). Mostov applies the soft border approach to ex-Yugoslav countries, which are still among those with rather harder than softer borders and border policies. This discrepancy between the concept and the empirical referent could be considered contradictory in terms of formal logic. The latter is, however, irrelevant. The author defines a concept and a civic project to think identity and localization in terms of openness, civil rights, cooperation, and flexibility, rather than fixed identities.

The work of Mostov is indicative of a larger trend of overlapping analytical and normative approaches, of reconceptualisation of borders, aiming at the redefinition of policies.

Malcolm Anderson distinguishes four figures of border persons. The first refers to the *frontiersman* as the tough, resourceful guardian of the *imperium*, ready to confront the dangers from across the border. The second is that of the brigand, rustler or *smuggler*, “whose values are at odds with the rest of the population, partly because the law of the state was not effectively enforced in remote regions” (Anderson, 2010, p. 235). The third is the *metis*, or cultural hybrid. The last image of frontier population is of the *forgotten people* of the periphery.

These four portraits are present in the Balkan experiences and imaginaries. The Communists very much liked the heroic halo of the first, and frontier policemen were involved in several initiatic rituals as, for example, membership in the *Komsomol* or the communist organization for children. Post-communism developed spectacularly the second figure – paradoxically, the mafia and smugglers’ networks built up the most efficient mechanisms for crossing Balkan borders. The third case is applicable to some minorities which share the characteristics of the majority populations of both sides of the border, i.e. Karakachans, who live in Bulgaria, but speak in a Greek dialect. The communist state had been very centralized and the periphery used to be in an asymmetrical position with more limited access to resources – economic, political, and symbolic. It’s not coincidental that border regions are among the strongest supporters of ‘European region’, and the ones that aspire to profiting from opening the borders, developing transborder cooperation, and building transborder regions.

To this portrait gallery, the Balkan have added one more figure – the *gurbetchia*, the man¹¹ who lives in the country of origin, but works abroad, who earns during summer and comes back home during winter. The post-communist migrations with their shift from permanent to temporary migration revitalize the ‘gourbet’ tradition.

Imagining the Borders

“There are borders on the map and borders in the mind”
(Andreev, 2004, p. 390).

The borders in the Balkan mind are the object of this final section. We intend to present a few results of a study of mental maps among young adults (18-35) in the Balkans.¹² I have studied for a decade the way students¹³ imagine borders. Here, I will delineate eight types of representations concentrated around three clusters – strengthening strong state borders, softening and crossing borders, and diversifying border representations.

Obsession with State Borders

If intellectuals and human rights activists try to bridge and connect, the Balkan imaginaries are still profoundly and anxiously marked by separation, exclusiveness, barriers. Borders are often associated with control, surveillance, police, hostility, a typical foucaultian universe. This idea of *separation* is expressed in a variety of images. The most frequent and important one is the obsession of *state borders*: so many state borders have been drawn on the Balkan lands that they have also framed the Balkan minds.

The map of a Macedonian student illustrates a series of characteristic of the image: The borders are state borders, no regional or other types; ‘Our’ borders are central and they structure the map; The State is surrounded by Significant Others – neighbors are named. Macedonian political and intel-

¹¹ In the past he was sociologically a man, women did not take part in this type of labor mobility. Nowadays the situation is reversed and more women than men undertake labor migration as bread winners – seasonal or temporary.

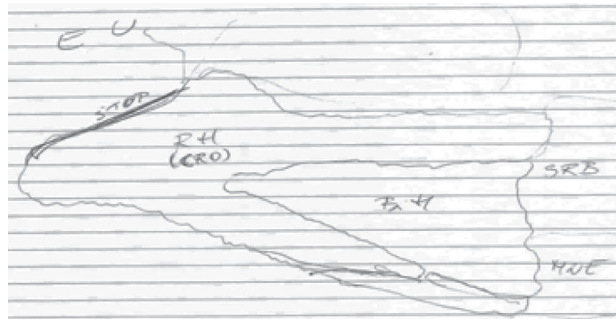
¹² I’d like to express my gratitude to professor Fabienne Leloup from Catholic University of Mons, Belgium, who inspired me in this research.

¹³ The method consists of asking students to draw a border – without any specification of the type of border – and to discuss afterwards the variety of images they propose. The objective is to identify the main categories of borders which structure the border imaginaries. The method has been applied to numerous generations of the European students studying democracy and human rights in Sarajevo and Bologna, to students from various international summer schools in Austria, Italy, etc, as well as to my students at the New Bulgarian University and other adults I have taught over the years.



lectual discourse constantly presents the Macedonian identity and statehood menaced by all neighboring countries and this message has deeply shaped the border imagination.

The borders are perceived as strong and exclusionary – in the political sense, not only in the geographic sense, as the next map illustrates – there is a ‘stop’ between the EU and Croatia. The idea of ‘fortress Europe’ is a real presence in the Southeastern European mind.

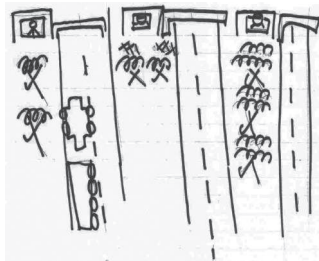
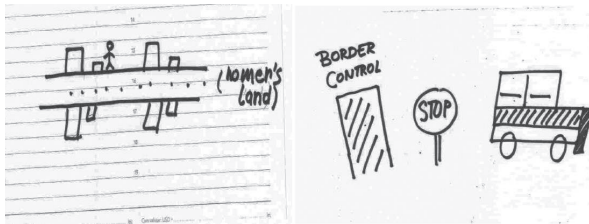
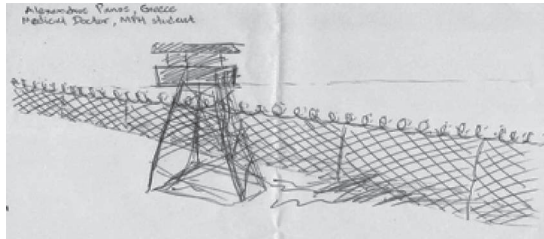


States in the Balkans are in complex relations with ethnic identities, which often cut across borders. The next map illustrates the differences between ‘physical’ and ethnic borders.

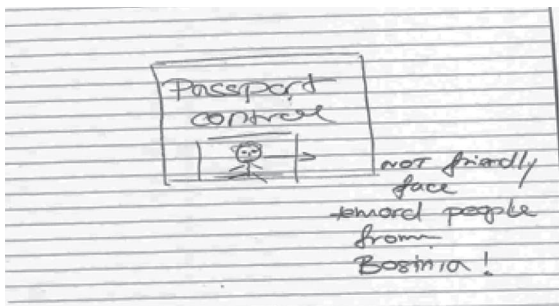


Hard Borders of Control and Surveillance

The border as *barrier, control, surveillance* is one of the most powerful images, of which examples are abundant and eloquent:



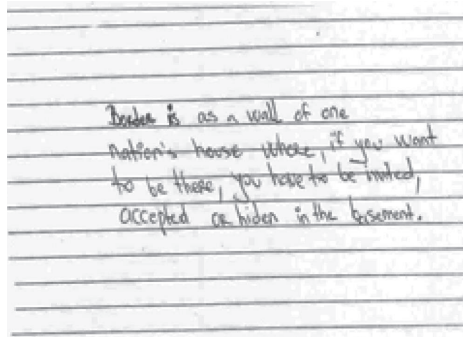
Hostility springs often from the pictures, sometimes it is reinforced and emphasized in captions: Not (a)friendly face. Remove people from Bosnia!



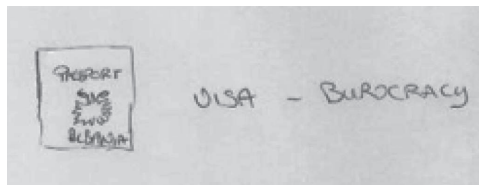
Border is as a wall in one nation's house where, if you want to be there, you have to be invited, accepted or hidden in the basement".

Borders Producing Hierarchies

M. Weber idea of borders as institution is expressed in the following understanding of border creating hierarchies:



There is a substantial discrepancy between the Weberian positive understanding of rational, efficient and impartial bureaucracy, and the Balkan negative opinion of inefficient, unfriendly, and corrupted bureaucracy. Whatever the interpretation, the institutional vision of borders is inevitably connected to visas and bureaucracy.



Abstract Border

How can one escape from the omnipresence and omnipotence of state borders? Several ways are explored. One is the abstract border which delineates a closed space with clear 'in' and 'out' (inside-outside).



Weak Border

Another way of escaping the heavy political and institutional understanding of borders is to think about a weak border. It does not isolate, or separate units, but simply articulates space.



Border - Bridge

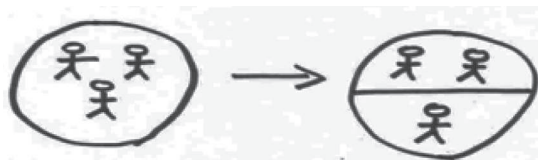
G. Simmel offered two images of relations between identity and alterity: *door* and *bridge*. The door can be closed or open, it stops the others or let them in. It is controlled by one motion-one direction. The bridge, however, is by definition, bi-directional: the flows circulate both ways.

Both are present in the representations.



Are the Balkans capable of imaging bridges as well? *The Bridge on the Drina*, the marvelous novel by Ivo Andrić is a magnificent testimony of the Balkan historical heritage of cultural cohabitation, understanding and dialogue. It relates the dynamic ever-changing Balkan process of setting apart, alienation, and bringing together.

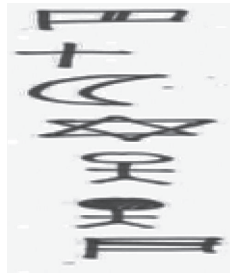
The borders can connect and attract movements and interchanges, as the following illustrations show:



These images demonstrate the potential for overcoming friction and discord. For sustainable impact on the region, they should become a central focus for education and everyday life. However, presently they are but a tiny portion of the viewpoints represented.

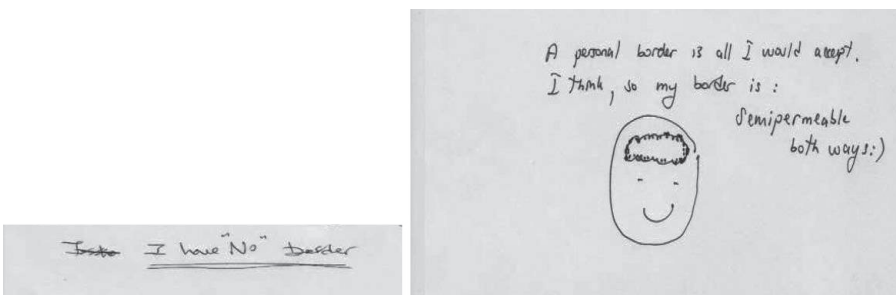
Symbolic Borders

Identities draw invisible lines. Representations look for ways of expressing them and some do so in the form of religious, political, state and/or other symbols.



Existential Borders

From “*I have no border*” to “*The personal border is all I would accept*” existential-political statements diversify the panorama of representations and strongly introduce the agency. The individual claims to be the subject of the definition – “I” in “all I would accept” – rejecting the supremacy of state, power, and external forces.



The Balkan representation of borders is characterized by two opposite trends: strong concentration of diverse representations/ images and mind-sets; and strong state borders, walls of separation and surveillance.

Conclusion

Bordering, ordering, othering in their European and Balkan perspectives could be summarized in three opposite trends. 1. The de-bordization of states as an implication of globalization and new technologies is counterbalanced by a spectacular flowering and diversification of borders. 2. The diminishing significance of territory and the vanishing of (internal) European borders do not apply to the Balkans. Rather, the developments in the Balkans offer an interesting example of the resistance of territoriality. Territoriality as a foundation for statehood does not seem to be losing its significance and even is getting strengthened (Tamminen 2004). 3. The active role of intellectuals and civil rights activists for softening and crossing borders does not seem to be effectively 'translated' into mental maps and representations. These are still predominantly marked by Foucaultian images.

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Back to the Cave: Personal Ethics and Public Moralizing

RICHARD FEIST

Plato's Allegory of the Cave is one of the most famous images in all of philosophy. Part of its fame is due to the image's striking visual form, which enables, even encourages, artists to represent it in other media. A quick search on Google Images brings up hundreds of its inspired paintings throughout history as well as various drawings and dioramas. How many philosophical discussions can be painted? Plato, the master stylist and philosopher, has composed a sparse but richly suggestive allegory and so the various artistic representations of the allegory are often startlingly different: a great deal of interpretation is needed. The sheer volume of these representations is testament to the intrinsic plasticity of the Allegory of the Cave. Perhaps the greatest testament to this inherent plasticity – and no small irony – is that the image escaped the cavernous confines of academic philosophy to roam freely in the light of the public realm. How many philosophical ideas have done this? Descartes, another master stylist and philosopher, gave us “I think therefore I am,” another liberated philosophical idea. Even though *the cogito* shares both the allegory's liberation from academia and its philosophical depth, Descartes' fundamental proposition simply does not have the richness, again, the inherent plasticity of Plato's allegory.

But the Allegory of the Cave's intrinsic malleability has a price; for it is so malleable, so amenable to distinct and conflicting interpretations, that it has been labeled “philosophically frustrating” (Annas, 1981, p. 257). It is difficult to interpret the allegory in terms of the general textual surroundings and even to interpret the imagery within the allegory itself proves elusive. Without doubt, Plato's Allegory of the Cave is a fiercely stubborn image.

Despite all this, I will simply note that at least the basic idea of the Allegory of the Cave is well-known and so it is not necessary for me to rehearse it in detail here. Nor am I interested in trying to offer yet another interpretation of the image. Analyses of it tend to concentrate on the soul's ascent

from the cave, when the lucky (or unlucky) soul is mysteriously liberated from bondage, begins the journey out of darkness into the light of the sun and endures a painful but intoxicating experience of truth. Stopping here, most commentators end understanding the allegory as an epistemological image. The Allegory of the Cave illustrates the levels of knowledge and the final encounter with true reality, truth *per se*. My interest is on the last part of Socrates' discussion, which illustrates that Plato did not separate knowledge from ethics. Socrates stresses that after the soul gains knowledge of reality, there is ultimately no choice but to return to the cave. Knowledge is inseparable from moral responsibility. That the enlightened soul, now a philosopher, must return and deal with the cave dwellers, is the object of my discussion in the rest of this paper. Prior to this a caveat is in order; delimiting the territory is necessary since to tackle the entire notion of "the responsibility of the philosopher at large" would be nothing short of a substantial treatise in itself. Here I merely wish to consider the philosopher's return from the angle of ethical responsibility and the related problem of bringing philosophical or theoretical ethics back into the cave. Doing full justice even to this more limited project, I admit, would also require a large scale analysis. I merely aim at laying some of the groundwork for this analysis here.

Returning to the Cave

After Socrates outlines the basic structure of the cave, Glaucon remarks that it is such a "strange image" with "strange prisoners." Socrates' response indicates the intended domain of this image: the prisoners are "just like us." (Plato, *Republic*, 1997, p. 1133) (515b). Clearly then, the allegory is that of ordinary society; this "cave society" is neither better nor worse than ordinary society. The point of the imagery is the same as in any thought experiment. Thought experiments either idealize reality or abstract from it, but usually engage in a combination of idealization and abstraction. The goal is to formulate a principle or law that holds in the rarified atmosphere of the thought experiment and then ascertain which concrete conditions must be reintroduced so that the principle can hold in the realm of ordinary experience. Ultimately, the entire exercise is one of leaving the earth in order to return with something practical. The road to the concrete understanding of experience is paved with abstractions and idealizations.

Returning to the allegory, once the liberated soul has managed to see the sun he or she would certainly rejoice in this new-found knowledge. Unfortunately, this joy would be rapidly and roughly interrupted as memories of the captive life in the cave quickly transform the liberated soul's joy into pity for those still captive. Nonetheless, the liberated soul is not immediately filled with the desire to help those ignorant in the dark. Plato is much too Greek

for that. Instead, the thought of returning fills the newly liberated soul with a deep sense of dread: indeed, such a liberated soul would think something like: "I will do anything to stay in this realm of truth; anything to avoid returning to the cave."

Socrates then introduces a very interesting comparison between the liberated soul in the Platonic sunshine and the great Homeric warrior Achilles in the world of the dead. Before considering this comparison, it should be noted that Socrates often uses Achilles as an example of themes that he is analyzing. For instance, in "Apology," Socrates refers or likens himself to Achilles. (Plato, *Apology*, 1997, p. 26) (Lines 28-29). Achilles risked his life for his men and, of course, to save his companion Patroclus. With this comparison in mind, Socrates replies to one of his accusers:

You are wrong, sir, if you think that a man who is any good at all should take into account the risk of life or death; he should look to this only in his actions, whether what he does is right or wrong, whether he is acting like a good or a bad man. (Plato, *Apology*, 1997, p. 26) (Lines 28c-d).

Socrates continues by arguing that the view that holds that a man should take into account the risk of life or death leads to regarding those that fell at Troy, especially Achilles, as inferior people. This, Socrates holds, is absurd. The truth of the matter, Socrates states, is as follows:

... whenever a man has taken a position that he believes to be best, or has been placed by his commander, there he must I think remain and face danger, without a thought for death or anything else, rather than disgrace.

Recalling his combat experience Socrates then tells of his brave and obedient stance during the battles of Potidaea, Amphipolis and Delium. (Military historians have noted that the conflict at Delium was nothing short of a slaughter of the Athenians throughout which Socrates stood his ground – fearless of death.) But now, Socrates argues, that were he as a philosopher, under the command of "the god," to simply abandon his task of examining himself and others because of a fear of death, that:

... would have been a dreadful thing, and then I might truly have justly been brought here for not believing that there are gods, disobeying the oracle, fearing death, and thinking I was wise when I was not. (Plato, *Apology*, 1997, p. 27) (Lines 28e-29).

No, Socrates insists, he simply will not stop practicing philosophy and searching for the truth, no matter what the consequences. Socrates, as is well known, went on to argue that he should be appreciated as though he were Apollo's greatest gift to the Athenians. But he was under no illusions that this was likely to happen. Instead, Socrates noted that the Athenians will most

likely act upon the advice of Anytus, one of the accusers, and simply swat Socrates dead. (Plato, *Apology*, 1997). Of course this did not bode well, so we have Socrates the public advocate who eventually is a martyr for truth. To use modern terms, Socrates was a “whistle-blower”; and he was a whistle-blower in the largest sense of that term since he was not simply “speaking truth to a particular power” such as a government or a corporation, but speaking truth to society itself.

Moreover, Socrates’ whistle-blowing not only damaged him, but as is typical with whistle-blowers, Socrates’ family suffered enormously for his decision to speak truth to power. Most likely his family fell into severe poverty and were sold as slaves. Socrates himself, prior to his death would have certainly known the impending price that his family would pay. Crito fruitlessly warns Socrates that his children will suffer “(T)he usual fate of orphans.” (Plato, *Crito*, 1997, p. 40) (Line 45d).

Although Achilles often exemplifies the image of a radically self-concerned individual, and is indeed interpreted as solely doing so, there is more to him. Achilles has a concern for his men, his companion Patroclus and for a sense of justice. However, the *Iliad* begins like most epics, in *media res*, and this has resulted in the loss of much of Achilles public side. This public side of Achilles occurs mostly outside the narrative of the *Iliad*, only being identified via Achilles own comments. (Holway, 1994).

But the reference to Achilles in the Allegory of the Cave is not to the Achilles of the *Iliad*, but to the Achilles of the *Odyssey*. Here Socrates reminds his listeners of the powerful scene in which Odysseus journeys to the land of the dead and encounters the soul of his own mother as well as many of his comrades who fell on the beaches during the siege of Troy. The Homeric figure with whom Odysseus has the most moving encounter is none other than the best of the Achaeans, the great warrior of the Trojan War, Achilles. We, today, are more familiar with the defiance of a fallen figure, such as Milton’s Satan, who shouts that he would rather rule in Hell than serve in Heaven. But Achilles, in the *Odyssey* itself, is chastened by his experience in the underworld. After Odysseus praises him for being the commander of the underworld, Achilles sharply responds:

No winning words about death to *me*, shining Odysseus!
by god, I’d rather slave on earth for another man –
Some dirt-poor tenant farmer who scrapes to keep alive –
than rule down here over the breathless.
(Homer, 1996, p. 265) (Lines 554-8).

The point of this reference is to emphasize that the liberated soul would rather endure hardship under the sun, live any kind of life in the light of the

truth – regardless of its difficulty – than to return to be the king of cave souls or rule over the breathless. But this reluctance to return to the cave, Socrates seems to say, would be like the joy of escape: very short lived. There will be, in the case of liberated souls, a harmony of law and their inclinations. For the law is not present to simply carry favour upon one group, in this case to educate some to such a level of happiness that they disappear from society. Instead, Socrates insists that the law is:

... to spread happiness throughout the city by bringing the citizens into harmony with each other through persuasion or compulsion and by making them share with each other the benefits that each class can confer on the community. The law produces such [highly educated] people in the city, not in order to allow them to turn in whatever direction they want, but to make use of them to bind the city together. (Plato, *Republic*, 1997, p. 1137) (519e-520).

Consequently, there is no miscarriage of justice when those who are highly educated are “forced” to return to the cave. Socrates asks Glaucon whether this is a type of coercion regarding the educated. Is it possible that the city will have to force its educated to return to the cave? Glaucon replies:

It isn't possible, for we'll be giving just orders to just people. Each of them will certainly go to rule as something compulsory; however, which is exactly the opposite of what's done by those who now rule in each city. (Plato, *Republic*, 1997, p. 1137) (520e).

But once back in the cave, what is a philosopher to do? Plato says that the philosopher is to govern the city. Prior to delving into the details as to the duties of the philosopher, Plato notes that there will be a period of readjustment. As going from darkness to light or vice-versa requires an adjustment of the eyes, moving from ignorance to knowledge and then returning to the ignorant requires an adjustment of the soul. This idea of the soul undergoing philosophical enlightenment and then returning to govern the city is Plato's view of what today we would see as someone training in philosophy and then entering the arena of public policy. Plato was right: the return to the cave is fraught with difficulties and dangers and definitely demands a period of readjustment.

The reason for the existence of these difficulties and dangers is quite clear: the philosopher is trained to pursue truth, to follow the argument wherever it goes regardless of consequence whereas policy makers, who are concerned with the machinery of governing, are primarily concerned with “... the consequences of their actions for public policy and the persons that those policies affect.” (Brock, 1987, p. 787). There is great irony in that Plato's approach to philosophy, namely achieving a consensus via rational discussion, is often not followed. Brock points out that philosophers, with their zeal for truth, rarely

look for consensus; in fact many seem to relish disagreement for its own sake, seeing anything less as tantamount to intellectual weakness. Brock also notes that, from the perspective of policy makers (and many others), philosophers are often regarded as “out of touch,” overly idealistic about concrete problems facing society and, most damaging, fruitlessly argumentative and unable to compromise. Brock discusses a number of ways in which philosophers have to modify this zeal for truth, arguing that those who do not quell their zeal, who refuse to engage in compromise and concern for consequences when participating in the public arena “...will not only find themselves ineffective but will as well often fail in their responsibilities and act wrongly.” (Brock, 1987, p. 787).

The contrast illustrated by Plato’s imagery of light and shadow is certainly real. Another way to put it is that there is a deep contrast between the pure, unfettered pursuit of the indifferent truth, a perfect realm, and the impure, limited pursuit of practical truth. There is a similarity here to science, as when theorists construct pristine thought experiments but then must connect them to messy reality. But the scientist returning to the cave informs people that their world vision is not accurate. Of course the scientist would meet with opposition; humans in general do not like that being told that they hold erroneous beliefs. But I would argue that the returning philosopher has a more difficult – even delicate – task. For the returning philosopher is not simply correcting a cognitive world vision, but a moral one. A returning philosopher must enter into discussions upon which people’s images of themselves and their moral conduct are to be corrected. Bluntly put, the scientist might risk being accused of being a “know-it-all,” but the philosopher risks being accused of being something much worse, being a “moralizer.”

Inside the Cave

Is the philosopher’s return to cave akin to Moses’ return from Mount Sinai? The philosopher, after seeing the light, is now possessed of all truth and will then take control and, if necessary, impose those truths on the rest of the cave dwellers. True, Plato says that the philosopher’s obligation is to return and spread happiness throughout the city, but this still is a case of the philosopher setting the record straight as to how things shall be done. Indeed, this is the standard view of the return and, as noted in the policy example case, the “Moses-return” will lead to many problems. But as I pointed out at the end of the last section, my concern is with the accusation of “moralism.” Admittedly, “moralism” is not a commonly used term these days. When used, it seems to be linked to law, as in “legal moralism,” which is the attempt to ascertain the relationship between the boundaries of the law and those of

morality. Although moralism has been underexplored in the philosophical literature, it seems to be gaining some attention recently. (Coady, 2006) Perhaps a term more commonly used, with similar connotations, would be “politically correct.” But this is a term becoming increasingly out of fashion. Besides, I will stay away from the term “politically incorrect” since it is not, to the best of my knowledge, used in serious philosophical discourse and it has been used in so many different ways as to defy any kind of definition.

“Moralism” is a term of derision in philosophy. Every so often a given thinker is accused of it; however, the charge is often not specified. One such instance is Bernard Williams’ implication that some of Peter Singer’s work moralizes. Williams offers the standard criticism of utilitarianism, that it has an unbridled emphasis on augmenting social welfare. But he also acknowledges that utilitarians recognize this difficulty – which divides humanity into saints and sinners. Consequently, utilitarians strive to put some kind of restraint on the theory’s demands. This attempt, according to Williams, is ultimately unjustified within the theory’s parameters and represents an instance of philosophical cheating. Moreover, placing parameters on utilitarianism’s demands is done with varying degrees of enthusiasm. But the attempt to put parameters on the theory comes in various degrees. Some writers, according to Williams, foster “indeterminate guilt” in their readers. Williams writes:

Peter Singer is an example, and in his book *Practical Ethics* he is evidently more interested in producing that effect than he is in the theoretical basis for it, which gets very cursory treatment. As moral persuasion, this kind of tactic is likely to be counterproductive and lead to a defensive and resentful contraction of concern. (Williams, *Ethics and the Limitations of Philosophy*, 1985, p. 212).

Without getting into the details as to whether or not Williams accurately categorizes Singer’s interests, it is interesting to note how close Williams is to charging Singer with fallacious reasoning. Singer is, according to Williams, deriving much strength from an appeal to the emotions. A strict appeal to the emotions is, as anyone who has experienced a first year philosophy course (teaching or taking) would know, a fallacy. But as is evident, Williams is not charging Singer with only using emotions, but merely ratcheting them up as the argument chugs along. Williams also stresses the main problem with moralizing: not that it is in itself necessarily wrong, but tends to have the opposite effect in that people become overly defensive about what they do and ultimately less concerned with the welfare of others.

But perhaps the best examples of moralizing are to be found in literature, and no one constructs a better image of a moralizer than Charles Dickens. Characters such as Mr. Pickwick and Mr. Bumble exhibit some of the finest and funniest aspects of moralizing. But I must agree with Fullinwider that overall, Dickens’ Seth Pecksniff, the main character of the novel *Martin*

Chuzzlewit, is the “most sublime portrait we have of this unattractive figure.” (Fullinwider, 2006, p. 6). In his interesting discussion of moralism, Fullinwider provides several excerpts to illustrate Pecksniff’s moralizing; among these I have selected two. The first is the boarding house scene in which Pecksniff chastises the boarding-house manager, Mrs. Todgers; the second is the carriage scene in which Pecksniff discusses how the poor contribute to the moral improvement of the so-called “rest of us.”

In the boarding-house scene, Mrs. Todgers has admitted to flattering her guests in order to get them to pay their rent. After covering her expenses, Mrs. Todgers states that very little is left over as profit. This admission is sufficient to set Pecksniff in motion.

“The profit!” cried that gentleman, laying great stress upon the word. “The profit, Mrs. Todgers, you amaze me!” He was so severe, that Mrs. Todgers shed tears. “The profit!” repeated Mr. Pecksniff. “The profit of dissimulation! To worship the golden calf of Baal, for eighteen shillings a week!” “Don’t you in your own goodness be too hard upon me, Mr. Pecksniff,” cried Mrs. Todgers, taking out her handkerchief. “Oh Calf, Calf!” cried Mr. Pecksniff mournfully. “Oh Baal, Baal! Oh my friend Mrs. Todgers! To barter away that precious jewel, self-esteem, and cringe to any mortal creature – for eighteen shillings a week.

He was so subdued and overcome by the reflection that he immediately took down his hat from its peg in the passage, and went out for a walk, to compose his feelings. Anybody passing him in the streets might have known him for a good man at first sight; for his whole figure teemed with a consciousness of the moral homily he had read to Mrs. Todgers.

Eighteen shillings a week! Just, most just, thy censure, upright Pecksniff! Had it been for the sake of a ribbon, star, or garter, sleeves of lawn, a great man’s smile, a seat in parliament, a tap upon the shoulder from a courtly sword; a place, a party, or a thriving lie, or eighteen thousand pounds, or even eighteen hundred; – but to worship the golden calf for eighteen shillings a week! Oh pitiful, pitiful. (Fullinwider, 2006, p. 16).

There are a number of vices captured by “moralism,” but the key ones, found in Pecksniff, are central. The central vice, so to speak, would be what Fullinwider has deemed “judgmentalism.” (Fullinwider, 2006, p. 18). This has two components. First, Pecksniff has absolutely no inhibitions about judging anything or anyone, anywhere or anytime. But he seems to exclude himself from all this judging, this delivering of “moral homilies.” Second, Mr. Pecksniff deeply enjoys pointing out and dwelling upon the small vices of those around him.

But we must ask, what is really so bad about Pecksniff? Do philosophers not agree that people should judge, examine and critique those around them? One might argue that these are the earmarks of a critical thinker. Do philoso-

phers not agree that one is to be fearless, without inhabitation in judging? Socrates was fearless indeed. Are not philosophers obligated to follow the argument, the judgement, wherever they may lead? So it might simply be the case that Pecksniff's fault is that he forgets to include himself as one of the parishioners in the church during the moral homily.

One might argue that Pecksniff does not forget about himself; rather, he simply refuses to judge himself as he does others. Maybe in the end Pecksniff is just a hypocrite. Again, his judging could be completely accurate and his zeal for it simply overstated. Is his fault that he becomes too excited when making moral judgments? Once he gets going, the homily itself picks up momentum and Pecksniff is carried away by his own rhetoric. Pecksniff is possibly just another person in love with the sound of his own voice as it brings down judgments. All of these possibilities point to one key issue: that Pecksniff's faults in the end, whatever they may be, might be of his manner or delivery of the judgement, not the judgement's content. If this goes through, then moralizing is not cognitively different from moral judging. The difference is all in the delivery.

But Dickens shows yet another side of Pecksniff's moralizing. Consider the scene in which Pecksniff advises his daughters as to the moral need for the poor. As they sit in a warm coach looking out the windows at the surrounding, shivering poor, Pecksniff, with tearful eyes, informs his daughters that it is a great satisfaction to view how the poor face adversity with such strength. While shaking his fist at a beggar who dared try to enter the coach, Pecksniff says that were we all equals, and poverty eliminated, this great satisfaction he and many others feel, "one of the holiest feelings of our common nature," would be lost. This is the reverse of the situation with Mrs. Todgers. Here we have a judgement whose content we would regard as sheer sophistry but since Pecksniff is the parent he has the right to offer "moral advice" to his daughters. So we could say that in addition to moralizing being a manner of delivery, it could also be when someone violates the legitimacy of their position. Pecksniff is not a legitimate moral advisor when it comes to Mrs. Todgers. If the previous discussions go through, then moralism in certain sense of the term is a product of overly harsh judging and doing so from an illegitimate source. But once again, there does not seem to be any kind of cognitive error necessarily involved in the kind of moralism discussed here.

Still, I resist the general conclusion that there is no cognitive difference, in total, between morality and moralism. To begin, there are several different types of moralism, far beyond what I have spoken of here. For example, I have not mentioned what is often called moralism of scope. (Coady, 2006, p. 25). Basically, this is when one treats a non-moral situation as a moral one and then begins to judge harshly. Therefore, morality and moralism are not cogni-

tively identical. Of course one may argue that in this case moralism is not really anything more than making an incorrect meta-moral judgement; as I just mentioned, it is simply erring in judging a non-moral situation as a moral one and then judging harshly. This would then reduce back down to what Pecksniff has been doing all along. In any case, the important point is that even though they are not identical, morality and moralism might overlap, as for instance they seem to do in the case of someone like Pecksniff. Bernard Williams did put his finger on part of it when criticizing Singer, namely, that moralism is ultimately counterproductive to morality. Brock's concern about philosophical purity could also be expressed in terms of counterproductive measures.

This view of moralism, that it is ultimately counterproductive rather than something simply wrong in itself, resonates with Kant's take on the question of moralism. In many ways Kant's notion of morality put boundaries on the philosopher who returned from the luminous realm of pure being and truth to the darkness of the cave. The returning philosopher shines the bright light of truth on his own behaviour; however, the returning philosopher must show compassion towards those who have not seen the light and exhibit charity with respect to the judging of others.

Kant's Anti-Judgementalism

For all his precision and intensity concerning ethics, the logical and demanding categorical imperative, the draconian elimination of sentiment from the foundations of moral motivation, the outright dismissal of consequences as factors in ethical decision making, the classic but counterintuitive "no lying to axe murders seeking your friend," Kant eventually exhibits a surprising, perhaps paradoxical, tenderness: don't judge others. This is even more surprising when one considers Kant's notion of punishment, which is often regarded as harshly retributive. But this surprising aspect may be more apparent than real. I would argue that it is a result of two things. First, most of those who read, write about and teach Kant's ethics tend to focus on his early ethical works: the 1785 *Groundwork for the Metaphysics of Morals* and the 1788 *Critique of Practical Reason*. In these works Kant labours at an extremely abstract level. Move ahead some ten to twelve years to the (often neglected but gaining in interest) 1798 *Metaphysics of Morals* and one will find Kant working at an unquestionably more concrete level. To use Kant's terminology, he moves from stressing the first form of the categorical imperative, typically referred to as "the formula of universality," to stressing the second version, "the formula of respect for persons" or "the formula of humanity." The first formulation is analytically true, dealing only with freedom while the second adds "moral matter" by introducing the notion of the person as an end

and so is a synthetic claim as to how we are to treat others.

Nonetheless, even though Kant does not tell us exactly how to behave (few if any of the great ethicists do anything like that), Kant is (I state without argument but show it in discussion) at least as concrete in his total moral philosophy as John Stuart Mill. Kant is not nearly as formalist in his ethics as it would seem to those who concentrate on Kant's earlier writings on ethics. But for all his adventures into the concrete, why does Kant still insist that we do not judge others? Clearly Christianity stresses that one refrain from judging, as noted in Matthew 7:1, "Judge not, that ye be not judged." Kant was, in a sense, a follower of Christianity; he certainly was concerned that his ethics reflect biblical injunctions, although he did leave himself room for interpretation. For instance, Matthew 5:44 states that "You ought to love your neighbour." Kant holds that love – in the sense of passion – cannot be obligated, but squares his philosophy of obligation with the scriptural passage by indicating that the passage should be read as "you ought to do good by your neighbour." The love referred to here is not of a passionate, but practical nature. (I. Kant, *Groundwork*, 2002, p. 201). But in addition to adjusting his philosophy and biblical interpretations, Kant offers us another reason for his prescription regarding the judging of others, namely, that we are mysteries, in the end, even to ourselves. Kant writes:

The depths of the human heart are unfathomable. Who knows himself well enough to say, when he feels the incentive to fulfill his duty, whether it proceeds entirely from the representation of the law or whether there are not many other sensible impulses contributing to it that look to one's advantage (or to avoiding what is detrimental) and that, in other circumstances, could just as well serve vice? (I. Kant, 1996, p. 196).

So how does one know whether or not one's judging is done for the sake of the other's good or is simply a self-serving act? Kant admits, even insists, that one simply cannot know in the strict sense of the term. Living with this uncertainty as to the motive of any particular action, we are nonetheless certain, given the establishment of our freedom, that we can in principle be governed by a categorical imperative, not always simple hidden hypothetical imperatives. From this possibility of being under the domain of a categorical imperative, each of us has the duty to perfect herself or himself, "...to strive with all one's might that the thought of duty for its own sake is the sufficient incentive of every action conforming to duty." (I. Kant, 1996, p. 155).

It is interesting to note that on this account, Kant's observation finds some support in modern psychology. In a study concerning bias in our observations, Gilovich, Pronin and Ross note that there is a systemic asymmetry between the observations of ourselves and our observations of others. (Gilovich, Pronin & Ross, 2004). In essence, we erroneously tend to think that

our observations of our own inner natures are accurate and revealing, so that we are, as the phenomenologists liked to think, able to scrutinize ourselves to the degree of freeing ourselves from any kind of bias. But we tend to think that others are not so clear-sighted when it comes to their biases. This asymmetry produces the propagandist's (and marketer's) dream subject: a person who believes that although other people have biases of which they are unaware, he or she alone is immune to any surreptitious attempt to implant a bias. Kant's warning against such self-satisfaction is pertinent indeed.

Kant's notion that morality is ultimately linked to self-improvement conforms nicely to ancient stoicism and, of course, to another well-known biblical passage: Matthew 7:3, "And why beholdest thou the mote that is in thy brother's eye but considerest not the beam that is in thine own eye?"

In addition to the biblical issues and the deep mysteries of the human heart, Kant offers a third reason for not judging others. And this reason, I would argue, is his key point. In addition to the duty of self-perfection, there is the duty to promote the happiness of others. (I. Kant, 1996, p. 150). The duty to promote the happiness of others requires clarification. That is, it means to be beneficent towards others, "...to promote according to one's means the happiness of others in need, without hoping for something in return..." (I. Kant, 1996, p. 202). There are, of course, many ways to promote the happiness of others, but with an eye to my concern here, namely, the prescription against judging others, we need to proceed somewhat further. One of the ways to promote the happiness of others is to accord them the respect they deserve because they are human beings. "Every human being has a legitimate claim to respect from his fellow human beings and is *in turn* bound to respect every other." (I. Kant, 1996, p. 209). This interlocking system of moral agents duty-bound to holding each other in mutual respect is a central aspect of Kant's ethical system. It is another formulation of the categorical imperative, the Kingdom of Ends. But this at long last brings us to the central passage in which Kant decries the judging of others. He begins by stating that intentionally spreading some X about some Y, whereby X lowers Y's honour, ultimately serves to erode everyone's view of human dignity in general, casting "...a shadow of worthlessness over our race itself..." (I. Kant, 1996, p. 212). However, it is extremely important to note that Kant places two restrictions on this spreading that leads to the shadow of worthlessness. First, he insists that the truth or falsity of what is being spread is irrelevant. In other words, even if what is being spread is true, one still should refrain from doing so. But the second, more important restriction is that even if what is being spread is not a matter of public justice, one still should refrain from doing so. In other words, if what S spreads about Y falls under public justice, then S is committing slander. Of course one should refrain from slander since

it renders one susceptible to prosecution. But even if what S says about Y is not slander, S should still refrain from it. Although Kant does not specifically say it, such an instance is akin to that of spreading gossip.

Philosophers have long warned against gossip. Aristotle insisted that “the Great Soul” would not indulge in it; Aquinas regarded the gossip as deliberately targeting the bonds between others, such as friendship; Kierkegaard warned that gossip destroyed the distinction between the public and the private. (Bok, 1984, p. 90).

So within this specified context, what I would call gossip-mongering, Kant insists that we have:

... a duty of virtue not to take malicious pleasure in exposing the faults of others so that one will be thought as good as, or at least not worse than, others, but rather to throw the veil of benevolence over their faults, not merely by softening our judgments but also by keeping these judgments to ourselves; for examples of respect that we give others can arouse their striving to deserve it. (I. Kant, 1996, p. 212).

One has to keep in mind that Kant’s prohibition on openly and harshly judging others occurs within part two of the *Metaphysics of Morals*, namely, within the section titled: “Metaphysical Principles of the Doctrine of Virtue.” So it is from the point of view of virtue that we are not to judge others. The faults over which we are to “throw that veil of benevolence” are not just any moral shortcomings that a person may have, but their shortcomings of virtue. To not employ the veil of benevolence is to embrace what Kant refers to as “the vice of defamation.” Again, this must clearly be kept separate from slander.

Kant’s Version of Judgmentalism

It is a great irony, or perhaps a flat misunderstanding, that Kant’s opponents often charge him with the elevation of humanity. Sometimes his ethics are regarded as committing the moral crime of replacing God with man. One could argue, as many have, that Kant’s Copernican revolution in epistemology lends much support to charging him with deifying human ways of knowing. But the irony stems from the contrast between the previous glorification of humans in the sense of their potential rationality and their concrete actions and proclivities towards evil. For all his praise of the noumenal dimension of humanity, there is no question that Kant had an extremely low opinion of humanity’s empirical side. This disdain for humans has become one of the most famous Kant quotations (made famous by Isaiah Berlin’s use of it for a book title): “...from such warped wood as is man made, nothing straight can be fashioned.” (I. Kant, *Idea for a Universal History with a Cosmopolitan*

Intent, 1983, p. 34). In “Perpetual Peace: A Philosophical Sketch,” which Kant was working on during roughly the same time as *The Metaphysics of Morals*, we again find this low regard for humanity: “...there is a wickedness in human nature that makes coercion [by the state] necessary...” (I. Kant, *To Perpetual Peace: A Philosophical Sketch*, 1983, p. 135).

Not only does Kant judge humanity as a whole, and judge it rather unfavourably, Kant also permits the judgement of individuals, again, this is not the judgement of their failings with respect to virtue, but those with respect to law. On the level of public judgment, Kant states that morality must be followed. Or, as Kant puts it, “... all politics must bend its knee before morality...” (I Kant., *To Perpetual Peace: A Philosophical Sketch*, 1983, p. 135). Kant insists, we must deal with this “wickedness in human nature” while at the same time respecting human nature. Kant’s approach, not surprisingly, is one of abstraction. This abstractive process seen in “Perpetual Peace” is where Kant insists that the state’s role is not to simply suppress or control this evil proclivity of humans; instead, he clearly states that this (empirical) wickedness as well as all other empirical aspects of humans must be abstracted from in order to arrive at what he deems the “transcendental formula of public right,” namely:

All actions that affect the rights of other men are wrong if their maxim is not consistent with publicity. (I. Kant, *To Perpetual Peace: A Philosophical Sketch*, 1983, p. 135).

This is the same idea that Kant stresses in part I of *The Metaphysics of Morals*, “Metaphysical first principles of the doctrine of right.” Here Kant says that the Doctrine of Right restricts the Categorical Imperative’s application to external behaviour, namely that behaviour between people. Kant writes:

Any action is right if it can coexist with everyone’s freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone’s freedom in accordance with a universal law. (I. Kant, 1996, p. 24).

What we have, then, with regard to the issue of moralizing, is the following. Suppose that S says X about P. If X falls under public right, then S has committed slander. If X does not fall under public right, then S has moralized, namely, has engaged in the spread of gossip. The problem, then, turns on the definition of slander. To go into a full analysis of the problem of the definition of slander and its history is beyond the scope of my paper.

Conclusion

In this paper, I have considered the fundamental plight of the philosopher. Namely, to be trained in the pursuit of the truth, to become a perfectionist

in a sense, and yet to be a bearer of the responsibility to return to society, which is anything but a domain of perfection. This leads to the basic clash and renders the philosopher in danger of moralizing. Clearly Pecksniffian type moralizers are easy to point out and to avoid – either being subjected to or becoming one. But there are many dimensions to the issue of moralizing; I raised merely that in some cases moralizing cognitively identifies with moral philosophizing and that it only adds a certain kind of glee to the act of judging.

Kant tried to drive a wedge in between moralizing and moral philosophizing by his separation of the doctrine of virtue and the doctrine of right. While providing some clarification, it still raises the questions of defining the term “slander.” The difficulty here is that the notion of slander has changed over the centuries. Even gossip, too, has changed. That is, attitudes towards it have driven gossip from being regarded as something to simply be avoided to something that is now being legislated against. Gone are the days when gossip was simply regarded as idle chatter and unbecoming to those with any kind of Aristotelean great souls.

But how does this relate to the philosopher that returns to the public space? I would conclude that it raises the problem of what I will call “risk of moralizing.” Moral philosophy is, once one moves into any kind of normative ethics, going to judge what people do. The philosopher making those judgments may do so without any glee; may do so in a very dispassionate sense, but nonetheless will be judging and is always liable to be labelled a moralizer.

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The Problem of Justice in a Global Corporate Economy

OLIVA BLANCHETTE

Justice is first and foremost a matter of the external social ordering among selves in a community, based on a mutual recognition of one another in their dealings with one another, on a decent minimum level of conviviality and respect for all the members of a community. It is an essential part of what the ancients called the common good, and what I shall call the communal good here, in order to highlight the internal dimension of respect, love, and friendship that binds a community together on the rational and spiritual level of consciousness. It is from this recognition, explicit or implicit, toward all, that rights and obligations follow for all members of a community, from those with the highest dignity down to the lowliest and the least advantaged one way or another, whether by reason of age, or of economic standing, or of any other humane criterion esteemed within a rational community.

As a disposition in the will of a community, justice is not just an ordinance to the betterment and the enrichment of a better life for certain members of a community, without regard for the vast majority; it is also a willingness to support a decent minimum level of well-being for the least advantaged members of the community, the sick, the poor, the marginalized, the oppressed, or the foreigners in our midst that Sacred Scripture speaks of, and whom we tend to speak of as immigrants or refugees living in the midst of our communities, in a world of turmoil for so many people.

When we speak of global justice it is this sense of communal justice that we must have in mind, not just for a small or local community, but for a global community in the making that will encompass all peoples, all nations, all segments of population or all classes, all races, in all parts of the globe, south and north, east and west. This is a dimension of justice we have hardly begun to think of yet, but it is a dimension we have to start thinking of, because we now live in an economy that is global, far in excess of anything we are accustomed to think of in any local, political, or national economy, and

we find ourselves before problems of injustice on a global scale for which we have no solutions and perhaps have no ways of resolving in a global economy that weighs so heavily, and unjustly, on the shoulders of the oppressed and the marginalized around the globe.

What I wish to explore here is this problem we have to face with the very conception of global justice, let alone any implementation of it in the prevailing historical circumstances of a global economy that shows little or no concern for the good of communities around the world and their right to a fair share of the well-being they do so much to promote for the whole of humanity.

I shall proceed in three steps. First I shall consider how the ancient Greeks rose to their idea of political justice from a more primitive and more particular kind of communal justice. Second, I shall examine how this first form of political justice was superseded in modern times by a more universal kind of justice, in terms of an entire people or a nation, where the idea of a city gives way to a much broader civil society or the modern state as the embodiment of the universal common good, now constituted, not by a shared conviviality, but by social contracts entered upon by individuals, each supposedly free and each seeking his own advantage in joining with others in endeavors to promote a greater good for themselves or their corporation, without due consideration for the good of others, let alone the communal good of all within the state or what we now refer to as civil society. Third, I shall try to present the difficult problem this modern individualist and corporatist social-contract view leaves us with when we try to envision a communal justice, not just for a city, or a nation-state, but for the conglomeration of all cities, all nation-states, and of all who fall between the cracks of these institutions as well as well as of the multinational corporations.

The Original Conception of Communal Justice

The conception of communal justice we start from was originally conceived, and still is conceived, by primitive societies or groups who find themselves oppressed by the conditions they live in and in which they are trying to make a living. And it is conceived for relatively small communities, such as families, or clans, or villages, or co-operatives, or even gangs that come together for a common purpose and a better life, in which they can share by contribution and by retribution, and in which they not only pay what is due but also have rights and privileges when it comes to their fair share of the communal good. Such a primordial conception can take many different shapes and modalities. But it is important to consider them as real for the groups in which they work, rooted in the very principles of the communal

good from which they flow. Not all are equal to one another. Some work better than others, but all are important for the fabric of human history in its wide diversity. And it is from such primitive conceptions of justice that the Greeks came to conceive their more universal conception of communal justice for the *polis*, which they took to be the most perfect and the most self-sufficient kind of community.

The idea of political justice did not just come out of the blue for the Greeks. It was worked out by bringing together the households and the clans, each with its own deities and its own goddess of justice, *Dike*, that occupied the territory that would eventually become the *polis*, under a new set of gods and a new conception of justice that would encompass the clans together under new norms of justice for conviviality among all the clans. Solon, esteemed as the father of the new constitution, was seen as the great architect for this new form of inter-clan justice, or the *politeia*, which Plato and Aristotle were later to use as the basis for their works on politics and on justice, in the *Republic* and the *Nicomachean Ethics*. What this represented for the Greeks and for humanity as a whole was a new kind of conviviality for communities that had been previously at odds with one another, which precluded excesses of extreme wealth and excesses of extreme poverty in one and the same community, which was still referred to as a *koinonia*, and not just as a structure of governance in the way that the state came to be thought of in modernity under another conception of justice derived from social contract theory in a state of war, and not from any sort of communal conviviality with mutual recognition and regard as the basis for affirming rights and duties as part as part of what is implied in a communal life.

The Modern Contractual Conception of Justice

In modern times, justice came to be conceived in function of the state or the nation as a sovereign people, or one might say as a still more universal community, superseding the city or the *polis* as the overarching community. At least that was the way it was thought of by Hegel, for whom the modern state was the ultimate communal good citizens aspired to as rational and in which they found their fulfillment as human beings. Here is the way he speaks of the state in the last and culminating part of his *Philosophy of Right* as the “inner law” of conscience or of spirit for its citizens:

The state is the actuality of concrete freedom. But concrete freedom consists in this, that personal singularity and its particular interests not only achieve their complete development and gain recognition for their right (as they do in the system of the family and civil society) but, for one thing, they also pass over, of their own accord, into the interest of the universal, and for another thing, they know and will the universal; they even recognize it as their own substantial

spirit; they take it as their end and aim and are active in its pursuit, so that the universal does not prevail or achieve completion except along with the particular interest, knowing and willing; and individuals likewise do not live as private persons for their own ends alone, without at the same time willing in and for the universal, and without having a conscious efficaciousness for this end. The principle of modern states has this prodigious strength and depth of allowing the principle of subjectivity to fulfill itself to its independent extreme of personal particularity, and yet at the same time to bring it back to the substantial unity and so to maintain this unity within the principle of subjectivity itself. (#260; translation amended).

In this initial paragraph of this theory of the modern state, Hegel is harkening back, in his own way, to the ancient view of the *polis* as the perfect and self-sufficient spirit of ethical life, which he is now transposing to a yet more universal substantial community of the state, but not without having introduced a new social factor to mediate between the family, which represents the more primitive form of communal life, from which later, more universal forms, such as the *polis* or the state, have to develop, namely, what he calls *die bürgerliche Gesellschaft*, which is usually translated by “civil society,” as distinct from the state but as also distinctly modern, in contrast to the more primitive forms of communal life or to what Germans call *Gemeinschaft* in contrast to the sociologically and institutionally more elaborate form of *Gesellschaft*.

It is important to note that this introduction of the concept of “civil society” in the transition from the more primitive forms of communal life to the more elaborate forms of the state is typically modern, and that it stems from a conception of the human being, not as communally inclined by nature, but rather as individualistic and even as one hostile to other individuals in the state of nature, as portrayed by Thomas Hobbes in his argument for the necessity of social contract to make room for an absolute authority as the basis for the modern state. Hegel speaks of the principle of civil society as totally individualistic, even though it does result in some form of good for society as a whole, or at least for some societies or corporations. What dominates in the ordering of civil society is not what one would expect from a communal life as conceived for the modern state or the ancient *polis*, but corporations in competition with one another, each one bent on the promotion of its own interests in competition at the expense of other interests, whether of other corporations, of individuals, or of entire populations that count on the state for the protection and the promotion of their communal interests. It is this domination of corporations in modern civil society that justifies speaking of the corporate state by sociologists and economists without any reference to the ethical or the communal dimension of historical conviviality such as we find in Hegel and in the ancient philosophers.

It is also important to understand how modern western man arrived at this conception of the corporate civil society and its corresponding concept of justice as particular or individualistic, through a social contract theory first expounded by Thomas Hobbes in the 17th century and later taken over, with modifications, by political thinkers such as Locke, Rousseau, Hume, and eventually even Kant, and Rawls, to mention a significant contemporary with a theory of justice. It is with social contract theory in mind that Kant first came to his ideal of a cosmopolitan state in the age of Enlightenment, with a corresponding idea of global justice among states, and that Rawls built up his theory of justice as fairness on the basis of two principles that should govern a reason that is otherwise bent on pursuing only its own individual self-interest. Hegel rejected the idea of what would have been for him a cosmopolitan state of states, but the idea of some cosmopolitan governance for humanity as a whole has stayed with us ever since, as an idea to contemplate in the constant state of war in which we find ourselves, albeit without any concept of a communal life that would match the amplitude of such a universal or international accommodation.

The idea of social contract theory starts from the supposition of a state of war, if not in the state of nature, as Hobbes would have it, at least in a state where money, which can be held in reserve, has been introduced as a means for exchanging natural goods necessary for survival, for conviviality in a situation of scarce resources, and even for prosperity in drawing profit from the appropriation of land and of the means of production of goods that can be sold in markets, where a state of competition, if not of outright war, has come to prevail, as Locke seems to have been well aware already in his own time.

Another way of conceiving this supposition of social contract theory, which we find in Rawls, is to imagine an original position for rational agents, in which they know nothing of where they actually stand in any social ordering, but knowing only that they are in the presence of other rational agents, each with only its self-interest at heart, and knowing that they have to work out principles of justice in the distribution of some good that may come from their cooperation in the efforts for the betterment of human life in the world. Such principles, to be agreed upon by contract in the original position, are seen as necessary only from a standpoint of self-interest for each individual, that is, from a standpoint of competing individual self-interests still at odds or at war with one another, in the act cooperating with one another under contract, without any sense of a communal good or communal justice to be attained, and with a sense only of contracting agreements that will be in their own self-interest and nothing else.

The social contract was thus conceived as a way of making peace in this constant state of war or of competition, not as a way of forming community

in view of building up a communal good, but as a way of avoiding violence or exclusion at the hand of others, with whom the state of war or of competition existed, while each one was bent on building up one's fortune or one's corporation as fast as one could, not just through accumulation of goods and wealth, but also through gaining ever greater control over raw materials and over labor, so that more and more wealth could be built up, and through control over markets, where corporations could be sure of ever greater profitability.

That is how corporations became the chief engines of political and national economies. As such they contributed a great deal to the public good of some nations, often at the expense of other nations. But as engines in certain national economies they were not pressing toward the public or the communal good as much as toward profitability for themselves and their private good, at whatever expense to their competitors and to the communities in which they were operating. Justice, for them, was whatever they could get their competitors, their workers, or their customers to agree to by contract that would serve their own private good, their profitability, and not the good of any other. Social or communal justice was none of their business and they would have none of it, especially if it meant a cut in their revenue or profitability, their so-called bottom line, as taxes do, or as paying a living wage would, or offering their goods for sale at a fair or just price, as determined by social justice rather than as dictated by a corporation bent on extracting as much as possible from its customers, from its workers, and from services provided by the state, even when that means marginalizing the neediest members of what might have been a communal life. There are innumerable corporations operating as mavericks today in our society and around the world that one could cite as examples of this sort recklessness with regard to the communal good, such as those in the pharmaceutical industry or in the oil industry.

Hence we see the necessity of political and communal institutions over and above private corporations to see to all that social and communal justice calls for in the care of a communal life and to assure provision of the basic needs of all the people in the national community at a decent minimum level for that community. Hence we see also the need for these political and communal institutions to moderate and to regulate the maneuvers of these corporations in the sea of communal life, to prevent unfair and unjust practices from injuring the communal good, practices that are in violation of social or communal justice, if not of contractual justice as well. For, as licensed to operate in certain markets for which governments provide the infrastructure, they are themselves under contract with the moderators of the public good.

The World Historical Problem of Global Justice in an Economy Dominated by Multi-National Corporations

It is possible to see how the modern contractual conception of justice, even as adopted by corporations in the management of modern civil society, can be brought into line with the more ancient and the more fundamental conception of communal and social justice, as Hegel tried to do, for example, in the third part of his *Philosophy of Right*, with his portrayal of the modern state as the ultimate communal good we aspire to in historical actuality. But it is important to note at the same time that such an accommodation cannot come easily, if it can come at all, even with the best of intentions of corporations operating within the parameters of individual supposedly sovereign states. In fact, what has happened historically, with the emergence of multi-national corporations, capable of overpowering, not just the weaker and poorer states, but even the most sovereign states around the world, has made it all the more difficult, if not impossible, to conceive of a global community grounded in anything like an institution of global justice, such as Kant tried to imagine with his idea of a cosmopolitan state to be constituted by a social contract among individual states perpetually at war with one another.

Hegel rejected that idea and settled for the idea of war among sovereign states, along with the idea of different states coming to dominate at different times in the spirit of world history. But neither Kant nor Hegel had to face the problem of global justice as we have to face it now that multi-national corporations have come on the scene, capable of dominating any state, large and small, but without concern for any communal good and justice, save the limited ones like substructures and roads that serve their own private good as individuals or as corporations competing with one another, as if nothing else mattered in the world of business and economics. In fact, the problem has been compounded by the intrusion of corporations, which were originally conceived and licensed to operate in civil society within the bounds of particular nations, into what has been up to recently a loose international order of somewhat warlike relations among nations, without changing anything of their self-interests in competition with the self-interests of other now multi-national corporations, all of them now competing with one another on a worldwide scale, investing and contracting with one another across national borders.

We have long been aware of such intrusions by multi-national corporations in the case of poorer, smaller, third-world nations invaded by multi-nationals in search of raw materials like oil or lumber, or of sub-standard cheap labor for their production lines, not for any benefit of these nations, but at their expense and at the cost of aggravated living conditions for people

in those nations, without regard for property ownership or for the right to a fair or decent wage in the extraction of wealth from these poorer countries for the multi-nationals. But we must not overlook the same phenomenon of oppression and impoverization of people within nations taking place in the larger and seemingly richer nations, due no less to an intrusion and the machinations of large corporations, through constant massive lobbying of governments and financing electoral campaigns for candidates favorable only to a contractual justice for the have's in the corporate civil society, intrusions in the affairs of state and the communal good of the nation as a whole, using their international connections to subvert national economies in their favor, again at the expense of local communities and middle and lower classes left without the means of maintaining a decent living standard for a supposedly rich and prosperous people, and without any assurance of a decent minimum level of health care and nutrition in a country that flaunts its wealth before onlookers.

The result of this intrusion has not been just a change in what had been a somewhat nebulous international order. It has been a new consolidation of power for large, multi-national corporations, that can now dictate policy in diverse nation-states, large and small, that will serve their interests, and not the interests of the communities in which they operate, ever in competition with other corporations doing the same thing across all national boundaries, let alone what might be the interests of a communal good and communal justice on a global scale. What these large corporations have done, or are in the process of doing, is create an international order of their own, with an international court of their at the World Trade Organization headquartered in Geneva, to circumvent and to supersede the constraints placed on them by national communities in the interest of maintaining some semblance of communal justice at least on the national scale, if not on the international scale.

It is not for me to describe here how this international corporate order of civil society has come into being since the second World War, starting with the international monetary agreements that came out of Bretton Woods, which gave us the International Monetary Fund and World Bank, which now operate behind the scene of all international trade agreements, and which favor multi-national corporations operating across national borders, at the expense of and to the detriment of the more local communities and of their resources. We shall hear more of these institutions later in this Symposium.

Nor is it for me to describe how the secret trade negotiations that take place, such as the ones now going on for the nations around the Pacific Ocean, or the ones that gave us the North American Free Trade Agreement (NAFTA), aided and abetted, and then signed, by national governments, nor how they work only for the benefit of large corporations that operate across

national borders for their own private benefit, still at the expense of individuals and communities, and of their quality of life, on either side of the border, corporations that just suck the wealth from both sides, as one candidate for the presidency of the US once put it years ago. All I have to point out is that all such trade agreements are in violation of communal justice, not just on the global scale, but on the national scale as well, by reason of the great disparity between the poor and the rich that results from them, the have's and the have not's, not just on the global scale again, but on the national scale as well, by undermining safeguards put in place by local and national communities to protect the quality of life and conviviality of the least advantaged at a decent minimum level, in keeping with the dignity of members of a community that now has to be thought of as worldwide as well as local or national.

We still have a long way to go before we come to conceive of a global social justice for the whole of humanity. We need leaders like Solon, or Gandhi, or Mandela to free us once again on a global scale, from the barbarism of so-called multi-national corporations, striving to undo nations and peoples and cultures of every kind, in their reckless competition with one another under the banner of contractual justice, if even that. Such corporations are oppressive of populations everywhere. They are inhuman and anti-human in effect as well as anti-national, as they subvert laws beneficial to peoples around the planet, as well as to the planet itself. They enrich themselves only by impoverishing and marginalizing everyone else.

In conclusion, borrowing from Marx, we have to say: peoples of the world, not just workers, unite, as living communities, not as communism; you have only your chains to lose, not as if from the state, but from the large corporations taking over states and nations everywhere for their own self-interest.

Responsibility and the Limits of Justice

DENYS KIRYUKHIN

The relation of justice and responsibility is topical not only for transforming societies, but also for stable democratic ones. The latter is evidenced by the fact that modern theories of justice pay essential attention to the issue of responsibility. Moreover, justice as responsibility becomes a common central core of research for political philosophers, as demonstrated in I. M. Young's book, *Responsibility for Justice* (2011), Charles Lake's *Equality and Responsibility* (2001), and D. Miller's *National Responsibility and Global Justice* (2007).

Actually, we may consider the interrelation of communities different in their potentials and resources on the global basis; the problem of the intercultural communication within the frames of one community (state); environmental risks and dangers humanity faces; the problems of the global economy or the national control over the operation of political institutes. Moreover, to realize, and if necessary, to settle current problems and to resolve current conflicts we address the ideas of justice and responsibility. The more complicated the challenges we face the more attention is attracted to the above issues in social and political theory. So, it is no wonder that currently the spotlight is on the problem of personal and collective responsibility. This light on ethics and political philosophy was set point-blank by H. Arendt in the middle of the last century.

As we know, development of the theory of justice in the 20th century resulted from the revival of ethical and political philosophy in the 1970s. This rebirth is related to the rethinking of the liberal tradition in the political philosophy, which resulted both from the crisis of liberalism as the basis for an economic policy and ideology and acknowledgement of the limits of utilitarianism and intuitionism in ethical philosophy. The new version of the liberal theory, which demonstrates the relevance of liberalism for modern society, was suggested by John Rawls. His theory of justice was an answer to the observed problems, but along the way it has produced a great deal of pointed comments and objections. However, despite all the criticism, it

remains the most powerful theory, and up until now all formulations in the sphere of political philosophy (more particularly the theory of justice), one way or another, begin with determining an author's relation to Rawls' theory.

The above is also related to the way responsibility is comprehended in modern works on the theory of justice. Indeed, comprehension of responsibility often represents either reception of Rawls' ideas or to the contrary their critical rethinking. This is not by accident. If we restate Kolm a little, we could say that since Kant, responsibility has been playing the same part in liberal theory as needs does in leftist theory. In this respect, reception or criticism of the liberal model of responsibility leads inevitably to reception or criticism of liberalism in general. And in the aggravated conditions of the problem of global injustice it is (neo)liberalism as the ideological basis of global capitalism that becomes the focus of theoretical discussions.

In view of the foregoing I intend to deal with three research problems: (I) consider the background for understanding responsibility in the theory of John Rawls; (II) suggest possible ways to overcome the limitations of Rawls' interpretation of responsibility; and (III) consider the occurrence of collective responsibility and relations between the spheres of responsibility and justice.

Background to Rawls

For quite a long period of the history of philosophy – beginning with Aristotle and up to the legal positivists, notably H. Kelsen – responsibility was generally considered in the context of the problem of the specifics of the subject's relation to his actions and their consequences which was set as early as Aristotle's *Nicomachean Ethics*. In other words, since antiquity the notion of responsibility has been forming in the context of the philosophical theory of a social agent and in a more comprehensive sense of a legal subject¹ as a subject of *imputatio* (Lat. "imputation of responsibility," "imputation").

Imputatio – is a Latin term,² which replaced Aristotle's notion *hekousion* (independent act). And, as we know it, the theory of imputability is basic for Kant's practical philosophy. Within the scope of the tradition identifying responsibility with *imputatio* (identification, which was challenged by philosophers in the 20th century), the thinker of Königsberg was developing Aristotle's theory of voluntary action at a new level, completing it with the theory of ethical self-legislation of mind.

¹ For the Christian Theology it is first of all a person.

² In the opinion of the Ukrainian philosopher A. Baumeister, this term is common both for ethic and legal statements.

In the *Nicomachean Ethics*, book III, Aristotle shows that it is necessary to delimit voluntary (intentional, *hekousion*) and involuntary (unintentional, *akousion*) acts – this delimitation may be used by the legislator, as the Stagirite notes, to assign a reward or a punishment (EN, III, 1109b30-35).³ Thereby, Aristotle happens to be among the first philosophers to raise the questions concerning the conditions about the individual's responsibility for his acts.

The individual cannot be responsible for the actions when he acts under duress, i.e. for the actions the (prime) source (*arkhe*) of which is outside the agent. But, there is a much more complicated question: should an agent be responsible for his act performed, for example, out of fear? The answer to this question has to grasp the difference between the “external” and the “internal” within the agent. The latter task becomes an inevitable challenge for Aristotle as he searched for the criteria that would make it possible to identify an act as a result of a decision made by a certain person (much later Kant, facing the same problem, would develop a theory of a transcendent person). In the case of an act performed “through fear of greater evils or for the sake of something noble” (EN, III, 1110a5), we, as the Stagirite writes, would think about the right or need to speak about mixed acts, i.e. the acts that are both intentional for the individual actor, on his own volition, free from any external invincible power; and unintentional acts, as acts performed under circumstances dictated to the person by external forces. As Aristotle notes, when a person is forced to act in one way or another by holding his family hostage. However, Aristotle does not end on this definition. He says that mixed acts are *similar* to intentional acts because one makes the choice to act or not in this way or another. And even the classification of any particular acts as intentional or unintentional should be appraised based on particular circumstances of its realization (EN, III, 1110b3-10). So, we can see the limitation of the universal rules of the act's evaluation. Any such evaluation should rely upon the practical situation where the *choice* of one or another act is made. The choice itself is an act of making a decision: “a human being is a first principle of actions. Deliberation is about what he can do himself” (EN, III, 1112b36). That is when the person makes a decision to obey the orders of the tyrant who holds his family as hostages he makes a completely rational choice being aware of the goals he pursues and of the probable consequences of his act.

Aristotle relates responsibility directly to the intentional and as Raffoul notes – the rational act.⁴ And such an understanding of responsibility dominated until Nietzsche, the existentialists, particularly, Sartre, and Levinas

³ Hereinafter quotations from Aristotle's, *Nicomachean Ethics* are taken from the following edition: Aristotle, *Nicomachean Ethics*, trans. and ed. by R. Crisp (Cambridge: University Press, 2004).

⁴ F. Raffoul, *The Origins of Responsibility* (Bloomington: Indiana UP, 2010), pp. 40, 53.

who formulated alternatives to the classical philosophical paradigm. In this respect, Kant who saw the relation between freedom and reason, and ethical and legal responsibility may be considered the philosopher who defended Aristotle's tradition, as mentioned above.

For Kant one of the core features of personality is that it can be responsible – as opposed to a thing, i.e. the object in respect to which we cannot speak about responsibility. Completely in Aristotle's spirit, the German thinker speaks about a close relation between responsibility and freedom and rationality of acts. In his comment to the third level of pure reason he writes that the transcendent idea of freedom “constitutes only that of the absolute spontaneity of an action, as a real ground of its imputability.”⁵ Thus, the transcendent freedom of a subject (freedom, as noted in “Basic Foundations of Ethical Metaphysics,” – is the notion of free will in all reasonable beings) is the basis that makes one responsible for his/her acts.

In Kant's practical philosophy the problem of *imputability* is considered not within the limits of causality (capability of a subject to voluntarily initiate some state), but as an element of the theory of individual autonomy. Kant's principal difference from Aristotle is that he considers the issue of responsibility without reference to the particular situation, particular circumstances where the subject acts, but rather, in the context of universality and generality of practical laws obedience to which makes the subject a responsible person⁶. So, according to Kant, we can speak about responsibility only inasmuch as the subject may be attributed to (*imputatio*) the consequences of his acts. And this is possible only when we consider the subject as belonging not only to the natural world but also to the intelligible one, as autonomous, capable of acting in accordance with the rules of reason. Raffoul notes correctly that Kant's “responsibility becomes identified with an ideal of self-responsibility as autonomy,” i.e. the manifestation of courage *to act* in accordance with Reason (the result of Enlightenment), and therefore expresses the position of power for an *autonomous* person.⁷

Both in his understanding of the person's independence and in interpreting responsibility, Rawls follows the tradition of Kant's philosophy. I can agree with Freeman that the “theory” of responsibility that Rawls offers is quite simple, in that as he rejects consistently any assumptions about the metaphysical determination of ethical problems relying upon conventional wisdom in

⁵ I. Kant, *Critique of Pure Reason*, trans. and ed. by P. Guyer and A. W. Wood (Cambridge: University Press, 1998), p. 486.

⁶ Aristotle's task was to set up principles that would make it possible to identify “mine,” which forms the basis of randomness of *particular* acts, for rather often the external influence happens to be too important, with respect to which person may refuse to assume responsibility.

⁷ Raffoul, *The Origins of Responsibility*, pp. 73, 75.

his understanding of freedom and responsibility.⁸ In his major work, *A Theory of Justice*, Rawls points to the close relation of responsibility not to punishment or accusation, as it is customary within the limits of legal theories of justice, but rather to the individual's freedom. This interpretation lets Rawls represent responsibility as a category of ethics and political theory.

According to Rawls, "the principle of liberty leads to the principle of responsibility."⁹ Providing the conditions when the individual could act freely (i.e. independently, as Rawls says developing Kant's ideas) is the basic requirement to grasp how the individual, is not only ethically and legally, but also a politically responsible person. Thus, not so much responsibility itself but the principles of realization which create political circumstances for (civil) freedom of the person become the focus of Rawlsian interest. Such principles are the principles of justice.

Rawls would not be Kantian were he not interpreting responsibility as the individual's self-responsibility. Indeed, in the circumstances in which freedom is ensured, the individual alone is responsible for its acts and goals it strives for. But the problem is how to provide such conditions. If these conditions are introduced from outside, worked out without the individual's participation, those won't be the conditions for autonomy. We can talk about these conditions only in cases where the principles of justice are formed by the individuals in the course of rational consensus behind the veil of ignorance. That is why, as Rawls indicates, the original position where the individuals not only agree on a certain concept of justice but also assume responsibility for this concept – individuals are responsible for their freedom. As is noted in *A Theory of Justice*, as long as we follow the principles of justice in the proper way, our independence is not violated, and "the principles that best conform to our nature as free and equal rational beings themselves establish our accountability."¹⁰ It should be stressed that the principles of justice are a requirement for the independent act because only by these principles do individual acts become responsible.

Meanwhile, responsibility interpreted in this manner sets Rawls before the task Kant never faced. If responsibility of the individual as a political and not only ethical subject happens to be conditioned by institutionalized principles of justice developed in an original position, then maintenance of reasonable institutions is the responsibility of all the citizens. Therefore, there occurs the need to make a clear differentiation between personal and collective

⁸ S. Freeman, *Rawls* (London, New York: Routledge, 2010), p. 295.

⁹ J. Rawls, *A Theory of Justice* (Cambridge: The Belknap Press of Harvard University Press, 2003), p. 212.

¹⁰ *Ibid.*, p. 455.

responsibility, which, as a matter of fact, Rawls is doing in his “Political Liberalism” (and for the first time, in the article, “Social Unity and Primary Goods”). In this paper, he introduces the notion of “a social division of responsibility”: society (i.e. citizens as a collective body) assumes responsibility to support equal fundamental freedoms, and fair and equal opportunity, and citizens, in their turn, assume responsibility to mutually adjust their goals and intentions.¹¹ Such a division of responsibility, as well as the principles of justice, were worked-out to ensure the unity of a political society. This unity of acting, allows for a union of different individuals, capable, as Rawls emphasizes, more than once, of rationally making decisions while, continually and critically, reconsidering goals and wishes. Communitarians, as is well known, voice a well founded skepticism concerning this capability.

Rawls and Responsibility: Some Questions

In the context of methodology the idea of division of responsibility is very important for the theory of justice. Besides, we should give Rawls credit for the fact that within the range of his liberal theory responsibility is closely related to distributive justice, i.e. social justice and corrective justice. As, on the one hand, in the original position the parties arrive at an agreement about the principles of distribution of goods, on the other hand, individuals (in this context, citizens of a democratic society) are considered responsible for the interpretation of the principles of justice and “for his conduct in the light of them.”¹² But we should also note the narrow-mindedness of Rawls’ approach.

Rawls focuses on the problem of justice of both institutions and individual acts. No matter how severe we would like to be on the existential interpretations of responsibility,¹³ it cannot be denied that such interpretations are justified and differentiate themselves from Kant’s approach. One may note situations in which the individual experiences a sense of responsibility or imputed responsibility regardless of the fact whether or not he is a direct originator of the acts that break the law, procure evil or, simply, are unjust. Rawls’ theory considers individuals as independent subjects combined into a community based on the rational consent by the basic principles of justice – therefore, the individual is responsible solely for his own goals and, as a part of the whole, for the support of the institutions that ensure equal opportunity.

¹¹ J. Rawls, *Political Liberalism* (New York: Colombia University Press, 1996), p. 189.

¹² Rawls, *A Theory of Justice*, p. 342.

¹³ This concerns particularly E. Levinas’ comprehension of the individual “**T** as it is, which originally acts as a subject of responsibility (unconditioned infinite responsibility), regardless of his (i.e. that “I”) ethic choice. According to Levinas, responsibility is something imputed to “I” by his existence.

Rawls' theory is anthropocentric and therefore it leaves out non-anthropocentric approaches in the process leading up to the understanding of justice. In particular, problems of justice (and responsibility) in respect to nature that currently are of great importance fall outside of Rawls' theory.

As already mentioned, in Rawls' thought, responsibility is related primarily to freedom (which is ensured by fair political institutions). But in reality responsibility is also related to guilt, which Rawls undersells. Imputation of responsibility – as well as imputation of guilt to a person¹⁴ – is possible in cases where one of the following conditions is fulfilled: (a) direct commitment of acts by an individual; (b) participation of an individual along with the others in processes resulting in problematic outcomes; (c) self-identification of an individual with a particular condition of injustice; (d) anthropologically conditioned responsibility for the solving of global problems (social injustice on a global basis, environmental issues, etc).

Rawls' theory includes only item (a) and in a limited form item (b) – limited individuals (as members of the political society) are responsible for maintenance of the established fair institutions. But keeping to Rawls' theory we face difficulties when we consider the problem of responsibility of individuals for the transformation of those institutions. In other words, Rawls leaves the problem of collective responsibility unsolved. Besides, the pattern of dependence of realization of justice in the sense of responsibility for realization of the principles of justice, or as Young denotes this type of "responsibility for justice" falls from such an approach. But we should take into account that responsibility may not only be a consequence of justice. It can also drive the struggle for justice. This is emphasized namely by Young in her paper "Responsibility for Justice" where she suggests a different pattern of collective responsibility from Rawls' pattern. This concerns the pattern of social interaction, which specifies that individuals bear responsibility for structural injustice inasmuch as "they contribute by their actions to the processes that produce unjust outcomes."¹⁵

¹⁴ Guilt and responsibility should be separated, which is done by H. Arendt and which in particular is pointed to by Iris Marion Young (I. M. Young, *Responsibility for Justice* [New York: Oxford University Press, 2011]). Among other things, Young suggests the need to differentiate guilt from responsibility in cases such as when, for example, an individual participates in the structural injustice without committing any damnable acts. By way of example we can point to the employees of transnational corporations who may commit no acts against justice, however the corporations they work for encourage setting of the condition of global injustice. As Young notes, "[P]eople can be responsible without being guilty" (cf. *Ibid.*, p. xv) – In general, Young's approach to the understanding of guilt and responsibility appears to be interesting and to a large extent determines the conditions in which responsibility may be imputed to an individual or when a social agent bears responsibility.

¹⁵ I. M. Young, "Responsibility and Global Justice: A Social Connection Model," *Social Philosophy and Policy* 19 (2009): 119.

Young works out a paradigm of political responsibility as a collective responsibility for the reformation of the currently wide spread economic and political practices (the example of realization of such paradigm is the movement for “Fair Trade,” i.e. movement to restore honest and fair trade). For, as is noted by Young, poverty is not a result of personal bad fortune, it is, rather, of social origin related to background conditions (i.e. to the specifics and operation of political and economic institutions and practices of distribution of social goods). Young determines accurately a core problem for the modern capitalist society: the idea of personal responsibility replaced the paradigm of mutual responsibility of the members of the society. The above paradigm (i.e. the paradigm of mutual responsibility) is the basis of the pattern for the socially oriented state (welfare state), which has been shaped within the framework of the capitalist system. Today this pattern (along with the welfare state) is under the thread of destruction.

Responsibility, for Young, is a collective responsibility of individuals for political, economic and social structures. The individual cannot be responsible for them all by himself/herself. Likewise, the guilt for the injustice that originates at the structural level¹⁶ is also depersonalized. Besides, such responsibility cannot be limited to a national state, for structural processes function not only at a local but also at a global level. Urgency of the problem of the global justice is another evidence of rightness of Young’s approach, who as it was mentioned above insists that responsibility for the social justice is not so much personal as collective.

Responsibility and Justice

The model suggested by Young may be applied in a number of cases to analyze the possibility to impute responsibility to individuals, as for example, with the employees of transnational corporations. Though it happens to be limited in its heuristic possibilities, under analysis, responsibility of national states (very complex institutions) are a product of the combination, of not only personal interests and historically stipulated practices of systemic effect, but also of values, norms, government institutions and ideologies, legislation, and a system of economic relations. That is why the model of the social interaction that Young suggests should be completed with another pattern

¹⁶ As Young notes, “Social structure, then, refers to the accumulated outcomes of the actions of the masses of individuals enacting their own projects, often uncoordinated with many others” (Young, *Responsibility and Global Justice: A Social Connection Model*, p. 62), whereupon situations emerge when most of the individuals do not act the way their actions deserve blame, nevertheless, the structure produces injustice.

of responsibility.¹⁷ Within the framework of this new pattern, responsibility should be considered as a consequence of the fact that individuals that form a certain group or a political society share common norms and values, or in other words, share a common ethos. Within the limits of such a model relations of justice and responsibility appear to be less unique than within the limits of Kant-Rawls tradition.

For instance, let's address the problem of responsibility and justice at a global level. Processes of globalization resulted in the proliferation of the subjects of international relations, not only national states, transnational organs, such as IMF, and non-governmental groups, such as Greenpeace, but also terrorist organizations, such as *al-Qaeda*. Of course we assume that not all the specialists in the field of international relations will agree with this statement. Most likely, they will criticize it. Actually, it cannot be denied that for the moment only states are recognized to be such subjects in international law. Moreover, even such a theoretician of international relations as Benno Teschke admits that on a global basis new-European international relations have come into force only presently. We would add that these relations are associated with actions of sovereign states that use different international organizations, such as UN or WTO, as the grounds for harmonization of their conflicting interests. But two circumstances should be taken into account. For one thing, the worldwide policy is influenced by the growing importance of both international terrorist organizations and structures like the World Bank. For an obvious reason they are denied the right to be admitted as subjects of international relations, but they remain at the international level as "extra-systemic" agents (a similar assessment is given by Eisenstadt). In addition, as Teschke admits, "international economic accumulation and direct political domination are disjoined."¹⁸ It means that the struggle is not for the territory, but rather, for control over world markets. And thus, separate sectors determine the orientation and content of worldwide policy. This, in turn, strengthens the role of transnational corporations, often turning states into instruments for the realization of their interests.

Can we speak about national responsibility for the global order, understanding by this, following Miller,¹⁹ a certain form of collective responsibility? Indeed, Miller emphasizes that it is necessary to distinguish different forms of individual responsibility – such as outcome responsibility that we bear for our actions and decisions; remedial responsibility, i.e. responsibility related

¹⁷ Rethinking of liberal understanding of responsibility we can find also in A. Sen's *The Idea of Justice*.

¹⁸ B. Teschke, *The Myth of 1648: Class, Geopolitics, and the Making of Modern International Relations* (London, New York: Verso, 2003), p. 267.

¹⁹ D. Miller, *National Responsibility and Global Justice* (New York: Oxford University Press, 2007).

to the necessity to help those who require it; moral responsibility, which is a prerequisite of praise or condemnation; – and of the collective responsibility. One of the forms of the latter is, particularly, national responsibility.²⁰ In fact, speaking about national responsibility, Miller reconstructs Rawls' position in his theory, which is similar to Rawls. Nations act as the subjects of international relations. However, in the situation when the number of such subjects has considerably increased, all responsibility for establishing justice on a global basis, as Miller points out, no longer rests with national communities.

In modern conditions, would the requirement of national justice in itself, be a form of injustice? The community to which responsibility is imputed (regardless of the fact whether it is a national state or a terrorist organization) is nothing more than a construct that does not exist without the activity of certain individuals. It would be pertinent to remember Margaret Thatcher's statement: "There is no such thing as society. There are separate men and women, as well as their families." In other words, can we speak about collective responsibility without involving individual responsibility?

The existence of collective responsibility does not negate individual responsibility. As the chief prosecutor on the part of the United States of America, R. H. Jackson stated in his speech at the Judgment at Nuremberg: "Crimes always are committed only by persons... Their responsibility... may not be shifted to that fictional being, "the State," which cannot be produced for trial, cannot testify, and cannot be sentenced."²¹ And it became possible to hold persons who had not committed murders and other atrocities (for many defendants had not delivered criminal orders personally, and some who had delivered such orders escaped judgment, having died by their own hand. Most of the defendants at Nuremberg appealed to the fact that they had been just "carrying out orders." They claimed they were not liable for the crimes committed by the Third Reich. Nonetheless, their activities: (a) contributed to the existence of the criminal political regime, and (b) shared the ethos of the Nazi state and the values of National Socialism.

The existence of the national state stipulates the existence of a common national identity, (self-)identification of the individual with this social group, which makes him responsible for its actions. In other words, the source of

²⁰ Miller separates state and national responsibility, emphasizing that they may disagree. Thus, a state may be an oppressor in respect to its people. In this case Miller emphasizes the substantial character of the nation. In particular, he shows that the latter may act through the state and, like in case of Germany after World War II, may continue bearing responsibility when the state ceases to exist. This "substantialism" is the weak point of Miller's theory. Cf. *Ibid.*, pp. 111-112.

²¹ H. R. Jackson, *Opening Statement before the International Military Tribunal*, access November 14, 2013, <http://www.roberthjackson.org/the-man/speeches-articles/speeches/speeches-by-robert-h-jackson/opening-statement-before-the-international-military-tribunal>.

responsibility may (and must) be not only the joint activity, but also the fact of the individual's affiliation with a certain group, which is evidenced by the fact that he associates himself with this group, or that he uses the goods ensured by this group affiliation, or finally that he shares values of this group.

The example of such self-identification may be found in Oliver Hirschbiegel's film "Downfall," made on the basis of the memories of Hitler's former secretary Traudl Junge and telling about the Third Reich's last days. The producer ends the film with a documentary interview with Junge, in which she confesses: due to the judgments at Nuremberg, she learnt terrible things about Nazi crimes. Then she sustained a great shock, but she saw no connection between those crimes and her past and was glad that she had nothing to blame herself for as she knew nothing about the crimes. But one day a memorial plaque met her eye in Franz Josef street in Berlin. This plaque was established in the memory of a girl whose name was Sophia Magdalena Scholl and who was the same age as Junge; and the very year Junge was employed by Hitler, Scholl was executed.²² "And only that very minute have I understood, – Junge said, – that youth can be no excuse, and if I only wanted to I would have sized up the situation." In other words, Traudl Junge who personally had committed no crimes realized her responsibility for the crimes of the regime she served. This sense of responsibility is based on her understanding of her implication in the Nazi regime, through the very fact that she did not oppose it.

Speaking about responsibility for global injustice we should take into account not only collective (national) responsibility but also responsibility of individuals – citizens of national states who identify themselves with a certain political regime or social group, share the common values of this community that is the subject of international relations. The basis for imputation of responsibility to an individual is not his free will to act this way or another (this is how responsibility is understood within the frames of Kant-Rawls liberal paradigm), but also his actions as a member of a community aimed at reconstruction of the certain social practices (e.g. practices of distribution of social goods that turn out to be unfair) and/or conservation of a certain ethos (like in case of the individual's affiliation, for example, to religious or political organizations of a radical character).

The inability to reduce individual responsibility to collective responsibility, as well as the difference between the spheres of justice and responsibility become clearer once we address the subject of the relations between humans and nature.

²² Sophia Scholl was a member of the student antifascist organization "White Rose." She was executed by the Nazis in 1943.

We should distinguish relations between individuals concerning the distribution of free goods, human-caused dangers and environmental problems, as well as interrelations between humans and the natural world in general. Consequently, we can speak about different roles of justice. In the first case justice is a feature of *social relations* within the framework of *Umwelt* (environment), and in the second case – as a feature of architectonics of *Mitwelt* (common world of humans and nature). This concerns different spheres that exist separately from one another. In this case it is pertinent to note with reference to Meyer-Abich's phenomenological tradition and practical philosophy of nature that *Umwelt* is the sphere of social reality, in which the individual participates directly and, consequently, lives it out personally; in other words, it is the sphere of close practical interaction with others. After all, *Umwelt* has got a certain geographical reference. The ambient environment is a pragmatic world, which in conditions of market industrialism complies with market laws.

In contrast to the above, *Mitwelt* is the world where the individual is included indirectly as a representative of humankind in general. *Mitwelt* has no geographical localization, the problem of the borders is especially acute and thus we could say that the problem of the possibility of justice is also acute as long as the latter establishes the boundary between space and chaos, state and anarchy, citizen and savage.

Umwelt is the sphere of environmental justice. Historically, development of the concept of environmental justice was the result of the rethinking of the notion of "social justice." In the course of the environmental degradation, especially in developed democracies, in the mid-to-late 20th century, left-wing civil and social rights movements paid attention to the fact that poorer people are worse-off because of the ecological environment in which they live. As early as 1990, environmental justice requirements became one of the main topics of the antinuclear movement, the movement for the rights of minority peoples, and the movement against "ecological racialism"; this began, first of all, in the USA. Therefore, among other things, social justice was understood as the protection and realization of the rights of people to a healthy and favorable ecological environment, the possibility of people to participate in making executive decisions that influence the environment, and a fair distribution of the environment's goods and evils.

It is little wonder that the problem of fairness of social relations within the limits of *Umwelt* (the problem of environmental justice) appears to be more acute both in practice and in theory and closer to people than uncertain calls for justice in the sphere of *Mitwelt*. There are calls to consider nature as a quasi-subject, valuable in itself and in a context of relation (Meyer-Abich) based on the principles of justice. This does not mean that ecological prob-

lems are less important today than they were before. The attention that is given today to the ecological situation both at the level of theoretical studies and in politics is sharp evidence of the understanding of its acuteness. Nevertheless, using Rorty's terminology, we could say that people always happen to be more loyal to the outside, individual, objective world than to the communal, subjective one.

In the sphere of *Mitwelt* the interacting parties are initially unequal subjects (the quasi-subject remains deficient). As Hobbes accurately notes in his *Leviathan*, man cannot make a contract with an animal, for the latter does not understand the language and cannot perform the transfer of the right, and without the mutual transfer of rights no agreement can be reached. That is why relations in the sphere of the communal world cannot be built on the basis of the principles of justice. But this absolutely does not mean that they should lack an ethical aspect. Just as the sphere of justice has its limits, and voluntary expansion thereof would lead to the destruction of the communal world and not to its harmonization. Relations between the human being and the world of nature require not an ethics of justice but an ethics of responsibility ("Aufstand für die Natur," Meyer-Abich) where the human is responsible for nature, or more generally, for the world as a whole.

In other words, in our relations with nature we deal with the anthropologically conditioned responsibility – the individual is imputed with the responsibility for the support of animated existence on the Earth through the very fact of his belonging to humankind. In this case individual responsibility and collective responsibility coincide.

Our research has shown that the paradigm of responsibility, as it develops within the limits of the Rawlsian theory of justice, is unsatisfactory. We cannot ignore the fact that individuals feel the sense of guilt and responsibility (and in this case we rest at least moral responsibility on them) even in those cases when they did not act indecently. The source of this responsibility is the fact that individuals realize their belonging to society and their identification with it (regardless of the way the latter is structured), can lead to the establishment of injustice. We cannot ignore the fact that the individual is responsible, not only for maintaining justice, but also for implementation of the principles of justice. By thinking through this line of reasoning, we cannot ignore the responsibility to reform current institutions and practices. Finally, and this should also be taken into account, responsibility can be anthropologically conditioned, based on the fact that the individual is a human being and therefore is responsible for the preservation of the environment, maintaining for ecological balance, and in a more comprehensive sense – for life conservancy on the entire planet.

The above makes us reconsider the relations between freedom, justice and responsibility, as it is represented notably in the theory of Rawls and his followers. The spheres of responsibility and justice do not coincide in all the aspects. The limits of the former are much wider, at least because they include practices that are not regulated by the principles of justice.

Reconsidering Hierarchy: Responsibility and Justice in the Byzantine and Post-Byzantine (Eastern Christian) Societies

DAN CHIȚOIU

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

In our discussions during the International Seminar in Washington we focused in the understanding of justice and responsibility in some modern, late-modern and post-modern authors. It became clear that in modern thinking *fairness* could be considered the best descriptive paradigm for this perspective. But such understanding implies a weak sense of responsibility, and I consider that here we have a matter that pertains to the clarification of an anthropological model. That is because a rational description of the meaning and role of justice is not sufficient. Ricœur, in a very pertinent manner, points out that a wish, an emotion, is at the origin of the need of justice. This is the dimension of justice we need to retrieve, starting from an integral understanding of the human, not one centered only on his capability of being ratio-

¹ Paul Ricœur, *The Just*, trans. by David Pellauer (Chicago: The University of Chicago Press, 2000), xv.

nal. Today we have a certain understanding about the good organization of a society, the equality between all people and human rights; nonetheless, for someone from the today's society it is difficult to understand justice other than a form of restoring the proper functioning of a social contract. I think we can find an alternative and interesting solution in the way that the Byzantine societies developed the social idea of hierarchy, putting the accent on the analogous participation in the Good, thus, giving a symbolic and inward reason for acting responsibly in doing justice.

A Cultural Paradigm

One of the most valuable understandings of the connection between justice and responsibility we can find is that described by Dionysius the Areopagite, in the Fifth Century AD. But this understanding of responsibility when we talk about justice is important not just as a theoretical approach, but constituted also the source of inspiration for articulating justice in Byzantine society, and even in some Post-Byzantine societies, like those in present day Romania, Moldova and Wallachia. But before discussing the Dionysian paradigm of hierarchy as the source of Byzantine understanding of justice, it is necessary to make some remarks about the intellectual history in this area.

As the Empire (Roman, but in fact the universal Empire of Late Antiquity) was becoming Christian, there where necessary very difficult decisions in a changing world, decisions taken by people that we can only refer to as, indeed, genius. They decided not to force social, cultural and religious change, but rather molded a subtle and delicate evolution. During the Seminar we talked about the revolution that takes place when a social or political project (usually non-violent) gives birth to new ideas. This was not the case in the complex of the Fourth Century AD changes in the Late Roman Empire. Norman Baynes warns about false perception according to which the bareness of the intellectual life in the Eastern Roman Empire is illustrated by the lack of debates on political life (as well as in discussing justice and responsibility). He, on the contrary, finds out that everywhere the Byzantine political literature was impregnated with political theory and especially with the discussion about the State's and the Emperor's roles.² Vasiliev illustrates this by describing the case of Theodorus Metochites, who lived in the Fourteenth Century, and about whom he says: "Well-educated, an authority on the classical authors, an admirer of Plutarch and Aristotle and especially of Plato, whom he called an "Olympus of Wisdom," "a living library," and "Helicon of the Muses." A talented statesman, and first minister under Andronicus II,

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

Theodorus Metochites is an exceedingly interesting type of Byzantine humanist of the first half of the fourteenth century. This man of learning had exceptional influence in state affairs, and he enjoyed the complete confidence of the Emperor.

...On the basis of his political opinions, which he sometimes expressed in his works, Sathas drew an interesting conclusion: inclined neither to democracy nor aristocracy, he had a political ideal of his own, a sort of constitutional monarchy... Of course the history of Byzantine political theory has not yet been told. But this example plainly shows that "the history of political ideas in Byzantium is not a tedious repetition of the same things. It had life and it had development."³

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

³ A. A. Vasilev, *History of the Byzantine Empire*, Vol. I (Madison: The University of Wisconsin Press, 1952), 621.

human as a *person*.⁴ In this new description, the personal existence implies the assumption of liberty. The significance of man's free act does not resume

⁴ The original Patristic notion of "person" is based on redefining two terms that played different roles in the vocabulary of the classic period, *hypostasis* and *prosopon*. The notion of *hypostasis* was used during the Greek Classical philosophy period as equivalent of *ousia*, but in time it received different shades that consolidated a certain understanding of the essence of reality. In the first centuries after Christ the term receives more and more the meaning of a real and concrete being as opposed to the seeming and evanescent being, and this evolution is probably due to the Stoics. Besides this the Cappadocian Fathers, Gregory of Nyssa and Basil the Great, made a real and significant change of meaning in the usage of the term. Beginning with the Fourth Century AD, in the Byzantine mentality the reality could only have a hypostatic dimension, there is no pure essence. But what represents a major difference is the identification of *hypostasis* with *prosopon*.

The term *prosopon* was found in the vocabulary of the ancient Greek language and meant that part beneath the forehead, what we today call face. But its major usage bore the meaning of *mask*, which was an accessory used by the actors of the ancient Greek theatre. The theatre and especially the tragedy is the place where the human liberty meets the necessity of the world, as seen by the ancient Greeks. From the Greek philosophy perspective there cannot be found a reason for argumentation of a real existence of a human free act because for the mentality of the antic Greek world the dominant were the order and the harmony of a world that was by excellence *cosmos*. The order of the world is necessary under the power of an order determinist as perspective, an order that does not allow any deviation from the laws of the harmony of the whole. The Greek tragedy is the one which exploited the conflict between man's efforts to act according to his will, to go around destiny and to disregard the will of gods, although this attitude is necessary destined to failure, the end of the antic tragedy always recording the fulfilling of the necessity. This is what we would call a *limited liberty*, an expression which actually represents a logic contradiction. The important thing is that the actor of the tragedy feels the significance of this state of liberty and so makes his way, even if limited and unsuccessfully, towards assuming the state of *person*, with the characteristics of liberty, uniqueness and non-repeatability. According to antic tragedy, the mask proves to be an over-added element and not something belonging to its true being. Nevertheless, this dimension of *prosopon* has been exploited by the Cappadocian Fathers in order to give the wanted dimension to understanding the personal way of existence of God as Trinity and of human. The term that appears is *I have my eye, my face looking at something or someone, I am face to face with something or someone* (Christos Yannaras, *Person and Eros*, trans. Norman Russell [Brookline MA: Holy Cross Orthodox Press, 2007], 20). We find here the dimension of direct, immediate reference, the relation. From this point of view, as it is reinterpreted, *prosopon* excludes the possibility of understanding the person as individuality beyond and outside what we call relation. The depth of the personal existence is indicated by the *relation* as a specific difference, excluding any effort to static understanding of the human individuality. In its most characteristic definition, the sense of *hypostasis* is *ek-stasis*, meaning leaving oneself. We can understand the hypostatic dimension of the human individual or God's only as a permanent leaving and reference to another. Proper of a person, thus, is to be outside self, to constantly make her way towards something.

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

just to the ability of choice, but goes further aiming the existential dimension of existence. It is obvious that exercising liberty in this way involves decision and therefore the need to justify the done deeds, so the meaning of *just* has also the dimension of a proper guiding of someone's self-experience.

Beginning with Constantine the Great, in the Fourth Century AD, and continuing with Justinian and after, there was progress in textual formulation of the reports between the secular power and the acronychal one. The new Empire declared itself Christian, and the legislators' main task was to bring this new spirit in all the articulations of the new State's organization. It is interesting to notice the way in which the ones who created the profile of the new organization referred to their own Roman inheritance. The Christian emperors of the new Eastern Roman Empire expressly wanted this empire to be a faithful representation of the new religious spirit, but that did not mean a sudden formal rupture from the traditions and standards of the past. The key was a modification in *spirit* and not in shape, a change of the orientation which the social organization was to achieve.

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

A Hierarchy Based Society

The Emperor was thought to be the image of God, and thus, should be like God. There was a clear distinction between the emperor and the man, because a man could have weaknesses and failures, but when he becomes the

⁵ David T. Koyzis, "Imaging God and His Kingdom: Eastern Orthodoxy's Iconic Political Ethic," *The Review of Politics*, 55, n. 2 (Spring, 1993): 270.

Emperor he is above those because he is a *hypostasis of God*. In *Epanagoge*, Basil I describes in detail the theoretical background that justified the imperial institution: “The Emperor embodies the Good and the Beautiful.” The court ceremonial must be regarded from the angle of ‘symbol’, because the search for all the elements that could refer to the transcendental presence within the Emperor’s concrete symbol was very important – therefore, this ceremonial was meant to offer to the unfaithful a vague image of the idea of God, and to the faithful a mediation between heaven and earth.⁶

An important dimension of the Emperor’s part was his quality of *interpreter*, because he was the only one who could judge a matter when the assignations of the Byzantine law corpus were clear enough. Although, he had this exclusive right, exercising it depended on a fundamental condition, meaning it would have to be used in the spirit of protecting and consolidating the Gospel commandments. We observe here a feature that generally marks Byzantine spirituality, but regarding the imperial institution it becomes contradictory. On one hand, there was supreme liberty for decision, though severely limited by the *spirit* according to which a certain decision must be taken. When the Emperor, the personification of the law, took a decision which was not in the spirit of the Gospel the Byzantine man, although he considered himself a servant of the emperor, was not obliged to obey. Legislation played an important part in keeping the unity of a centralized state and therefore the emperors were mainly interested in the existence of a well-defined and efficient legislative background. As George Ostrogorsky affirms, with the law corpus of Roman inspiration, but Christian in form and spirit beginning with Justinian’s time, there were adjusted all the aspects of public and private life, of state’s, person’s and family’s life. *Corpus Juris Civilis* was not a mechanical repetition and a faithful reproduction of the ancient Roman laws. Justinian’s jurists were the ones to adapt the Roman law to the Christian spirit, thus bringing it closer to a morality based on the importance of the individual and family.⁷ So, we can talk about a high sense of responsibility for the just political act at all levels of society.

And on the other hand, the administration, on any level, reflected its only source of authority – the Emperor, who had to be seen as a sun visible by its rays (the ancient solar myth represented an important source of inspiration for outlining the imperial ideology). In time, the role of administration increases, even if the territory of the empire dramatically decreased, but its importance obviously shifted towards symbolism. The ranks and the ceremo-

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

⁷ George Ostrogorsky, *History of the Byzantine State* (New Jersey: Rutgers University Press, 1969), 76.

nials of different members of the administration were continuously redefined and gradated, and such a situation reflects rather the concern for the symbol, represented by an official, especially when he represented the Emperor's power in one of the themes of the empire. But the most significant element in this depiction of the administration is the fact that, like the imperial institution, it was based upon a precise ideological justification, what we could essentially include in the concept of *hierarchy*. But, for the Byzantine, the hierarchy had another sense than the modern one, and we could understand this definition of the concept by identifying the texts that founded it.

Hierarchy as Way of Human Betterment

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

A series of Dionysian terms offer the direction in which we should understand the social activity of the hierarchy, like *imitation, impartation, participation, measure, unification*. The central idea is that no one could directly unite with God and therefore mediation was needed. Secularly speaking, mediation is equally necessary, because for the Byzantine, the social good means nothing but the possibility of participating in transcendence, through the best way possible. The emperor is not the ultimate symbol of the state because he is only a mediator, although at the highest level within the immanence area. The levels of the administrative hierarchy are especially the degrees of participation in the Good and at the same time they are manifestations of it towards the ones who find themselves on an inferior level. But we have to mention

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

that the difference between levels is not one between something better and something worse, but actually a different capacity for participation. In this way, hierarchy is not a voluntary stance, but, rather, it is dictated precisely by the possibility and the measure in which a person could receive the Truth and at the same time could communicate it to others. Concretely speaking, the organization of the administration always respects this ideal and always makes the distinction between the human weakness of the imperial official and the symbol his function represented. Therefore, any type of excess never led to questioning the viability of the organizing principle of the Byzantine state's structure.

Conclusion

The type of justice developed in the Byzantine society can be described as *iconic justice*, and has as its central element, *hierarchical responsibility*. In this model of justice the presupposition is that the earthly level should be a reflection of the celestial one, mirroring it. Here, there is an interesting closeness to Chinese Confucianism, where *Tien* (Sky) is the model that should be reflected in the earthly order. It is a different way of understanding and doing justice, a rather existential and dynamic one, something connected with the Byzantine acceptance of "Tradition." Apart from the systematic inventory of the affirmations which could be made regarding different social or religious practices, this way of preserving tradition is about the way in which the practical experience of following a prescription (social or religious) is formed; it is about *someone's* concrete experience. This is the way through which the tradition was crystallized, being a corpus of testimonies about this practical experience. For our cultural exigencies this type of accumulation does not mean only the superficial following of a subjective and random casuistry which might represent the prime matter for further processing that offers a coherent and systematic picture of the tradition. This is precisely what we must resist in order to reach the true spirit of this kind of inheritance.

It is now necessary to accept not only the fact that our cultural model is not the supreme and ideal form of rationality, but also to recognize the existence of other major cultural paradigms which established different types of relations between the human capacities of experience and understanding. (Privileging a certain description of reason and the affirmation that reason is the human capacity *par excellence* have decided the cultural evolutions of modernity, but this radical emphasizing ultimately generated a crisis in today's cultural model.)

Based on this use of tradition, responsibility was developed as having a double, even triple meaning. You have to be responsible not only for the one

under you, on the hierarchical scale, but also for the ones situated above you (some emperors lost their throne because they did not accomplish their duties at the top of the earthly hierarchy), and also you have a responsibility for the whole cosmos as part of the hierarchy. That is why, in this understanding, the proper description of reality is that of a 'Chain of Beings', not of a 'Chain of Being' (a very widespread philosophical interpretation about the order of reality), more precisely, it is a 'Chain of Persons'. This late formulation is the most appropriate one since even the Ultimate Reality (God) is described in the Byzantine tradition as being personal. The ideal of the Byzantine Society, of every man and woman, was *betterment*, a continuous process of self-perfection through hierarchical responsibility. Justice is, in this case, the result of a collective assumption of hierarchical responsibility. This understanding of doing justice worked successfully, as a presupposition, in Post-Byzantine societies, even if it was not always apparent.

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***Justice as Love:
Greek and Christian Origins of Aquinas’
Conception of Justice and Its Relevance in Late Modernity***

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Thomas Aquinas differs from at least one prominent recent thinker in the way he conceives of the relationship between justice and love. Paul Ricœur speaks of the “disproportionality” of love and justice, of their “two distinct and sometimes opposed claims,” and of the “secret discordance” of the logic that informs each of them.¹ Aquinas, on the other hand, follows Saint Augustine who says that justice arises out of love.² According to Ricœur, justice is linked to the golden rule and thus to a “logic of equivalence,” which if not corrected by love involves giving only in order to receive.³ Love, on the other hand, expresses a “logic of superabundance,” and is represented by the “hyperethical” commandment to give without expecting to receive anything back and to love even our enemies.⁴ Aquinas, unlike Ricœur, finds that justice is essentially an expression of the two precepts of love.⁵ Those precepts are biblically stated as the commandment to love God and the commandment to love your neighbour. But they are apprehended not

¹ Paul Ricœur, “Love and Justice,” in *Paul Ricœur: The Hermeneutics of Action*, ed. Paul Ricœur and Richard Kearney (London: Sage Publications, 1996), 23-37, esp. at 24, 32 & 37.

² Thomas Aquinas, *ST* (*Summa theologiae*) II-II.58.1, obj. 6 & ad 6. This text is considered below in section 2.4. Except where otherwise indicated, quotations of the *ST* are from the *Summa Theologica*, trans. Fathers of the English Dominican Province (New York: Benziger Brothers, 1948).

³ Ricœur, 34-36. At 35-36: “Without the corrective of the commandment to love, the golden rule would be constantly drawn in the direction of the utilitarian maxim whose formula is *Do ut des*: I give so that you will give.”

⁴ *Ibid.*, 33-36.

⁵ *ST* II-II.58.1, obj. 6 & ad 6. See also *ST* I-II.100.5 for the term *praecepta dilectionis*, literally “precepts of love,” though translated by the English Dominican Fathers as “precepts of charity.” These precepts are the ground for justice inasmuch as they are the basis of all the moral law, as shall be explained in more detail in section 2.4.

only by religious believers. Aquinas maintains that they are in some sense known to everyone as self-evident principles of reason (*ST I-II*, 100.3, ad 1). For Aquinas, justice without love is unthinkable, although what he means by love admits of different levels, ranging from the bare minimum of a desire that others not be harmed to the most profound expressions of charity.

In what follows, I will first examine Aquinas' conception of justice in light of its origins in the thought of Plato and Aristotle. I will then explore his understanding of the relationship of justice and love, and how it might be reconciled with the observations of Ricœur. In closing, I will give preliminary consideration to the relevance in our own times of Aquinas' understanding of justice as a virtue of the person based upon love and not only as an attribute of institutions. The most influential philosopher of justice of the last half century, John Rawls, has conceived of justice solely as virtue of social institutions and structures. However, if all our attention is given to just institutions and structures, and not to what constitutes a just life, questions remain as to how human beings are going to live within those structures, and why they should support them.

A challenge to Rawls comes from Stephen K. White and certain other "late modern" thinkers he cites, who advocate an ethos of generosity toward others.⁶ Although White does not use the word "justice" to describe this ethos, its personal focus, including the "strategies of the self" mentioned by White, and the emphasis on generosity, a type of love,⁷ indicate a contemporary movement toward something resembling Aquinas' classical understanding of justice as a virtue of the person.

The Greek and Christian Inheritance in Aquinas' Concept of Justice

One way in which Aquinas is an heir to the Greek philosophical tradition is in approaching justice in the first place as pertaining to individual persons and their acts, and in defining it as a virtue of persons, rather than solely as an attribute of political institutions and laws, as is the case with Rawls. Thus, the kinship between love and justice is made more plausible, since persons are capable of love in a way that laws and institutions are not. A second way in which Aquinas is an heir to the Greeks, and specifically Aristotle, is found in his distinction between justice in a broad or general sense, which for Aristotle includes all of the moral virtues as they relate to other people,

⁶ Stephen K. White, *The Ethos of a Late-Modern Citizen* (Cambridge, MA: Harvard University Press, 2009), p. 31.

⁷ *Ibid.*, pp. 30 ("strategies of self") and 109 (the overlap between White's nontheistic "presumptive generosity" and religiously-oriented *agape*).

and justice in a narrower sense, known as “partial justice,” “special justice,” or “particular justice.” A third way, which I will also discuss, is in his depiction of the essential attractiveness of the just life and just acts. However, in *explicitly* finding the basis of justice in love, the fourth feature I will mention, he follows not the Greeks but Augustine and the Christian tradition. I will examine each of those features in turn.

Justice Considered as Virtue of a Person

The first way in which Aquinas is an heir to the Greek philosophical tradition is in approaching justice in the first place as something pertaining to an individual person. In other words, the discussion of justice always begins at the level of the individual before it moves to the level of the state or *polis*. Consider Plato’s account of justice beginning in the first book of the *Republic*.⁸ The first tentative definition of justice proposed by Socrates in dialogue with Cephalus is that justice is telling the truth and giving back what one takes. Although this definition is soon found to be unsatisfactory, the dialogue for the rest of Book One continues on the topic of what makes a man’s life just as opposed to unjust, and on the topic of which sort of individual life is the best life. Similarly, at the beginning of the second book of the *Republic*, when Glaucon presses Socrates to improve upon his account of justice, the question is framed in terms of what is best for the individual man, not for the *polis* as a whole. Glaucon asks Socrates to defend his position that justice is the finest kind of good “which the man who is going to be blessed should like both for itself and for what comes out of it” (358a). Soon after that, Socrates turns his attention to justice in the *polis*, in order to better illustrate what it means for a man to be just. He reasons that it is easier for those who do not see clearly, and who look on from afar, to read bigger letters set up in a bigger place (368d-69b). While there is no doubt that justice writ large in the *polis* is a major concern of *The Republic*, it is evident that Plato is at least as concerned – if not more concerned – with justice in the life of an individual. At the end of Book IX, Socrates affirms that the ideal city exists nowhere on earth, but as a pattern in heaven which is a model for a man “to found a city within himself” (592b). Thus, even if justice is unattainable in the earthly *polis*, it may be sought after, and perhaps achieved, as a perfection of a person. Moreover, the *Republic* ends where it begins, at the individual level, with a discussion of the fate of the soul in a life to come.

Justice in the individual soul and justice in the *polis* mirror one another in the *Republic*. Both involve proper relations of their various parts. The

⁸ All references to Plato’s *Republic* are, unless otherwise indicated, from *The Republic of Plato*, trans. Allan Bloom, 2nd ed. (Basic Books, 1991). I differ from Bloom, however, in speaking of the “rational” rather than the “calculating” part of the soul.

guardians who rule the *polis*, and who have the virtue of wisdom, correspond to the rational part of the soul. The auxiliaries, who are defenders of the city, possess the virtue of courage, and correspond to the spirited part of the soul. The rest of the population, the money-making class, corresponds to the desiring part. The virtue of moderation is found throughout the city insofar as the rulers and the ruled are of the same opinion about who should rule, and so moderation is compared to “a kind of harmony” (431e). Justice in the *Republic* could be called the *super-virtue*. It is a greater virtue than moderation, courage or wisdom, because it includes the other three. For there to be justice, each part of the soul and each part of the city must mind its own business. Therefore, the rational part must do its job which is to be wise, the spirited part must do its job which is to be courageous, and all three parts must practice moderation in acknowledging the rule of the rational part.

Plato’s most famous student, Aristotle, also begins his discussion of justice at the level of the individual. At the beginning of Book v of the *Nicomachean Ethics*,⁹ he defines justice as a state of character, in other words as a moral virtue of a person,¹⁰ rather than as an attribute of a social or political structure:

We see that all men mean by justice that kind of state of character which makes people disposed to do what is just and makes them act justly and wish for what is just; and similarly by injustice that state which makes them act unjustly and wish for what is unjust. (1129a6-10)

The examples which follow in Book v, chapter 1, which give content to the notions of “what is just” and “what is unjust,” are illustrations of differences between the “unjust man” and the “just man,” not of differences between just and unjust states or constitutions.

Aquinas also defines justice as a characteristic of an individual when he proposes a succinct definition of justice that he likens to Aristotle’s definition:

And if anyone would reduce it to the proper form of a definition, he might say that “justice is a habit whereby a man renders to each one his due by a constant and perpetual will”: and this is about the same definition as that given by the

⁹ Aristotle, *Nicomachean Ethics*, trans. W. D. Ross, in *The Basic Works of Aristotle*, ed. Richard McKeon (New York: Random House, 1941). Unless otherwise indicated, all references are to the text of this edition.

¹⁰ Moral virtue is defined in Book II as a “a state of character concerned with choice, lying in a mean, i.e. the mean relative to us, this being determined by a rational principle, and by that principle by which a man of practical wisdom would determine it. Now it is a mean between two vices, that which depends on excess and that which depends on defect; and again it is a mean because the vices respectively fall short of or exceed what is right in both passions and actions, while virtue both finds and chooses that which is intermediate. Hence in respect of its substance and the definition which states its essence virtue is a mean, with regard to what is best and right [it is] an extreme” (1106b36-1107a8).

Philosopher (Ethic. v, 1) who says that “justice is a habit whereby a man is said to be capable of doing just actions in accordance with his choice.” (ST II-II.58.1)

A few words ought to be said in regard to the translation of the definition of Aristotle, whom Aquinas calls “the Philosopher.” Aristotle’s definition, quoted above, is: “We see that all men mean by justice that kind of state of character which makes people disposed to do what is just and makes them act justly and wish for what is just.” The Greek word *hexis*, which was translated into medieval Latin as *habitus*, becomes a “state of character” in Ross’ translation.¹¹ The translation of *hexis* as “*habitus*” or “habit” adds a dimension to our understanding of justice, and of all the Aristotelian virtues, inasmuch as they are good habits that may be acquired in the course of life. This understanding of virtue as a good habit, or as a result of a good habit, is also present in Ross’ modern translation, where it is said that, “moral virtue comes about as a result of habit, whence also its name (*ethike*) is one that is formed by a slight variation from the word *ethos* (*habit*).”

Regardless of whether we speak of justice as a habit or *habitus*, as in the medieval translation of *hexis*, or of a state of character as in Ross’ modern translation, it is evident that habits and states of character apply primarily to persons, and only secondarily or by analogy might they be said to apply to political institutions or laws.

Justice Defined Broadly and Narrowly

The second way in which Aquinas is an heir to the Greek philosophical tradition is in adopting, though not without his own clarifications and distinctions, Aristotle’s distinction between justice defined in a broad sense as “complete justice,” “general justice,” or “universal justice,” and justice in a narrower sense, referred to as “partial justice,” “special justice,” or “particular justice.” The broader or universal sense is also called “the lawful” (*nomimon*) by Aristotle, and “legal justice” (*iustitia legalis*) by Aquinas, while the narrower sense of justice is also called “the fair” (*ison*) by Aristotle but just “particular justice” (*iustitia particularis*) by Aquinas.¹² It is important to note that the recognition of justice in the broad sense contrasts with the narrow scope of some modern conceptions of justice. Ricœur, for example, says that the distinctive features of justice as opposed to love “result from the almost com-

¹¹ The actual Greek form used here by Aristotle is *exin*.

¹² In regard to *nomimon*, I refer the reader to Terence Irwin’s translation of the *Nicomachean Ethics*, with Introduction, Notes and Glossary, 2nd ed. (Indianapolis/Cambridge: Hackett, 1999), p. 228, and in regard to *ison* to David Daiches Raphael, *Concepts of Justice* (New York: Oxford University Press, 2001), p. 46.

plete identification of justice with distributive justice.”¹³ Ricœur then adds that such identification “has been the case from Aristotle’s *Nicomachean Ethics* right up to John Rawls’ *A Theory of Justice*.”¹⁴ He is right about Rawls, but he is surely wrong about Aristotle. We shall see that, according to Aristotle, distributive justice is but one component of justice in the narrow sense, while justice in the broad sense is called “the lawful” because it belongs to the law to command it.

The broader, universal sense of justice, i.e. “the lawful,” is defined by Aristotle as follows:

This form of justice, then, is complete virtue, but not absolutely, but in relation to our neighbour. And therefore justice is often thought to be the greatest of virtues, and ‘neither evening nor morning star’ is so wonderful; and proverbially ‘in justice is every virtue comprehended’. And it is complete virtue in its fullest sense, because it is the actual exercise of complete virtue. (1129b25-30)

The term “justice” is distinct from “virtue” insofar as justice is a relation to one’s neighbour, while virtue is the same state without qualification (1130a13). Aristotle considers complete justice to be more of an achievement than virtue without qualification, “for many men can exercise virtue in their own affairs, but not in their relations to their neighbour” (1129b35-a1). Hence, “the best man is not he who exercises his virtue towards himself but he who exercises it towards another; for this is a difficult task” (1130a8-9). This wider notion of justice, which includes all the virtues, is called “the lawful” by Aristotle, for he says that rightly-framed laws command us to perform acts of all the virtues (1129b12-24).

Aquinas’ conception of universal justice, at least in his mature work, differs to a certain extent from that of Aristotle. In calling universal justice “legal justice,” Aquinas accepts Aristotle’s link between law and virtue.¹⁵ However, as Jeffrey Hause has recently observed, universal or legal justice is treated in Aquinas’ mature work as a particular or special virtue that directs the other virtues rather than being the whole of virtue insofar as it is expressed in one’s dealings with others.¹⁶ In an early work, the Commentary

¹³ Ricœur, p. 30.

¹⁴ Ibid. Note that a different view is taken by W. D. Ross, translator of the *Nicomachean Ethics*, in his *Aristotle*, 4th ed. (London: Methuen, 1945), p. 210, as quoted by Raphael, p. 46: “The account of distributive justice sounds somewhat foreign to our ears; we are not in the habit of regarding the state as distributing its wealth among its citizens.” Raphael observes that the original edition of Ross’ *Aristotle* was written in the 1920s, before the full flowering of the modern welfare state.

¹⁵ See, for example, *ST* II-II.58.9, ad 3.

¹⁶ Jeffrey Hause, “Aquinas on Aristotelian Justice: Defender, destroyer, subverter or surveyor,” in *Aquinas and the Nicomachean Ethics*, ed. Tobias Hoffmann et al. (Cambridge University Press, 2013), chapter 9, at 147.

on the *Sentences*, Aquinas says that legal justice is “convertible with virtue, and is the same in subject, though differing in concept, as the Philosopher says.”¹⁷ But in his later work, namely in his Commentary on the *Nicomachean Ethics* and in the *Summa theologiae*, he says that legal justice is not the same as virtue itself, but rather is what Hause fittingly calls an “executive” virtue that directs all the other virtues.¹⁸

We find legal justice treated as an executive virtue in the Second Part of the Second Part of the *Summa theologiae*, where Aquinas calls it a general virtue insofar as it directs all the other virtues to the common good (*ST* II-II.58.5). He says that legal justice is not the same as all of virtue, in the sense that it has its own proper object, namely the common good.¹⁹ In other words, he says that legal justice does not include all the virtues in the way the genus animal includes all the different animal species, but it may be likened to a cause which virtually contains all of its effects. It is nonetheless *virtually the same* as all of virtue, because it “directs the acts of the other virtues to its own end, and this is to move all the other virtues by its command.” Legal justice can also be called a *special virtue*. Aquinas says that “legal justice is a special virtue in respect of its essence, in so far as it regards the common good as its proper object.” But he nevertheless calls it “virtually general,” and so far as it directs the other virtues he says it is “essentially the same as all virtue, but differs from it logically: and it is in this sense that the Philosopher speaks.”²⁰ Since each of the virtues is *directed toward* the common good, they can all be regarded as part of legal justice. In this way, Aquinas seeks to reconcile his view of legal justice as an executive virtue with Aristotle’s understanding of it as the same as all the moral virtues as directed toward others.²¹

The reasons explored and discussed by Hause in his effort to explain Aquinas’ mature interpretation of Aristotle’s conception of universal justice

¹⁷ *In Sent.* 3.9.1.1 qc. 2 resp., as quoted and translated by Hause, pp. 149-50.

¹⁸ Hause, 150-53; *ST* II-II.58.5 and 58.6. In this regard, Hause cites additional texts of Aquinas, including texts from the *ST* II-II, from the Commentary on the *Nicomachean Ethics* and from *Quaestio disputata De caritate*, which has been translated as “On Charity” by Lottie H. Kendzierski (Milwaukee: Marquette University Press, 1960) and posted online at <<http://dhsprory.org/thomas/QDdeVirtutibus2.htm>> (November 2013).

¹⁹ This, and the rest of the references and quotations in this paragraph are all from *ST* II-II.58.6.

²⁰ *ST* II-II.58.6: “However the name of legal justice can be given to every virtue, in so far as every virtue is directed to the common good by the aforesaid legal justice, which though *special essentially* is nevertheless *virtually general*. Speaking in this way, legal justice is essentially the same as all virtue, but differs therefrom logically: and it is in this sense that the Philosopher speaks” (emphasis added).

²¹ See also *ST* I-II.60.3, ad 2 and commentary of Hause, pp. 152-53. As we shall see below, Aquinas in a sense widens Aristotle’s definition of universal justice to include all acts of virtue, not only those directed to others.

are beyond the scope of this paper.²² The main point I would like to emphasize is that Aquinas goes beyond what Aristotle explicitly says, and that he makes further distinctions when he characterizes legal or universal justice as a special virtue that directs the other virtues, rather than merely being equivalent to all the other moral virtues so far as they are exercised in relation to others. As we shall see in the discussion of justice as love which follows, this special status of legal justice as an executive virtue is tied in with justice being a virtue of the will or rational appetite, rather than of the sensitive appetites, and to the special kind of love, called *dilectio*, that pertains to the will.

Another point which bears mentioning in regard to Aquinas' conception of universal or legal justice is that he makes a further distinction, not explicitly stated by Aristotle, between legal justice as directed toward individual persons and as directed toward others in general.²³ He says that every case of virtuous action is referable to the common good, regardless of whether it is directed toward oneself, toward other specific individuals, or toward others in general. In this way, he says that, "all acts of virtue can pertain to justice, in so far as it directs man to the common good. It is in this sense that justice is called a general virtue."²⁴ Notice that Aquinas expands upon the range of justice described by Aristotle, so that *all* acts of virtue are now in some sense included in justice, even those directed toward oneself.²⁵ Hence, the Thomistic understanding of justice incorporates something like Plato's view of justice as an ordering of the individual soul when it is not necessarily directed toward others, in addition to Aristotle's view of justice as other-directed. Neverthe-

²² Hause, pp. 148-53. Hause contends that Aquinas was mistaken in his later interpretation, in part because of misleading elements in the Latin translation of the *Nicomachean Ethics*. I reserve judgment on such issues, including on the question of whether Aquinas misinterpreted Aristotle rather than, for instance, making explicit what Aristotle says implicitly.

²³ Except as otherwise indicated, the references and quotations in this paragraph are from *ST II-II.58.5*.

²⁴ *ST II-II.58.5*: "It follows therefore that the good of any virtue, whether such virtue direct man in relation to himself, or in relation to certain other individual persons, is referable to the common good, to which justice directs: so that all acts of virtue can pertain to justice, in so far as it directs man to the common good."

²⁵ *Ibid.* This is despite what Aquinas says to the contrary in *II-II.58.2* about "justice properly speaking," and thus actions directed toward oneself must only belong to justice in some qualified or metaphorical sense. See also *II-II.58.9*, ad 3 (emphasis added): "The common good is the end of each individual member of a community, just as the good of the whole is the end of each part. On the other hand the good of one individual is not the end of another individual: wherefore legal justice which is directed to the common good, is more capable of extending to the internal passions *whereby man is disposed in some way or other in himself*, than particular justice which is directed to the good of another individual: although legal justice extends chiefly to other virtues in the point of their external operations, in so far, to wit, as 'the law commands us to perform the actions of a courageous person (...) the actions of a temperate person... and the actions of a gentle person' (*Ethic. v, 5*)."

less, Aquinas defers to Aristotle in calling self-ordering justice “metaphorical justice” rather than “justice properly speaking.”²⁶

Justice in the narrower sense, which Aristotle calls *ison*, meaning “the fair” or literally “the equal,”²⁷ and which Aquinas calls “particular justice,” has to do with apportionment of goods. According to Aristotle, it is concerned with giving and receiving fair shares of “honour, material goods, security, or whatever single term we can find to express all of these collectively” (1130b3-4). Aristotle first illustrates what he means by it by looking at its contrary, which is injustice. When a man acts “graspingly,” he exhibits none of the other vices which are opposed to complete or universal justice, but rather a special vice “whose motive is the pleasure that arises from gain” (1130a15-b5). Justice in this special and partial sense may be described as a state of being capable of not preferring one’s own interests to those of others. It is a special virtue that is part of universal justice.

Aristotle divides particular justice into two main categories at the end of Book v, chapter 2 of the *Nicomachean Ethics*: justice in distribution and injustice rectification. Distributive justice, discussed most fully in chapter 3, is according to what Aristotle calls geometrical proportion. This means that those equal in merit receive equal amounts of the goods, and unequals receive in proportion to their degree of merit or desert. Aristotle observes that “all men agree that what is just in distribution should be according to merit in some sense, though they do not all specify the same sort of merit, but democrats identify it with the status of freeman, supporters of oligarchy with wealth (or with noble birth), and supporters of aristocracy with excellence” (1131a25-29). The foregoing sorts of merit apply to the distribution of political offices. In regard to those, Aristotle in the *Politics*, Book III, chapter 12 identifies himself as a supporter of aristocracy.²⁸ He provides another example of distributive justice at the beginning of Book v, chapter 4 of the *Ethics*, relating to distribution of common funds of a partnership. He says that it should be in proportion to the amount of the funds each of the partners put into the partnership.

²⁶ ST I-II.58.2: “Nevertheless in one and the same man we may speak metaphorically of his various principles of action such as the reason, the irascible, and the concupiscible, as though they were so many agents: so that metaphorically in one and the same man there is said to be justice in so far as the reason commands the irascible and concupiscible, and these obey reason; and in general in so far as to each part of man is ascribed what is becoming to it. Hence the Philosopher (*Ethic.* v, 11) calls this ‘metaphorical justice.’”

²⁷ See Raphael, *Concepts of Justice*, p. 46.

²⁸ Aristotle, *Politics*, trans. Benjamin Jowett, in *The Basic Works of Aristotle*, ed. Richard McKeon (New York: Random House, 1941). Except where otherwise indicated, all references are to this translation of the *Politics*.

Rectificatory or corrective justice, treated in Book v, chapter 4 of the *Ethics*, applies to enforcement of *voluntary transactions*, such as business contracts for purchase and sale, and in regard to rectification of the positions of parties to *involuntary transactions*, which include offences and wrongs done by one party to another such as theft, murder and adultery. Justice in rectification is not according to geometrical proportion, but according to arithmetical proportion. In the case of arithmetical proportion, what matters is not the merit of the parties but the amount required to be paid under the contract, or the amount required to compensate a victim for the wrong done to him or to her. The judge seeks to equalize the positions of the parties by taking away from the one who has committed an offence or has received an unjust gain, and by compensating the other. The parties are treated as equal, so that a person of greater status, ability or excellence receives no more compensation and pays no different penalty than someone of less merit or status.

In Book v, chapter 5, Aristotle discusses what he calls “reciprocity,” which he says “fits neither distributive nor rectificatory justice” (1132b24-25). Reciprocity in exchange may be taken as a third category of particular justice. It aims to account for the fact that certain products and things are more valuable or of greater consequence than others. For example, it may not be fair to exchange one house for one bed, but the price of a house could be described in terms of a certain number of beds, or the money value of a house may be a certain multiple of the money value of a bed. Aristotle discusses the situation before and after the invention of money, and says that “it makes no difference whether it is five beds that exchange for a house, or the money value of five beds” (1133b25-29).

Aquinas generally accepts Aristotle’s categories of particular justice, and seeks to be faithful to Aristotle’s initial position in which it is said that there are two such categories. In order to say that there are only two categories, he puts rectificatory justice together with reciprocity in exchange under a single merged category called “commutative justice,” meaning “transactional justice” (*ST* II-II.61). This move is criticized by Hause, who maintains that reciprocity in exchange, which he calls “proportional justice,” is more plausibly treated as a third distinct category.²⁹ Nevertheless, in defence of Aquinas’ position, the merged category of commutative justice makes sense inasmuch as (1) both rectificatory justice and reciprocity in exchange have to do with transactions, either voluntary or involuntary; (2) both differ from distributive justice in being concerned with equalizing what is given or received without regard to other merits of persons; and (3) the merger enables Aquinas to defend Aristotle’s initial division of particular justice into two categories.

²⁹ Hause, pp. 153-60.

The distinctions made in regard to reciprocity in exchange only serve to clarify what amounts to arithmetical equality when rectification must involve payment in kind of different sorts of goods (e.g. beds, houses and shoes) which differ in their unit values. Therefore, the discussion of reciprocity can be seen in terms of a continuation of the discussion of rectificatory justice.

Justice as Attractive

A third way in which Aquinas is heir to the Greek tradition is in his portrayal of the essential attractiveness of justice as a virtue of the person, and in this respect he follows both Plato and Aristotle.

We have seen that, at the beginning of Book II of Plato's *Republic*, Glaucon asks Socrates to defend his position that justice is the finest kind of good, "which the man who is going to be blessed should like both for itself and for what comes out of it" (358a). In other words, the issue is the attractiveness and desirability of justice in the life of the individual, both intrinsically and in terms of its consequences. The consequential benefits turn out to be such things as a good reputation and the rewards that might await the just soul in a life after death. Most interesting for our discussion of the attractiveness of justice is its *intrinsic* desirability.

Socrates' case for the intrinsic desirability of justice is made most memorable in the image of the three figures within the human soul: a many-headed beast, a lion and a man. Justice turns out to be a proper relation among these three aspects of the soul. In the just soul, the man rules over the other two figures, bringing inner peace and harmony. In the unjust soul, the beast and the lion are strengthened at the man's expense; they drag the man around and bite and fight each other. The beast represents the desiring part which seeks pleasure, the lion represents the spirited part which seeks honor, and the man represents the rational part which seeks truth and wisdom. The just individual is not only at peace, but is better able to appreciate all the pleasures of life, including the highest of all, the contemplative pleasures which are in the realm of philosophy. Those who are ruled by the other aspects of the soul might know the baser pleasures, namely those pleasures that can be purchased with money that are the objects of the desiring part, and the pleasures associated with honor and reputation that are the objects of the spirited part. However, only the just soul, the lover of wisdom, is able to taste *all* of the pleasures of life. Moreover, only the just soul, guided by reason, is able to experience pleasures unmixed with pain. That is because it will pursue them reasonably, not irrationally, as in the case of those who lunge after pleasure like cattle (586a-b) or who are plagued by envy, ill-temper and violence in pursuit of their goals (586c).

The *polis* proposed in the *Republic* as a model of social and political justice shares in the attractiveness of the just soul insofar as it mirrors the order of the just soul. However, this *polis* is not one many of us would endorse without reservation. It is characterized by a high degree of regimentation and the abolition of private property. It needs to resort to a “noble lie” in order to persuade its citizens to accept their roles in society (414b-415b). It calls for the abolition of the family, at least among the guardians who are to have spouses and children in common. As a condition of its initial formation, all children under the age of ten will be taken from their parents to be formed by the new regime (540e-541a). Our misgivings about the attractiveness of the *polis* as proposed in the *Republic*, and the hesitation of Socrates himself when he begins to discuss the community of wives and children (450d-451a), suggest that this proposal is not meant to be taken as the last word. And indeed, in his last dialogue, *The Laws*, Plato proposes a much different form of governance. His portrayal in the *Republic* of justice in the soul is more successful in showing the attractiveness of justice than his portrayal of political justice.

Aristotle’s sense of the attractiveness of justice, and of all the moral virtues, is found in the language he uses to describe the morally good. Joseph Owens brings to our attention Aristotle’s frequent and repeated use of the Greek word *kalón*. This word, which Owens tells us was “regularly used for the physically or esthetically beautiful,” was also, from Homer’s time on, “applied in the neuter singular to moral goodness and, with the course of time, had come to designate actions and persons in the moral order.”³⁰ Owens points out that the *kalón* endows the moral sense with “the overtones of joy and attractive appeal that go with physical and esthetic beauty” (261-62). In English translations, it may be rendered as “fine,” “noble,” or “beautiful.” For example, Aristotle uses the Greek phrase *tà dè kalà kai tà díkaia* in introducing subject matter of the *Nicomachean Ethics*.³¹ W. D. Ross translates this phrase as “fine and just actions, which political science investigates,” while Terence Irwin’s translation speaks of “fine and just things,” and Martin Ostwald’s translation speaks of “what is noble and just.”³²

The attractiveness of just and morally good things is affirmed in the first book of the *Nicomachean Ethics*, where they are shown to be essential constituents of the human good, and thus of human happiness. The science of politics is looked upon as the quest for the human good, and the human good

³⁰ Joseph Owens, “The ΚΑΛΟΝ in the Aristotelian *Ethics*,” *Studies in Aristotle*, ed. D. J. O’Meara, vol. 9 of *Studies in Philosophy and the History of Philosophy*, ed. Jude P. Dougherty (Washington, D.C.: The Catholic University of America Press, 1981), p. 261.

³¹ *Nicomachean Ethics*, 1.3, 1094b14. Owens also references vi.12, 1143b22 and 1144a12.

³² The Ross and Irwin translations are cited above. Ostwald’s translation (Upper Saddle River, NJ: Prentice Hall, 1999).

is shown to be *eudainomia*, usually translated as happiness. But we must take care not to confuse Aristotle's *eudainomia* with utilitarian happiness which is reducible to pleasure. Aristotelian *eudainomia* is virtuous activity which has pleasure as its accompaniment and completion, but is not reducible to pleasure. The human good, or happiness, is described as

activity of soul in accordance with virtue, and if there are more than one virtue, in accordance with the best and most complete. But we must add 'in a complete life'. For one swallow does not make a summer, nor does one day; and so too one day, or a short time, does not make a man blessed and happy. (1098a15-20)

What then is the best and most complete virtue? As we have seen, it is complete or universal justice as far as the *moral* virtues are concerned, although Aristotle also speaks of *intellectual* virtues. Moral virtue involves conformity of the appetites, desires and emotions to practical reason, and it equips us for the life of action, while intellectual virtue pertains for the most part to the activity of speculative reason, which engages in inquiry and contemplation of truth for its own sake.³³ The life that Aristotle finds to be most attractive of all is not a life of action; it is the life of philosophical contemplation, characterized by intellectual virtue.³⁴ The morally virtuous life of action in accordance with practical wisdom is happy, but only "in a secondary degree."³⁵ To the extent that we are human, have passions, and live among other people, Aristotle finds that moral virtue is necessary for happiness.³⁶

For the greatest happiness in the life of action, in the sense of flourishing and using human powers to the fullest, all that needs to be added to complete justice is friendship, which Aristotle says either "is a virtue or implies virtue," and which is "most necessary with a view to living."³⁷ The Greek word

³³ The distinction between moral virtue and intellectual virtue first comes up in the *Nicomachean Ethics* at the end of Book I and at the beginning of Book II (1103a3-20). Practical wisdom or prudence (*phronēsis*), which is included among the intellectual virtues at 1103a5-6, belongs to practical reason because it directs human action, while philosophic wisdom and other intellectual virtues belong to speculative reason and are part of the contemplative life.

³⁴ *Nicomachean Ethics* x.7: "So if among virtuous actions political and military actions are distinguished by nobility and greatness, and these are unpleasurably and aim at an end and are not desirable for their own sake, but the activity of reason, which is contemplative, seems both to be superior in serious worth and to aim at no end beyond itself, and to have its pleasure proper to itself (and this augments the activity), and the self-sufficiency, leisureliness, unweariedness (so far as this is possible for man), and all the other attributes ascribed to the supremely happy man are evidently those connected with this activity, it follows that this will be the complete happiness of man, if it be allowed a complete term of life (for none of the attributes of happiness is incomplete)" (1177b15-25).

³⁵ *Ibid.*, x.8, 1178a8-10.

³⁶ *Ibid.*, x.8, esp. 1178a18-21 and 1178b5-7.

³⁷ *Ibid.*, viii.1, 1155a1-5. The full discussion of friendship is found in Books VIII and IX. Justice and friendship are compared and discussed together in viii.9.

philia, meaning friendship, is one of several words that can also be translated into English as “love.”³⁸ Such love does not always exist between those who are just, but when it does it adds a new dimension. According to Aristotle, “when men are friends they have no need of justice, while when they are just they need friendship as well, and the truest form of justice is thought to be a friendly quality” (1155a). When he says that friends “have no need of justice,” he does not mean that friendship makes justice superfluous, or that friends can be unjust to each other. Instead, he may be taken to mean that such friends have no need to acquire justice, which they already possess. Friendship in its primary sense, the noblest form of friendship, actually presupposes justice and the other virtues. Such friendship is not possible for those who lack virtue.³⁹ Rather than friendship making justice superfluous, Aristotle says that, “demands of justice also seem to increase with the intensity of the friendship, which implies that friendship and justice exist between the same persons and have an equal extension” (1160a6-8).

The attractiveness of complete justice in Aristotle’s ethics is made more concrete if we consider the nature of the virtues that are included in this broad sense of justice.⁴⁰ Each of the *moral* virtues, which pertain to well-ordered passions and actions,⁴¹ is a mean between extremes, and describes rational and well-balanced living. As discussed by Aristotle, those virtues include courage (the mean in matters of fear and confidence), temperance (the proper use of bodily pleasures), generosity or liberality (the mean between stinginess and prodigality), magnificence (the virtue of spending large sums tastefully and well), good temper (only becoming angry about the right things, with the right people at the right time and for the right length of time), appropriate pride or “great-souledness” (the mean between undue humility and vanity), friendliness (the mean between rudeness and obsequiousness) and ready wit (the mean between buffoonery, or seeking a laugh at all costs, and humourless boorishness). In addition to these is justice in the narrower sense, which has already been discussed above.

A necessary precondition for the virtue of justice and indeed for all of the moral virtues is the virtue of *phronēsis*, translated either as prudence or

³⁸ Three others are *storgē*, *agape* and *eros*.

³⁹ *Nicomachean Ethics*, VIII.3: “Perfect friendship is the friendship of men who are good, and alike in virtue; for these wish well alike to each other *qua* good, and they are good themselves” (1156b6-7). Only friendships based on utility and pleasure, which are lesser forms, are accessible to those who lack virtue.

⁴⁰ *Ibid.*, III.6-12 and IV.1-8. The virtues mentioned in this paragraph are found in these chapters.

⁴¹ In the case of Aquinas, justice is in the will or rational appetite, whose desires are not “passions” strictly speaking as in the case of the sensitive appetites, but this concept of the will is only implicit in Aristotle.

practical wisdom. It is unique in being both a moral virtue and an intellectual virtue, or virtue of the mind. Aristotle defines this virtue of the mind as “a state grasping truth, involving reason, concerned with action about things that are good or bad for a human being.”⁴² *Phronēsis* is to be distinguished from mere cleverness, smartness, or shrewdness, because *phronēsis* orders passions and actions toward ends that are good, while cleverness may exist in someone lacking virtue whose ends of action are bad (1144a29-b1). *Phronēsis* thus includes but is greater than mere cleverness. It is *right* reason directing the actions and passions. This emphasis on the governance of reason shows that Aristotle has retained the Platonic idea of the just soul which is governed by the rational part.

The attractiveness of the just individual is found in the person’s habitual ability to find the golden mean in all types of behaviour, and to act accordingly with poise and dignity. The just individual is someone we would like to have in our community and as a friend. The just life is attractive because it is the totality of the active life lived with excellence in relation to others. It is not a life of mere rationality, although it is directed by reason, because well-ordered passions and emotions are essential to the just life.

Justice in the state, or political justice, has to do with laws which prescribe and reward virtue and which punish vice, for Aristotle says that the good life, being the happy and noble life, in other words the virtuous life, is the end of the state.⁴³ Aristotle maintains that political justice can only exist among “men who share their life with a view to self-sufficiency, men who are free and either proportionately or arithmetically equal.”⁴⁴ The attractiveness of political or social justice as envisioned by Aristotle is in large part, if not entirely, in his vision of the just and well-ordered lives, and thus the happiness, of the free individuals, families and associations which constitute the political community. Aristotle’s vision nevertheless needs to be updated to accord with modern sensibilities – and more importantly, to better conform to the truth about the human person – as is evident when we consider his views, as stated in the *Politics*, relating to a hierarchy among men, natural slaves, the inferiority of women, and the lack of virtue among mechanics and labourers.⁴⁵ What is needed is the development of a more adequate

⁴² *Ibid.*, vi.5, 1140b5-6, trans. Terence Irwin.

⁴³ See *Politics* III.9, 1280b39-1281a4 on the happy and noble life as the end of the state; *Nicomachean Ethics* I.7, 1098a15-20, on happiness as virtuous activity, and v.1, 1129b12-24, on the role of law in prescribing acts of all the virtues, i.e. acts of justice as “the lawful.”

⁴⁴ *Nicomachean Ethics*, v.6, 1134a, 26-28. “Proportionately equal” refers to geometric proportion, as discussed above in relation to justice in distribution.

⁴⁵ Aristotle contends that those who perform necessary services, including not only slaves but also free men, are seriously impaired in their ability to live virtuously. He asserts that, “no

understanding of the inherent dignity and equality of *all* human beings, all of whom are inherently capable of the life of virtue, even if the circumstances of life prevent its full actualization.⁴⁶

Let us now turn to the way in which Aquinas is heir to the Greek tradition in regard to the attractiveness of justice as a virtue of the person.

In the first five questions of the First Part of the Second Part of the *Summa theologiae*, sometimes called the “Treatise on Happiness” or “Treatise on the Last End,” Aquinas asks the same question Aristotle asks in the first book of the *Ethics*: What is our ultimate end or goal or aim in life? Like Aristotle, he concludes that it is happiness, or in Latin, *beatitudo*. Then he raises the question of what is meant by happiness. The most concise statement of his conclusion is found in the response to question 3, a. 5, which I read in conjunction with the response to q. 3, a. 8:

Therefore the last and perfect happiness, which we await in the life to come, consists entirely in contemplation [of the divine essence in the beatific vision]. But imperfect happiness, such as can be had here, consists first and principally in contemplation, but secondarily, in an operation of the practical intellect directing human actions and passions, as stated in *Ethic. x, 7,8.* (*ST I-II, q. 3, a. 5;* the part in square brackets can be found in the response to q. 3, a. 8)

In other words, Aquinas entirely adopts Aristotle’s conclusions with respect to what constitutes happiness *in this life*: first contemplation, and secondly the operation of the practical intellect directing actions and passions. This second branch of the imperfect happiness we can attain in this life is the morally virtuous life, which, insofar as it is directed towards others, is the just life, the life characterized by the virtue of justice. Aquinas, therefore, is in accord with Aristotle as to the attractiveness of justice insofar as it is one of the natural virtues we can acquire through our natural powers, and which is a major component of our happiness in this life.⁴⁷

man can practise virtue who is living the life of a mechanic or labourer” (*Politics* III.5, 1278a 20-21). However, this comment must be read in conjunction with earlier comments in Book I, in which he credits a good slave with at least a minimal level of virtue, i.e. “only so much as will prevent him from failing in his duty through cowardice or lack of self-control” (1260a 33-36). Free men who perform necessary services, such as mechanics and artisans, may even be in a worse position than slaves as far as virtue is concerned, since they lack a master to teach them, and slaves are said to derive virtue from their masters. According to Aristotle, the artisan “only attains excellence in proportion as he becomes a slave” (1260a40-b1).

⁴⁶ I address the defence of belief in human equality before the law in more detail in “Religious and Secular Conceptions of Human Rights,” to be published in *Philosophy, Culture & Traditions* (forthcoming).

⁴⁷ There are also supernatural virtues, which we cannot acquire through our natural powers, but which are infused in us by divine grace. These include the theological virtues of faith, hope and charity (I-II.62, 1-4) and the infused moral virtues, which are ordered to our ultimate end in the next life (I-II.63.4).

Not only is justice as a virtue desirable for its connection to happiness, the just and virtuous action is in itself attractive to behold as endowed with spiritual beauty.⁴⁸ Aquinas says that the beautiful is the same as the good, except that “beauty adds to goodness a relation to the cognitive faculty: so that ‘good’ means that which simply pleases the appetite; while the ‘beautiful’ is something pleasant to apprehend” (*ST I-II.27.1, a. 3*). This element of beauty in a virtuous action is discussed by Aquinas where he speaks of *honestum*, which may be translated as “honesty” or “honourableness,” and which is equivalent to virtue.⁴⁹ He says that, “spiritual beauty consists in a man’s conduct or actions being well proportioned in respect of the spiritual clarity of reason” (*ST II-II.145.2*). He continues:

Now this is what is meant by honesty which we have stated (a. 1) to be the same as virtue; and it is virtue that moderates according to reason all that is connected with man. Wherefore “honesty is the same as spiritual beauty.” Hence Augustine says: “By honesty I mean intelligible beauty, which we properly designate as spiritual.” (Ibid.)

Aquinas not only echoes Augustine in speaking of the attractiveness of virtue, and thus of justice. He also recalls the Greek and Aristotelian notion of the *kalon*. Oscar James Brown observes that Aquinas’ use of the concept of the *bonum honestum* seems “to bolster and color what was at bottom an implicit Aristotelian insight on the origin of obligation – namely, its aesthetic anchorage in the spontaneously self-compelling character of the *kalon*: the immediately attractive beauty and proportion of perfected practical rationality *in particulari casu*.”⁵⁰

This attractiveness of the virtuous life, and hence of the just life, may also be found in Aquinas’ idea of the well-governed state in much the same way as was discussed above in relation to Aristotle. Aquinas follows Aristotle in holding that it is a function of the laws of the state to prescribe the acts of all the virtues (*ST I-II.96.3*). So far as the state succeeds in the task of instilling virtue in its citizens, it may participate in the attractiveness of their virtue. Aquinas, however, is opposed to having the law demand too much in the way of virtue from people who are not necessarily virtuous. He says that the purpose of the law is to lead people to virtue “not suddenly, but gradually” (*ST I-II.96.2, ad 2*). It therefore does not belong to the law to forbid all vices,

⁴⁸ In this discussion, I am indebted to the research of Travis Cooper in “Is Beauty a Distinct Transcendental According to St. Thomas Aquinas?” (paper presented at the 2013 West Coast Meeting of the Society for Aristotelian-Thomistic Studies, Santa Paula, Calif.) <<http://www.thomasaquinas.edu/pdfs/travis-cooper-sats13.pdf>> (24 August 2013).

⁴⁹ See Oscar James Brown, *Natural Rectitude and Divine Law in Aquinas* (Toronto: Pontifical Institute of Medieval Studies, 1981), p. 20, n. 14.

⁵⁰ Ibid., p. 20.

but only the most grievous, and chiefly those which must be prohibited if society is to be preserved; nor does it belong to the law to prescribe every act of virtue (*ST* I-II.96.2, 96.3). In other words, while the state rightfully prescribes *some* acts of all the virtues, it should not prescribe and make mandatory *all* virtuous acts. Perhaps, then, what makes a well-governed state most attractive is that it fosters an environment in which justice on the personal level is encouraged to flourish, even though it does not embody perfect justice. The attractiveness of the just state may lie in part in its recognition that the positive law has its limitations, and cannot be used to micro-manage the lives of citizens.

Justice as Love

One of the most significant of Aquinas' developments of Aristotle's conception of justice lies in his explicit account of the relationship of justice and love. Recall that Aristotle speaks of a certain kind of love, *philia* or friendship, as being added to strict justice as a crowning achievement of the virtuous life. Aquinas agrees that there is a distinct requirement of friendship, gratuitous beneficence or favour, which is not the same as what is justly due to the friend.⁵¹ But he also finds that justice itself is a manifestation of love. After defining justice, Aquinas considers an objection based upon Augustine's definition of justice as "love serving God alone." In reply, he does not reject Augustine's definition, but expands on it: "Just as love of God includes love of our neighbour (...) so too the service of God includes rendering to each one his due" (*ST* II-II.58.1, ad 6). In other words, justice as love is manifest both in service to God and rendering to our neighbours what is due them. For there to be justice or any other virtue in the fullest sense, Aquinas says that charity, the supernatural perfection of love, is required (*ST* II-II.23.7). However, that perfection of justice is the infused supernatural virtue which is not acquired naturally. The imperfect natural virtue of justice, in the sense of Aristotelian justice, does not require supernatural charity. It is acquired by following the natural law, and is based on love insofar as it is directed by the precepts of love which "are self-evident to human reason, either through nature or through faith" (*ST* I-II.100.3, ad 1).⁵² The natural virtues, including

⁵¹ *ST* II-II.23.2, ad 1: "For justice is about works done in respect of another person, under the aspect of the legal due, whereas friendship considers the aspect of a friendly and moral duty, or rather that of a gratuitous favour, as the Philosopher explains (*Ethic.* viii, 13)."

⁵² Aquinas allows for the imperfect virtue, which is not referred to God, the final and perfect good, and thus falls short of "strictly true virtue" which requires charity, in this text in *ST* II-II.23.7: "If, on the other hand, this particular good be a true good, for instance the welfare of the state, or the like, it will indeed be a true virtue, imperfect, however, unless it be referred to the final and perfect good. Accordingly no strictly true virtue is possible without charity."

justice, are acquired entirely through our natural powers by habituation, as distinct from theological virtues of faith, hope and charity and other perfected supernatural virtues that Aquinas says are infused in us by God and are necessary for us to attain happiness in the life hereafter (*ST* I-II.62 & 63).

Before further considering the connection of justice to love through the natural law, let us consider the relationship of love and the will. We have seen that Aquinas differs from Aristotle in explicitly defining justice as a habit of *the will*. Aristotle did not have an explicit notion of “the will” as a faculty of the soul or person, although he did have a notion of voluntary action.⁵³ The explicit concept of the will is one that Aquinas received from Augustine. Aquinas defines the will not merely as a decision-making power, as we think of it today, although it certainly has that aspect in its ability to choose freely. Just as importantly, it is the “intellectual appetite” or “rational appetite,” which is an appetite for what is perceived by reason as good.⁵⁴ The movement of the will toward this rationally perceived good, whether the good is apparent or real, is known as *dilectio* or dilection, usually translated as love. *Dilectio* is a specific kind of love, as distinct from *amor*, which has a wider signification, and *dilectio* always involves a choice (*electio*) made beforehand.⁵⁵ *Amor* includes all kinds of love, including dilection and charity, the movements of sensual appetites toward desirable objects, and even what Aquinas calls the *amor naturalis* or “natural love” of a heavy object that falls toward the earth (*ST* I-II.27.2). *Dilectio* refers exclusively to intellectual or rational love (*amor intellectiva seu rationalis*), and Aquinas says it is found “only in the will and only in the rational nature,” i.e. only in our will which belongs to our rational as distinct from our sensitive nature.⁵⁶ It is similar to the *boulesis* or rational desire spoken of by Aristotle.⁵⁷ The perfection of this rational love belongs to

⁵³ For an excellent discussion of the development of the explicit concept of the will, see Charles H. Kahn, “Discovering Will: From Aristotle to Augustine,” chapter 9 of *The Question of “Ecclecticism”*: *Studies in Later Greek Philosophy*. Berkeley, ed. J. M. Dillon and A. A. Long (University of California Press, 1988), reproduced online at <<http://ark.cdlib.org/ark:/13030/ft029002rv/>> (6 September 2013).

⁵⁴ See, for example, *ST* I.80.2, 82.5 and 83.4; I-II.8.1 and 26.1.

⁵⁵ *ST* I-II.26.3: “For love (*amor*) has a wider signification than the others, since every dilection or charity is love (*amor*), but not vice versa. Because dilection implies, in addition to love (*amor*), a choice (*electionem*) made beforehand, as the very word denotes: and therefore dilection is not in the conspicuous power, but only in the will, and only in the rational nature. Charity denotes, in addition to love (*supra amorem*), a certain perfection of love (*perfectionem quandam amoris*), in so far as that which is loved is held to be of great price, as the word itself implies.”

⁵⁶ See *ST* I-II.26.1 for the distinction of *amor naturalis*, *amor sensitivus* and *amor intellectivus seu rationalis* and see I-II.26.3, quoted in the preceding note for further distinctions.

⁵⁷ Kahn, p. 239.

caritas or charity. Since dilection is found only in the will, love of God and love of neighbour (*dilectio Dei et dilectio proximi*) are functions of the will.

Since we have seen that Aquinas defines justice as a habit of the will, it should come as no surprise that Aquinas would also think of justice in terms of a primary function of the will, which is to love. Moreover, the special place of justice as an executive virtue directing the other moral virtues to the common good, which I have discussed above in section 2.2., is associated with justice being a virtue of the will. In contrast, the other moral virtues, which are subordinated to justice, are habits of powers of the sensitive appetites which in a just person are subordinated to the will or rational appetite.⁵⁸

The importance of love is confirmed in Aquinas' understanding of the natural law, which underlies all of the virtues, including justice. It is the natural law – which Aquinas says is known to us in its first principles or precepts through the natural habit of synderesis – which discloses to us the ends of human action toward which all the moral virtues, including justice, are directed.⁵⁹ Aquinas is not saying that we always have actual, formal and explicit knowledge of the precepts of the natural law, but rather that they are known implicitly or “habitually” as the basis of all of our moral judgments.⁶⁰ While all of the natural law can be summed up in its first precept, “that good is to be done and pursued, and evil is to be avoided,” that does not give us any specific directions as to what is good.⁶¹ The next most general level of precepts, which Aquinas says are self-evident to human reason either through nature or faith, are the two precepts of love: “Thou shalt love the Lord thy God” and “Thou shalt love thy neighbour,” which are found in the Old Testa-

⁵⁸ See, for example, *ST* I-II.56.4 (irascible and concupiscible powers of the sensitive appetites as participating in reason are subjects of virtue) and 56.6 (will moves the irascible and concupiscible powers).

⁵⁹ See *ST* II-II.47.6, ad 1 and ad 3 (on synderesis appointing the ends of the virtues); I.79.12 (on synderesis as the natural habit of knowing first practical principles); I-II.94.1, ad 2 (on synderesis as containing precepts of the natural law).

⁶⁰ *ST* I-II.94.1. Aquinas says, for example, that “the precepts of the natural law are sometimes considered by reason actually, while sometimes they are in reason only habitually, and in this way the natural law may be called a habit.” Infants are said to have the natural law in them only habitually (see the reply to the argument advanced in the contrary sense after 94.1, ad 3). Even if we are actually aware of the natural law in forming judgments, its precepts may not be fully explicit to us. It is the job of philosophers to reflect on our moral judgments and to make these precepts explicit.

⁶¹ See *ST* I-II.94.2. In this article, Aquinas also calls our attention to self-evident precepts of the natural law which specify ends of action that are “naturally apprehended by reason as being good” according to the order of the “natural inclinations.” These inclinations pertain to ends we share with all substances such as survival, those we share with other animals such as procreation and education of children, and those proper to us as rational beings. Those ends to which we are inclined according to reason itself, and which are proper to us as rational beings, correspond to the two precepts of love mentioned in the next sentence.

ment and also stated by Christ in the New Testament (*ST I-II.100.3*, obj. 1 & ad 1). These correspond to the two inclinations according to the nature of human reason which Aquinas speaks of a bit earlier in his “Treatise on Law”: the inclination to know the truth about God, and the inclination to live in society.⁶² In the words of Rose Mary Hayden Lemmons in her recent book, the love precepts “are self-evident, specificatory principles that are foundational for the entirety of natural law, as well as for the virtues.”⁶³

Before I say anything about how the precepts of love might be self-evident to everyone, even to those who are not religious, I wish to emphasize that those two precepts are for Aquinas the foundation of all moral obligations, and thus of all of the moral virtues, both in regard to ourselves (we must love ourselves to love our neighbour as ourselves) and in regard to others. His derivation of the virtues from the precepts of love can be shown from the fact that Aquinas says that all of the decalogue is derived from them (*ST I-II.100.3*, ad 1), that all of the moral precepts of the Old Law are derived from the decalogue (*ST I-II.100.3*), and that all the acts of the virtues are specified by the Old Law (*ST I-II.100.2*). Since both of the precepts of love direct us explicitly to love others – namely God and our neighbour – they are the source of universal justice, which includes all of the moral virtues so far as they are directed to others.

The objection may be raised that these two precepts of love are not really self-evident to everyone, especially the one commanding love of God, since many people don’t believe in God. An answer to the point concerning belief in God can be found in a text where Aquinas says that everyone has at least a vague and confused notion of God, insofar as everyone has some idea of the greatest good, except that some people think of the greatest good as wealth, pleasure or something else (*ST I.2.1*, ad 1). Hence, inasmuch as it is self-evident that we ought to love whatever we conceive of as the greatest good, the first precept of love is known to all of us.

Most people would presumably admit to belief in at the very least some weak or minimal version of the second precept, such as one stated by Aquinas

⁶² Ibid. Moreover, the inclination to know the truth about God is related to our knowledge that we ought to love God, for knowledge leads to love (*ST I-II.27.2*).

⁶³ Rose Mary Hayden Lemmons, “Privileging the Love Precepts,” chapter 8 of *Ultimate Normative Foundations: The Case for Aquinas’ Personalist Natural Law* (Lanham, MD: Lexington Books, 2011), p. 133. While Lemmons is correct in saying that Aquinas privileges the love precepts, and that they are foundational for the virtues, she does not really acknowledge the other self-evident precepts which Aquinas says in *ST I-II.94.2* relate to ends that are “naturally apprehended by reason as being good” according to the order of natural inclinations we share with all substances and all animals. The precepts that identify such goods are needed to specify what is involved in loving your neighbor:

in his discussion of the natural law: “one should do harm to no man” (ST I-II.95.2). It is the second precept, commanding us to love our neighbour, which at a minimum enjoins us to avoid harming or doing evil to our neighbour, that grounds any obligation for us to take other people into account and to be just in our dealings with them. Moreover, unless we at least implicitly believe in something like the “love your neighbour” principle, or better yet really do love our neighbour, then there is little or no reason to be just toward our neighbour or to care about social justice, except perhaps for self-serving reasons such as those proposed by Glaucon in Book II of the *Republic*.

There are various levels and degrees of love of neighbour, both in its nature and intensity and in its scope or extension to others. It might only consist in willing that no harm come to others, or it may include a positive will to do good for others in varying degrees, right up to the greatest acts of self-sacrifice. It might only extend to family and friends, or to a certain class of people, or to one’s own nation, or only to the strong and fit, or it may extend to all human beings. The various levels of love are important inasmuch as they indicate that the love that grounds justice need not always be of the most intense “hyperethical” variety identified by Paul Ricœur, which I shall discuss below. A minimally just act may involve a minimal amount of love, while a heroic act of justice – which may be associated with any of the moral virtues in relation to others – would require a much higher degree of love.

Aquinas distinguishes among various levels of love of neighbour in *The Perfection of the Spiritual Life* (*PSL*), chapters 13 and 14.⁶⁴ Although in this theological work he is primarily concerned with the supernatural virtue of charity or *caritas*, as distinct from the sort of love or *dilectio* which he finds underlying the natural virtues spoken of by Aristotle, he incidentally speaks of various levels of natural *dilectio*.

In the *PSL*, Aquinas is concerned with the degree of perfection of love (*dilectio*) that rises to the level of the *caritas* necessary for salvation. He says that the perfection of love of neighbour (*dilectionis proximi*) that is necessary for salvation is expressed in the precept, “Thou shall love your neighbour as yourself” (*PSL*, 13). This is obviously more demanding than the minimally expressed precept of the natural law, “one should do harm to no man,” but less demanding than the counsels of perfection, discussed in the next chapter of the *PSL*, which exceed what is necessary for salvation. Four marks of the

⁶⁴ *Liber de perfectione spiritualis vitae*, trans. John Procter, o.p., under the title *The Religious State, the Episcopate and the Priestly Office* (St. Louis: B. Herder, 1902, and London: Sands, 1903; reprint: The Newman Press, Westminster Maryland, 1950), trans. and revised by Joseph Kenny, o.p., <<http://dhspriority.org/thomas/PerfectVitaeSpir.htm#13>> (12 November 2013).

love of neighbour necessary for salvation are sincerity in the sense of actually wanting the good of the other and not just loving someone for benefits that person brings, being rightly ordered in preferring the greater to the lesser good, being holy, and being practical and fruitful. The third mark of holiness, which involves directedness to God, is the one that is most appropriate to supernatural virtue rather than natural virtue. Aquinas says that “when he also loves his neighbour for God’s sake, he loves him as himself, and his love thus becomes holy” (*PSL*, 13). The other three aspects might just as well or for the most part find expression in the natural or Aristotelian virtues insofar as they relate to others and belong to universal justice.

In speaking of the counsels of perfection, Aquinas considers the comprehensiveness (*extensione*) of the love, as well as its intensity (*intensionem*). He discusses three degrees of comprehensiveness: (1) toward those from whom we receive benefits or are bound by blood or social ties; (2) toward strangers in whom we find nothing antipathetic to ourselves; and (3) toward our enemies. He finds that the first two degrees may be expressions of natural love, but that “merely natural love is never extended toward our enemies” (*PSL*, 14). According to Aquinas, love of enemies is only possible inasmuch as “the consideration of the Divine Good which inclines it to love enemies outweighs the consideration of any injury received from them” (*ibid.*). Nietzsche says something not altogether different when he speaks of a type of respect that approaches love of an enemy, but only in the case of an enemy worthy of esteem.⁶⁵ For salvation, Aquinas says it is enough to love our enemies by giving them help when they are in extreme distress. Notice that this is positive and active help as distinct from merely not wishing or doing them harm. Any positive love of enemies that exceeds the minimum for salvation of helping them in extreme distress involves a counsel of perfection.

In regard to the intensity of love of neighbour, Aquinas again speaks of three degrees: giving up our material possessions, exposing ourselves to physical hardships, and giving up our lives. Even the first degree involves a counsel of perfection if the sacrifice of material goods is great enough. Aquinas quotes the Gospel passage in which Jesus says to a wealthy young

⁶⁵ Nietzsche may contemplate something akin to a reflection of the Divine Good in the person of an enemy (though as an atheist he does not speak in such terms) when he considers what he says may possibly be called love of an enemy. See Friedrich Nietzsche, *The Birth of Tragedy and The Genealogy of Morals*, trans. Francis Golffing (New York: Anchor Books/Doubleday, 1956), p. 173: “Such a [noble] man simply shakes off vermin which would get beneath another’s skin – and only here, if anywhere on earth, is it possible to speak of ‘loving one’s enemy’. The noble person will respect his enemy, and respect is already a bridge to love (...). Indeed he requires his enemy for himself, as his mark of distinction, nor could he tolerate any other enemy than one in whom he finds nothing to despise and much to esteem.”

man, "If you would be perfect, go sell all that you hast, and give to the poor and you shall have treasure in Heaven; and come follow me."⁶⁶ Giving all to the poor, if it means giving up a considerable fortune, indicates a perfection of love of neighbour, while the "follow me" points to love of God. Aquinas thus speaks of the same act of charity being ordained to both.

With Aquinas' degrees of love in mind, let us now consider Paul Ricœur's observation, mentioned at the beginning of this essay, that there is some measure of opposition and tension between love and justice. The opposition and tension are based upon three assumptions made by Ricœur.⁶⁷ The first is that the rule of justice is a reformulation of the golden rule (34). The second is that the golden rule represents a logic of equivalence, which on its own would lead in the direction of giving only in order to receive, i.e. "I give *so that* you will give" (35-36). The third assumption is that the commandment of love is to be identified with the commandment to love your enemies and to give without hoping to receive, i.e. with the "hyperethical" logic of superabundant generosity, as opposed to the logic of equivalence which applies to the golden rule and justice (33-34). Ricœur's first assumption might be accepted, but his second and third assumptions need to be examined and challenged.

Ricœur finds the golden rule and the commandment of love to be closely juxtaposed in the New Testament in two texts in Luke 6, and he struggles to "build a bridge" between them (32). The commandment of love is called "hyperethical" because although it is ethical "owing to its imperative form," it nevertheless transcends ethics in its expression of "the economy of gift" (33). This economy of gift is expressed by Ricœur as "*since* it has been given you, give (...)." (33). He believes that justice needs to be redeemed by the corrective influence of the commandment of love (35-36). In particular he calls for the "incorporation, step by step, of a supplementary degree of compassion and generosity in all our codes – including our penal codes and our codes of social justice" (37).

The golden rule, as quoted by Ricœur from Luke 6:31 is, "And as you wish that men would do to you, do so to them." Ricœur interprets this rule as tending toward or being practically equivalent to "a utilitarian maxim whose formula is *Do ut des*: I give *so that* you will give" (35-36). Here we have Ricœur's second assumption mentioned above, which leads to his finding of opposition or tension between love and justice. However, the words of Christ in the Gospel do not contain the implication of giving *so that* others will give back. The golden rule is better understood as another expression of the command-

⁶⁶ Matt. 19:21, as quoted in *PSL*, 14. The young man to whom it is addressed in the Gospel declines to follow this counsel of perfection.

⁶⁷ Ricœur, pp. 33-36.

ment of love, and thus as a categorical imperative commanding that we do to others as we wish they would do to us, *whether or not they treat us as we wish*. Understood that way it is in harmony not in tension with the other text in Luke 6, which commands love of enemies.⁶⁸ It is basically the same as “Thou shalt love your neighbour as yourself,” not the hypothetical “Love your neighbour as yourself so that your neighbour will reciprocate.” If you love your neighbour as yourself, then you will treat your neighbour as you wish your neighbour would treat you, regardless of how your neighbour actually treats you. In acting with justice in giving your neighbour his or her due, you are treating your neighbour as you would (reasonably) wish to be treated yourself, and in that sense loving your neighbour as yourself. Insofar as each of us wishes that others would exercise all of the virtues in their behaviour toward us (universal justice), and that others would give us what we deserve in distribution and commutation (particular justice), the commandment that we treat each other as we would wish to be treated prescribes just action as well as love.⁶⁹

If I am correct in what I have just argued, neither Ricœur’s second assumption, which reduces the justice expressed in the golden rule to a utilitarian relationship of reciprocity, nor his third assumption, insofar as it finds opposition between the logic of love and the logic of justice expressed in the golden rule, can be supported. This is not to rule out the possibility of love that exceeds the minimal requirements of justice, as Aquinas seems to acknowledge in the case of friendship (*ST II-II.23.2, ad 1*) and in the counsels of perfection. It is only to say that justice itself is an expression of love and in no way opposed to it.

Ricœur is concerned with a narrow range of justice, and particularly with distributive justice as it is treated in *A Theory of Justice* by John Rawls. He refers to the theory of Rawls several times in “Love and Justice.” He speaks of “the two concepts of distribution and equality which are pillars of the idea of justice” (31). He also mentions penal codes in the last sentence of that essay. He does not, however, give explicit consideration to complete or universal justice as it is found in the work of Aristotle and Aquinas, and which encompasses all of the moral virtues. He only alludes to the possibility of some wider form of justice when he speaks of “the almost complete identification of justice with distributive justice” (30). Nor does Ricœur consider the

⁶⁸ See Ricœur, 32, where he quotes Luke 6:27-28: “But I say to you that hear, Love your enemies, do good to those who hate you, bless those who curse you, pray for those who abuse you.”

⁶⁹ If one *unreasonably* wishes to be treated as if one merits more than a virtuous person would recognize, e.g. to be loved as if one were God, then to love one’s neighbour as oneself and to treat one’s neighbour accordingly would be an intolerable burden. Reflection on the precept would thus invite one to reconsider overly inflated appraisals of one’s own merits and deserts.

various levels and degrees of love that Aquinas considers; he is thinking only of love in its fullness as a counsel of perfection. The narrow range of justice that he considers, and his lack of acknowledgement of degrees of love that fall short of counsels of perfection, together with his three assumptions discussed above, help explain why Ricœur, unlike Aquinas, finds a certain opposition and tension between love and justice. Distributive justice and penal justice do not require perfect love. Like Aquinas, however, Ricœur recognizes that justice must somehow be informed by love. According to Ricœur, there could be justice without love, but justice has utilitarian tendencies and thus needs to be redeemed and perfected by love. According to Aquinas, justice is a habit of the will moved by love, and there can be no justice without love, although love admits of different levels of perfection.

Contemporary Considerations

The question remains as to whether and how Aquinas' conception of justice may be relevant and applicable in our own time. I will confine myself to some preliminary remarks that might set the stage for further study. I will briefly consider aspects of the influential work of John Rawls, which has focused on justice as a characteristic of institutions and social structures but has neglected justice considered as a virtue of the person. I suggest that such an approach is inadequate. We need to understand the lives of people who live within the social structures, and we need to have some rationale as to why persons should support the principles of justice that govern those structures. If I am correct, what is needed is an account the attractiveness of justice as a virtue in the life of persons, such as we find in Aquinas and in the classical tradition of the West.

Rawls begins his first major work, *A Theory of Justice* by declaring that, "Justice is the first virtue of social institutions, as truth is of systems of thought."⁷⁰ He restricts his inquiry to social justice defined as "the distributive aspects of the basic structures of society."⁷¹ In a later work, *Political Liberalism*, Rawls gives more attention to the presence of pluralism and moral diversity in modern societies. He thus proposes a "political conception of justice" based upon an "overlapping consensus" of reasonable doctrines that in other respects disagree among themselves.⁷² As was the case with

⁷⁰ John Rawls, *A Theory of Justice*, revised edition (Cambridge, MA: The Belknap Press of Harvard University Press, 1999), p. 3.

⁷¹ John Rawls, "On Justice as Fairness," extracts from *A Theory of Justice*, revised edition, reproduced in *Social Justice*, ed. Matthew Clayton and Andrew Williams (Malden, MA: Blackwell Publishing, 2004), chapter 3, p. 51.

⁷² John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996), p. 134.

justice in *A Theory of Justice*, the political conception of justice is intended to apply to the basic structure of society and its main institutions.⁷³ But Rawls also stipulates that this new political conception is not to be a “comprehensive doctrine” that deals with all aspects of human flourishing (223). In the later work, Rawls makes distinctions he did not make in *A Theory of Justice* between “a moral doctrine of justice general in scope” and “a strictly political conception of justice” and between “comprehensive philosophical and moral doctrines and conceptions limited to the domain of the political” (xvii). He implies that his earlier work does not meet the standard of a strictly political conception of justice.

G. A. Cohen, who is supportive of the institutional principles of justice which Rawls enunciates in *A Theory of Justice*, nevertheless criticizes Rawls on the ground that principles of justice cannot apply *only* to the basic structures of society.⁷⁴ He claims that “the personal is the political.” In order for the Rawlsian ideal of justice to be realized, Cohen argues that the social ethos must change to bring about a personal change in the beliefs of individuals. For instance, Cohen contends that those he calls “self-seeking high fliers” must come to personally and internally accept Rawls’ principles of justice.⁷⁵ Cohen maintains that while Rawls often says that the principles of justice apply *only* to the basic structure, Rawls also says things that “tell against that restriction” (227). He quotes Rawls as saying that people in a just society will freely choose to act from the principles of justice.⁷⁶ But Cohen finds that Rawls is not consistent in that regard. He finds that Rawls is ultimately disposed to limit the application of principles of justice to basic structures. For instance, Cohen finds that in Rawls’ later characterization of the principles from *A Theory of Justice* as part of a comprehensive doctrine of justice, Rawls closes the door on any requirement that justice be realized on a personal level (228).

Stephen K. White has written of the need for a chastened yet emphatic form of appeal to reason that takes into account what Rawls in *Political Liberalism* calls “the fact of reasonable pluralism.”⁷⁷ Those whose reason is chastened do not try to impose their own conceptions of the good on others (15). Although he applauds the “chastened but still emphatic” reasoning of Rawls, White nevertheless finds inadequacies in Rawls’ approach. He cites

⁷³ *Ibid.*, p. 223.

⁷⁴ G. A. Cohen, “The Market: On the Site of Distributive Justice,” in *Social Justice*, ed. Matthew Clayton and Andrew Williams (Malden, MA: Blackwell Publishing, 2004), chapter 10, pp. 218-40.

⁷⁵ *Ibid.*, pp. 232-33.

⁷⁶ *Ibid.*, 227, quoting Rawls on page 528 of the original edition of *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971).

⁷⁷ White, *The Ethos of a Late-Modern Citizen*, p. 15.

Charles Larmore's critique of Rawls' claim to have a "freestanding" political conception of justice that does not make foundational claims. Larmore says that Rawls in fact assumes "an underlying view of human dignity and of the respect we thereby owe each other and each human being."⁷⁸ Paul Ricœur incidentally makes a similar observation when he says that Rawls' second principle of justice in his earlier work, *A Theory of Justice*, presupposes a "secret kinship with the commandment to love."⁷⁹ White, responding to Larmore, says that Rawls in restricting himself to a political conception might not need to look into how his own assumptions are justified. White nevertheless sees the need for a broader perspective than that of Rawls. He says that his own project of an "ethos of late modern citizenship" cannot entirely avoid foundational issues because its inquiry is not limited to basic structures. It is also about "how we go about 'living (...) the structures' (in Charles Taylor's words)."⁸⁰

One of the cornerstones of the ethos proposed by White is the idea of "presumptive generosity" toward others. He mentions a number of examples proposed by others:

Examples would include "critical responsiveness" (Connolly); "fundamentally more capacious, generous and 'unthreatened' bearings of the self" (Butler, in work after *Gender Trouble*); "hospitality" (Derrida); "receptive generosity" (Romand Coles); and "opening ourselves to the surprises" of engagement with the other (Patchen Markell). Crucial in all of these perspectives is a sense of the cognitive and affective need to dampen the initial wariness and certainty that we are likely to carry into our engagement with those whom we all too easily size up as radically other to us. (31)

The presumptive generosity proposed by White is openness to acceptance of others who initially seem much different from ourselves. He compares it to Charles Taylor's understanding of Christian *agape*, which has individuals seeking to mimic God's love for creation in their relations with others (108-09). While White finds that Taylor's proposal has its strength, he also finds that it demands too much: "The imperfections of the human character may make it too decrepit a vehicle to manifest that love in full and robust form, at least within the everyday life of an ordinary Christian" (109). In other words, this form of Christian charity sounds too much like what Aquinas would call a

⁷⁸ White, 16, quoting Larmore, "Respect for Persons," in "Commitments in a Post- Foundationalist World: Exploring the Possibilities of 'Weak Ontology'," special issue, *Hedgehog Review* 7:2 (Summer 2005): p. 71; and "Moral Basis of Liberalism," *Journal of Philosophy* 96:12 (December 1999): pp. 601-602, 607-608.

⁷⁹ Ricœur, p. 36.

⁸⁰ White, pp. 16-17, quoting Taylor, *Philosophical Arguments* (Cambridge, MA: Harvard University Press, 1995), XII.

counsel of perfection. What White proposes instead is “a nontheistic, presumptive generosity [that] might be found to overlap rather interestingly with a religious orientation that manifests an attenuated *agape*” (109). As an example of what this may involve, he suggests that tensions between U.S. citizens and immigrants to the United States might be defused if the citizens were to travel to meet the immigrants in places where the roles would be switched and the immigrants would play host (110). This contact might at least, according to White, dampen the resentment that the citizens feel toward the immigrants once the citizens begin to see them as persons and members of families and not as “faceless hordes.”

The types of presumptive generosity now being proposed by White and other philosophers he mentions are manifestations of the second precept of love which Aquinas says is universally self-evident and which informs his conception of justice toward our neighbour. If the presumptive generosity described by White rises to the level of habitual good will toward others in being open to accept others and give them their due, then it resembles what Aquinas defines as justice, i.e. “a habit whereby a man renders to each one his due by a constant and perpetual will.”

It has thus been shown that many contemporary thinkers, including White and others he cites, realize that Rawls’ political conception of justice cannot stand on its own. It needs to be supported by a social ethos that makes foundational claims such as belief in human dignity and the principle of respect for others (Larmore) and the principle of presumptive generosity (White et al.). Moreover, the ethos proposed by White bears marked similarities to Aquinas’ conception of justice (in the sense of general or universal justice) as a virtue of persons based upon love. This is an argument for the contemporary relevance of Aquinas’ conception of justice.

The criticism that will inevitably be leveled against Aquinas’ conception of justice as a virtue of persons is that such a notion of justice is not appropriate in a late modern pluralistic society in which there are deep differences and various conceptions of the good. It will be argued that a single notion of personal virtue should not be imposed on everyone. The answer to that criticism may be as follows. First, as Larmore and White have shown, no theory of justice can avoid assuming some underlying foundational principles pertaining to persons and how to treat them. There must be a just social ethos in order to support just structures. Second, I have argued that part of the attractiveness of Aquinas’ conception of justice at the level of the state is that it does not propose micromanagement of personal lives as, for instance, in Plato’s *Republic*. It does not prescribe all the acts of the virtues or prohibit all vices, but chiefly only those necessary for preservation of society. It leads people to the virtues “gradually not suddenly.” It may accommodate a high degree of

pluralism, as may be required according to the nature of the population, as long as there is widespread consensus on vital foundational principles. Third, ethical relativism need not be assumed as a corollary of pluralism. There are some practices that really ought to be prohibited, such as slavery, murder and child prostitution, and other types of practices that really ought to be encouraged for the sake of the common good, such as religion, honesty, family life and charitable giving. Fourth, a society dedicated to higher values and truths, which gently encourages and leads its citizens to live just and virtuous lives in the broadest sense of the term, will likely be a more attractive place to live than one which is concerned only with material wealth and structures of distributive justice. Fifth, having a conception of the just and virtuous life, and living it, is valuable even if that conception of justice is not reflected in the prevailing social structures, or even in the social ethos. As Socrates argues in the *Republic*, justice is the finest kind of good in the life of a person.

Thus I conclude my argument for the contemporary importance of the classical understanding of justice as primarily a virtue of persons and secondarily as a characteristic of just institutions. Aquinas' conception of justice as primarily a virtue of persons based upon love is still relevant today, and is attractive as a model for late modernity.

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Creative Imagination, Culture, and the Origins of Democratic Politics in Giambattista Vico's Conception

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According to Mark Lilla, Vico is an anti-modern and an anti-liberal thinker, who argues for the Roman irrational custom against Greek rational philosophy, as part of his intelligent attempt to dress conservative (authority over freedom) ideas in the linguistic and conceptual coat of modern science. His anti-modernity comes from the fact that he gives up political liberty and free philosophical thinking for religious wisdom and anti-modern social science (history over philosophy). In brief, Vico rejects reason and philosophy in the name of authority, namely, of religion and history.

Following this narrative, Vico's anti-modernism and conservatism is a reaction to the skepticism brought about by modern reason. This is characterized by anti-providentialism, materialism, individualism, and the fact that ethics lacks justice and politics lacks a principle of natural right "in a world of naturally unsociable individuals, driven by bodily passions, unchecked by incorporeal ideas, and without the guidance of God."¹ As a result, Vico condemns skepticism because it destroyed what Lilla calls the irrational element in politics, as represented by imagination and the common sense. The conclusion follows ineluctably that Vico defends primitivism against reason and philosophy.²

Reason alone is destructive. Consequently, Vico criticizes philosophical rationalism because it brings about decadence and disorder. It generates religious and political skepticism. For Vico, Lilla points out, reason needs to be limited, not so much because of what it is "capable of achieving," but because of "what it is capable of destroying."³ All these, Lilla warns us, make Vico the

¹ M. Lilla, *G. B. Vico. The Making of an Anti-Modern* (Cambridge, Massachusetts, 1993), p. 64.

² Lilla, *G. B. Vico*, p. 164.

³ Lilla, *G. B. Vico*, pp. 115, 154.

inspirer and the source of Joseph de Maistre's attack on the Enlightenment "on the grounds that man needs religion and authority."⁴ Thus the verdict comes, Vico is an anti-modern in the line of de Maistre, although he is not using "terms such as 'blood, soil, Cross'."⁵ Undoubtedly, this is a dangerous connection since it links Vico to Maistre's mystical nationalism, where conservatism passes into nationalism and patriotic fanaticism.⁶

It is my aim in this paper to demonstrate, opposite to interpretations such as Lilla's, that Vico's view of the relationship between culture and politics is not conducive to nationalism and thus, although conservative, it is not reactionary. If properly understood, Vico's conservatism is conducive to a conception of culture, where creativity, as an expression of finitude, and imagination, as an expression of the human capacity to keep a meaningful relationship with the strange and the unfamiliar, are engaged in the making of a common world, without putting aside local traditions.

Instead of being a critique of philosophical rationalism *tout court*, Vico's quarrel with modernity aims at enriching the modern concept of reason, by making reason receptive to its corporeal, poetic roots, and thus to its world disclosive capacity. From this perspective, Vico's deploring of the withering of traditions does not mean that he sacrifices freedom for authority and religion, as Lilla argues. On the contrary, it means that he sees freedom not so much as the ability of the subject to criticize, but rather as the ability to create new cultural conditions of possibility for reason. It is the poetic capacity to open up a world.

Freedom is not sovereignty, but rather "self-decentering receptivity."⁷ It is the capacity to create new sites of intelligibility, to be receptive to "something that is not us" and thus to reformulate our conception of ourselves. It is the "practical ability to see more in things than they are" and to see them in light of possibility, of "how they might otherwise be."⁸ In this sense, authority for Vico is not blind submission to religion and history. On the contrary, it is "the creative authorship and authority of human volition,"⁹ the capacity to expand the cultural and political horizon, through metaphorical linguistic creativity.

⁴ Lilla, *G. B. Vico*, p. 13.

⁵ Lilla, *G. B. Vico*, p. 9.

⁶ E. Gianurco, *Joseph de Maistre and Giambattista Vico (Italian Roots of de Maistre's Political Culture)* (New York, 1937), pp. 112, 113.

⁷ N. Kompridis, *Critique and Disclosure. Critical Theory between Past and Future* (Cambridge, Massachusetts, 2006), p. 38.

⁸ Kompridis, *Critique and Disclosure*, p. 20.

⁹ G. Vico, *New Science. Principles of the New Science Concerning the Common Nature of Nations. Third Edition Thoroughly Corrected, Revised, and Expanded by the Author*, translated by David Marsh (London, 1999), #138.

Authority is the capacity to make bridges that expand political identities in a direction that deepens the democratization of human societies as well as the meaning of what is human. For Vico human culture and history start with the opening of a clearing that functions as an asylum for strangers. Openness and generosity mark the beginning of history and culture and find their most intense expression in democracies, the political regimes that characterize the age of reason or of man. It is this feature that widens throughout history the political opening of human societies, expanding at the same time the meaning of the human. This practical ability is made possible by cultural and linguistic creativity.

Conservatism – understood as the preservation of an as wide as possible cultural and historical horizon, of a copious imaginative horizon “dell’idee, costumi e fatti del gener umano” – is for Vico the very basis of cultural and political creativity. The key to this connection is rhetoric, an element ignored by both Lilla and Gianturco. Vico’s theory of culture combines the classical principles of oratory with insights into “particular – principally Roman – forms of poetry, myth, religion, and law.”¹⁰ Both philosophy and politics are culturally embedded. However, far from being a limitation, this is a source of inspiration and creativity, because, as Michael Mooney points out, what matters for Vico are not so much the strengths of mind, logic and science, as it is the vitality of a culture.

A culture is vital when it has the capacity to invent new topics, namely, new places from where thinking and acting can start, in a way that brings and holds the members of a community, by extension, of humanity, together. However, such capacity is possible only within a copious imaginative space, which preserves meaningful and ramified, connections with the origins, namely, with the fables and the foundational myths of mankind, with the metaphorical and poetic roots of morality and politics, of law and philosophy. Such a space keeps a vivid connection with the existential conditions of heroic and sublime mind, the source of what I call pious creativity.

Since, as Giuseppe Mazzotta points out, for Vico “the political sphere is circumscribed within the vast compass of the domain of culture (which is the polity’s ‘mental dictionary’, or totality of beliefs, institutions, laws, intellectual styles,”¹¹ then, the vitality of a culture could become a source of political creativity. As a result, assuming that politics is culturally embedded, political actions, such as power struggle, institutional reform, or problem-solving, are possible only to the extent there is linguistic creativity. This means only

¹⁰ M. Mooney, *Vico in the Tradition of Rhetoric* (Princeton, New Jersey, 1985), p. 24.

¹¹ G. Mazzotta, *The New Map of the World. The Poetic Philosophy of Giambattista Vico* (Princeton, New Jersey, 1999), p. 12.

to the extent ingenuity produces new vocabularies and forms of speech and at the same time it is intersubjective, namely, it always includes the other. It is always prepared to address the other and to listen to him, because it is engaged in the making of the world.

To define culture as essentially creative and to link its metaphorical linguistic creativity to politics is important because as, Jürgen Habermas points out, today political “conflicts are increasingly defined from a cultural standpoint.”¹² To the extent that intercultural understanding becomes a political task, dealing with it raises a crucial problem, namely, how “can there be rational communication with those faiths, which are articulated in strong traditions and in comprehensive doctrines, and, which appear to the unbeliever only in the form of ciphers?”¹³ It is my hypothesis that for Vico, culture, instead of being a source of mystical nationalism or of secular fanaticism, is a source of innovation and inventiveness that enriches politics in a dialogical manner. The main reason is the transformative and socially and politically coagulating role that cultural and religious symbols and metaphors, narratives have for Vico.

In order to demonstrate my hypothesis I will first prove that creative imagination constitutes the vitality of a healthy culture for Vico, especially in connection with religion. It is this capacity to engage creative imagination for purposes of communication and commonality that defines practical, moral and political, wisdom and qualifies one for citizenship. Second, I will prove that the type of creativity that is the hallmark of a healthy culture for Vico is pious, namely, it is engaged in the making of humanity in a manner that avoids the conceit of both nations and scholars. Third, I will connect this pious creativity to politics, showing that the way to bring cultural creativity into politics is by keeping vivid the memory of human origins as a mixture of strangeness and familiarity, of marginality and liminality.

Civil Imagination, Communication, and Commonality

The worst nightmare of humanity is for Vico solitude. In the modern age, of reason, this is accompanied by “the barbarism of calculation” or reflection. In this age “people are accustomed to think of nothing but their own personal advantage” and “no two of them agree, because each pursues his own pleasure or caprice.”¹⁴ One result is the reduction of “all the cultural activities of man to mere tactics of a defense mechanism (as, in Vico’s view, Hobbes

¹² J. Habermas, *The Liberating Power of Symbols* (Cambridge, Massachusetts, 2001), p. 31.

¹³ Habermas, *The Liberating Power*, p. 36.

¹⁴ Vico, *New Science*, # 1106.

did).¹⁵ Moderns are efficient at ordering,¹⁶ but not at inventing new “narratives of association” that would shape their commonality. This is Vico’s main criticism of Descartes and Cartesianism. It is not primarily epistemological, but moral and civil.¹⁷ Descartes and his followers do not cultivate human civility and sociability, because they have a low opinion of creative imagination.

Thus, they neglect synthesis and composition as well as the discovery and invention of arguments. They neglect topical philosophy, an “art whereby we grasp philosophical meanings through narrative speech and not through argumentative process.”¹⁸ Topical philosophy is philosophical wisdom (*sapienza*), because it never dissociates concepts from narratives, from poetic wisdom as this is stored in and creatively advanced through common sense. By neglecting the art of topics, Cartesians dissociate truth from (cultural) common sense, which is the “criterion of practical judgment” and “the guiding standard of eloquence,”¹⁹ which brings individuals together in communities prior to reason. Common sense is made of narratives and metaphors, which are the products of poetic wisdom and of the art of topics.

Reflecting their lack of training in rhetoric and poetic wisdom, namely, in the topics that constitute common sense, which weakens their memory and their imagination, individuals are not anymore prepared to “engage in the life of the community.”²⁰ The destructive result is the impairment of their ability to communicate with each other. Isolated from each other, they respond rather to their individual instincts, than to “their communal imaginations.”²¹ The inability to connect to common imaginations is a tremendous loss for Vico, because, as David W. Black points out, for him communication “does not originally presuppose a common language but rather means what it meant in the ancient Latin: to *make* common.” Thus, since the “poetic character is the model of all communication because it reflects the purest form of communal making”²² and since “poetic expression springs from two sources: the poverty of language, and the need to explain and to be understood,”²³ it becomes clear that the neglect of imagination diminishes both the communicational skills of people and the commonality of their world. Both *fantasia* and *ingenuity* are

¹⁵ J. Mali, *The Rehabilitation of Myth. Vico’s ‘New Science’* (Cambridge, 1992), p. 49.

¹⁶ D. Ph. Verene, *Vico’s Science of Imagination* (Ithaca, London, 1981), p. 200.

¹⁷ Mooney, *Vico in the Tradition of Rhetoric*, p. 102.

¹⁸ Verene, *Vico’s Science of Imagination*, p. 180.

¹⁹ G. Vico, *On the Study Methods of Our Time*, translated by Elio Gianturco (Ithaca and London, 1990), p. 13.

²⁰ Vico, *On the Study Methods*, p. 33.

²¹ D. W. Black, *Vico and Moral Perception* (New York, 1997), p. 87.

²² Black, *Vico and Moral Perception*, p. 53.

²³ Vico, *New Science*, #34.

forms of memory for the Italian philosopher. This explains why a deficient imaginative and remembering horizon is conducive to a decrease in creativity and thus in human sociability and communication.

For Vico memory is made out of three faculties.²⁴ First, there is memory proper (*memoria*). This is the power to recollect. Second, there is fantasia. This is the power to alter and recreate, namely, to reorder what has been recollected. At the same time, as J. R. Goetsch explains, fantasia constantly reshapes an image into a human representation, and in this way “it allows the human being to encounter the unfamiliar as something strange that yet has meaning.”²⁵ Third, there is ingenuity (*ingegno*). This is the power to give a “new turn” (*mentre le contorna*) to the recollected and reordered images. Since ‘*contornare*’ means ‘to surround’, ‘to go round’, ‘to outline’, ‘to border’, then *ingegno* uses the recollected and reordered elements to outline, to demarcate a new image, a new frame, to form a new topic, a new commonplace. *Ingegno* is the power to combine given elements into a new way, and thus to see new possibilities in the given elements of a culture.

Through fantasia and *ingegno* the human mind keeps itself connected to the unfamiliar and the strange as something still meaningful and at the same time it is capable to generate new meaning by seeing connections even between the “remotest matters.”²⁶ As Vico explains, poetic language “should heighten and enlarge our powers of imagination,” it “should inform us, in brief expression, of the ultimate circumstances by which things are defined,” as well as “transport the mind to the most distant things and present them with a captivating appearance.”²⁷ Creativity is possible in a culture only to the extent this can remember its most remote origins²⁸ and connect to the “remotest matters,” thus being able to keep an intelligible and meaningful relationship with them. Memory thus understood is both the source of a culture’s creativity and of its humanity. It is the source of its civility.

Imagination is the core of spirit in human beings and as “God is continuous activity, spirit is continuous productivity.”²⁹ The productivity of spirit is

²⁴ Vico, *New Science*, #819.

²⁵ J.R. Goetsch, Jr., *The Geometry of the Human World* (New Haven, London, 1995), pp. 40-41.

²⁶ G. Vico, *Autobiography*, translated by Max Harold Fisch and Thomas Goddard Bergin (Ithaca, New York, 1963), p. 123.

²⁷ Vico, *The First New Science*, translated by Leon Pompa (Cambridge, 2002), #250.

²⁸ To know something for Vico is, of course, to know its cause. To have the knowledge “of the causes that are necessary for a science of the human world” is to “discover the commonplaces that make up its *sensus communis*. These are originally created by humans through their power of *fantasia*” (D. Ph. Verene, “Vico’s Philosophical Originality, in *Vico: Past and Present*, edited by Giorgio Tagliacozzo [Atlantic Highlands, New Jersey, 1981], volume 1, p. 140).

²⁹ G. Vico, *On Humanistic Education (Six Inaugural Orations, 1699-1707)*, translated by Giorgio A. Pinton and Arthur W. Shippee (Ithaca and London, 1993), p. 41.

generally speaking the active spontaneity of the human mind, the fact that it makes the human world out of itself. The creativity of imagination consists in the capacity to originate and produce new cultural forms.³⁰ Imagination is the faculty “that makes present to our eyes lands that are very far away, that unites those things that are separated, that overcomes the inaccessible, that discloses what is hidden and builds a road through trackless places.”³¹ To know ourselves means to see “the divine power of the spirit.”³² That is why, man “who by lack of courage constraints his divine mind, by lack of confidence in himself debases it, and by despair of great accomplishments wares is down, may instead be incited and encouraged to undertake great and sublime endeavors for which he has a more ample capacity.”³³

To see the divine power of our spirit, namely its productivity, is the beginning of wisdom (*sapienza*) in us, while “becoming wise depends solely on the will,”³⁴ on our moral effort, guided by our sense of divinity. Wisdom, Vico explains, is “the faculty governing all the disciplines that teach the arts and sciences which perfect (*compier*) our humanity.”³⁵ To perfect humanity means to develop the best (*ottime*) institutions, namely, those that “serve the well-being of the entire human race (*il bene di tutto il gener umano*), aiming at the same time toward the highest good, which is the divine. It is the possession of wisdom (and implicitly of imagination) that qualifies one for citizenship. To have the privilege of citizenship by being wise means two things. On the one hand, it means to know the certain. On the other hand, it means to do the right. In knowing the certain, we contemplate God. In doing the right we imitate him.

Since, wisdom is “the faculty of making those uses of things, which they have in their own nature, not those which opinion supposes them to have,”³⁶ the wise man is aware of the preeminence of common sense over reason, of *certum* over *verum*. Vico’s concept of ‘certain’ is not the Cartesian rational and ego grounded certainty, but, the common sense of humanity, all the ideas, deeds, and customs, which, before reason and philosophy, signified and shaped what it is to be human across different cultures. The certain (*certum*) is *factum*, namely it is made by humans. It is a cultural and historical product. Thus, it is “everything that depends on human volition: for example, all histories of the languages, customs, and deeds of various peoples in both war and

³⁰ Vico, *On Humanistic Education*, p. 42.

³¹ Vico, *On Humanistic Education*, p. 43.

³² Vico, *On Humanistic Education*, p. 49.

³³ Vico, *On Humanistic Education*, p. 40.

³⁴ Vico, *On Humanistic Education*, p. 50.

³⁵ Vico, *New Science*, # 364.

³⁶ Vico, *New Science*, # 706.

peace.”³⁷ It is common sense, “an unreflecting judgment shared by an entire social order, people, nation, or even all humankind.”³⁸

The Vichian wise man knows that origins and beginnings are poetic, contingent, and uncertain, not rational and certain (in the Cartesian sense). That is why he “derives the highest truths from the unimportant ones.” He connects the true and the certain. He knows how to see the true in the certain. At the same time, since the particularities of the human world are *factum*, namely, they are made by human beings the wise man knows that origins are creations of inventive and sublimating perceptions. The first human ideas and institutions were myths (*favole*). Rights, as Vico points out, were first rites.³⁹ Their origin was inventive perception, namely, the capacity to transfer meaning from what is physical, the body, to what is not, and in the process to undergo a moral transformation. In fact, as Vico points out, this is the “universal principle of etymology in all languages: words are transferred from physical objects and their properties to signify what is conceptual and spiritual.”⁴⁰

The reason the wise man contemplates God in the certain, namely, in the deeds and customs of different cultures, is that he knows, opposite to the fool, how to follow and interpret the impetus of divine providence, starting with the way the bodily senses are oriented and shaped, are sublimated, in the making of the institutions and natures of peoples and thus in the creation of polities. This is the meaning of the grounding idea of Vico’s *New Science* that if “peoples lose their religion, nothing remains to keep them living in society.”⁴¹ Vico connects living in society to religion, in its etymological meaning as *religare*, to bind.⁴² However, what binds is the *sense* of community, namely the way people redirect and transform their feelings in such a way as to be able to love not only their own advantage, but gradually the well-being of family, of the city, of the nation, and in the end of “the entire human race.”

It is this meaning of *religare* that helps clarify Vico’s complaint, right at the beginning of *New Science*, that philosophers did not “yet contemplated God’s providence under humankind’s most characteristic property, which is its essentially social nature (*d’essere socievoli*).”⁴³ It is in this sense that Vico considers his *New Science* to be a “demonstration, as it were, of providence

³⁷ Vico, *New Science*, # 7.

³⁸ Vico, *New Science*, # 142.

³⁹ Vico, *New Science*, # 526.

⁴⁰ Vico, *New Science*, # 237.

⁴¹ Vico, *New Science*, # 1109.

⁴² Vico, *New Science*, # 503.

⁴³ Vico, *New Science*, # 2.

as historical fact,"⁴⁴ because his main concern is religion as a social and cultural dynamic element in the formation or composition of humanity. Divine providence is for Vico an anthropological and cultural mechanism, the essential mechanism in the moral and political making of the human, not a metaphysical reality.

Consequently, religion does not consist for him in a set of truths, in a given content, but in a certain way of positioning oneself in relationships with one's own human (cultural and historical) possibilities. It is *the* way of situating oneself in relationship with the very possibility of constructing one's own humanity. This is grounded in the fact that Vico conceives the historical role of divine providence from the angle of human finitude and limitation. As for Kant, the source of our creativity, of our active spontaneity is our finitude. That is why, for Vico as for Kant, "any attempt to prove a priori the existence of God exhibits an impious curiosity."⁴⁵ In this sense, as Kant, Vico does indeed limit human foolish ambition, but not human wise creativity, one that originates in the recognition of our limits.

To Vico God is rather the only direction and orientation humans have in piloting through the "unending waves of conjecture."⁴⁶ Thus, divine providence represents "the way in which *human* mind has perceived the *divine* mind,"⁴⁷ the "universal belief in the *provident* nature of divinity"⁴⁸ or "the human sense that there is a divinity."⁴⁹ Humans, Vico points out, are pregnant with an innate concept of divine providence (*nel concetto innato c'hanno gli uomini di essa provvidenza divina*).⁵⁰ It is in this sense, that providence as "to divine" (*divinari*) is a human practice for understanding "either what is hidden from men, meaning the future, or what is hidden within them, meaning their conscience."⁵¹ The idea of divinity, Vico explains, using his favorite method - that of etymologies - is "the idea of a mind that sees into the future, for such is the meaning of *divinari*."⁵² In this sense, providence is not "transcendent but functional divinity."⁵³

⁴⁴ Vico, *New Science*, #342.

⁴⁵ N. Rotenstreich, "Vico and Kant," in *Giambattista Vico's Science of Humanity*, edited by Giorgio Tagliacozzo and Donald Phillip Verene (Baltimore and London, 1976), p. 24.

⁴⁶ Vico, *On Humanistic Education*, p. 70.

⁴⁷ Mali, *The Rehabilitation of Myth*, p. 98.

⁴⁸ Vico, *New Science*, #365.

⁴⁹ Vico, *First New Science*, #45.

⁵⁰ It is the connection between to conceive and to be pregnant, both conveyed by 'concetto'.

⁵¹ Vico, *New Science*, #342.

⁵² Vico, *First New Science*, #75.

⁵³ Sandra Rudnick Luft, *Vico's Uncanny Humanism: Reading the New Science between Modern and Postmodern* (Ithaca and London, 2003), p. 193.

Religion, or more precisely, divine providence, describes for the Italian philosopher a task and an aspiration to make ourselves human and to perfect our humanity, rather than a set of answers. This explains why at the end of *New Science*, after he concluded that without religion no social living is possible, Vico points out that in the order of institutions, “providence makes itself clearly felt (*sentire*) through three feelings (*sensi*): first, wonder (*maraviglia*), second, veneration (*venerazione*)” and third, “ardent desire” (*ardente desiderio*).⁵⁴ These three feelings are called by Vico righteous (*sensi diritti*), because they make human living together possible. Wonder is the capacity to see things as for the first time, the capacity to see the extraordinary in the ordinary. It is also *excessus mentis*. Veneration is the capacity to make room for and recognize that there is something higher than and superior to oneself. Desire is the capacity to run ahead of oneself, to move toward something else, and thus to leave oneself behind.

In my opinion, all three feelings, wonder, veneration, and desire, are meant to de-center humans, to take them out of themselves, out of the excessive concern with their own advantage, security, conceited superiority (*boria*). They act in the spirit of poetry and “imaginative creation,”⁵⁵ which are characterized by *sublimità* (sublimity). By perturbing the minds of people (*excessus mentis*), namely, by pulling them out of their familiar settings (throwing them into confusion) and by disturbing given and taken for granted forms of order,⁵⁶ imaginative creation transforms them. It teaches them to act virtuously and to obey divine authority. It teaches them the first paradigmatic lesson of “restraining discipline.”⁵⁷ It teaches human beings to step back and, in curbing themselves, to make room for the other, and thus to listen to his voice; which is, initially, the voice of the gods.

The experience of the sublime is an experience of “an overwhelming force that ruptures the uniform, repetitive patterns of perception.”⁵⁸ In so doing it elevates and transfigures the senses and the mind. It lifts them to the level of a superior moral experience, where humans learn to live together. Thus, the core of Vico’s conception of religion and divine providence is the human moral effort (*conatus*) and aspiration, the human freedom to shape

⁵⁴ Vico, *New Science*, # 1111.

⁵⁵ Vico, *New Science*, # 376.

⁵⁶ It is in this sense that for Vico we “first feel things without noticing them, then notice them with inner distress and disturbance, and finally reflect on them with a clear mind” (*New Science*, # 218). I take this to mean that without the moving power of emotion and without the capacity to creatively coagulate, form, and shape the disorder produced and infused by them, there is nothing to reflect upon.

⁵⁷ J. S. Mill, ‘Coleridge’, in J. S. Mill and Jeremy Bentham, *Utilitarianism and Other Essays* (London, 2004), p. 193.

⁵⁸ Mazzotta, *The New Map of the World*, p. 60.

our humanity, to compose it through the de-centering practice of divination. This is the practice through which humans let the unknown and the uncertain to speak to them. It is the creative practice through which they give to the strange a meaningful voice. In this fundamental sense, religion is not a confirmation of familiar territories, but the courage to engage oneself beyond these territories, in a creative, non-destructive and non-violent, way. Ultimately, religion does not bind to what is familiar, but to what is strange.

The paradigmatic act of *religare* and of providential cultural practice was that through which the (strange and fearsome) voice of the thunder awakened in the *grossi bestioni* the moral effort and freedom to transform themselves into human beings. They underwent this moral transformation through an act of creation, which resulted in the first “civil metaphor.”⁵⁹ This metaphor, “the first to be conceived by the human civil mind and more sublime than anything formed later” was “that the world and the whole of nature is a vast, intelligent body, which speaks in real words and, with such extraordinary sounds, warns men of that which, through further worship, it wants them to understand.”⁶⁰

Thus, the *grossi bestioni*, in trying to interpret (*divinari*) the voice of the thunder, “imagined the heavens as a great living body.”⁶¹ This was a creative and transformative perception, one that in making the concept of god, Jove, through a transfer of meaning, from bodies to heavens, initiated at the same time a moral transformation, because the creators became in the process human, by experiencing fear and shame. Through their poetic, imaginative power to name the thunder Jove the *grossi bestioni* formed at the same time their first possibility to become human. They transformed themselves. As a result, in its essential, *human*, meaning religion is the creative and imaginative response to the strange. It is the non-destructive attempt to give it a voice and a face.

This explains why for Vico to *do the right* is, despite human finiteness, to imitate God, namely to be productive and to manifest our “creative and free natures.”⁶² It means to construct our dual citizenship, that given to us by nature (the universal right of people, natural law) and that given to us by birth (our national belonging). Thus, to be wise and have the privilege of citizenship of the two worlds, of mankind and of your own nation, means for Vico, to be a creator who, in forming passions discloses a world of human living together, where living as humanity has priority over living as national

⁵⁹ Vico, *First New Science*, #411.

⁶⁰ Vico, *First New Science*, #111.

⁶¹ Vico, *New Science*, #377.

⁶² Vico, *On Humanistic Education*, p. 98.

groups because “the whole of mankind is valued more than any single national unit.”⁶³

As the central part of our productive spirit, imagination has a combinatory or compositional power. This consists in the capacity to tie together different elements, to generate new combinations through connections previously unnoticed. Vico calls it “acuteness” (*acuto ingegno*). It is the capacity to join two lines (*unisce già due linee, unisce cose diverse*) in an acute angle, opposite to just “extending a single line.”⁶⁴ Since, for Vico “man is the god of artifacts”⁶⁵ and the “civil world is certainly a creation of humankind,”⁶⁶ it is imagination or the “supreme, divine artifice of poetic faculty” that plays the grounding, foundational role in the making of the civil world. The reason is that through it, “in a god-like manner, from our own idea we give being to things that lack it.”⁶⁷

In the first *New Science*, trying to explain how difficult it is for the modern mind to understand the poetic power the first humans engaged in making the first ideas and institutions, Vico mentions two synthetic and generative capacities that the modern mind, dominated by the Cartesian model of thinking, still possesses. One of them is associated with geometric synthesis, the other with literature. In geometric synthesis, the mind runs through all “the elements of language, simultaneously choosing and combining” those that it needs. In literature, the mind runs through the letters of the alphabet, selects them and combines them in order “to read and write with them.”⁶⁸ In both cases, the emphasis is on the capacity to select and creatively combine given elements in order to generate new combinations. Thus, the type of imagination Vico conceptualizes in his *New Science*, as both *fantasia* and *ingegno*, is profoundly creative, namely, combinatory and compositional. It is synthetic, not reproductive.

It is, perhaps, true to say that what Vico hopes to offer through his *New Science*, as a science of origins, are the elements, the bricks, which can be combined by the creative imagination of human beings in order to compose their world, the same way the letters of the alphabet are combined to form words and languages.⁶⁹ The fundamental bricks of the civil world are for Vico the sensory topics, or imaginative universals, or poetic archetypes, the

⁶³ Vico, *On Humanistic Education*, pp. 117-118.

⁶⁴ G. Vico, *On the Most Ancient Wisdom of the Italians: Unearthed from the Origins of the Latin language*, translated by L. M. Palmer (Ithaca and London, 1988), pp. 102-103.

⁶⁵ Vico, *On the Most Ancient Wisdom*, p. 97.

⁶⁶ Vico, *New Science*, #331.

⁶⁷ Vico, *First New Science*, #254.

⁶⁸ Vico, *First New Science*, #42.

⁶⁹ Vico, *On the Most Ancient Wisdom*, pp. 98-99.

fabulous beginnings of mankind, “the forms of an original *sensus communis* of humanity.”⁷⁰ In this sense, as somebody who has creative, not reproductive imagination, the wise man knows that the human horizon of narratives and memories cannot be a dispersed and discontinuous collection of private vocabularies, but a place where combinations and intersections are possible, because there is no absolute discontinuity and continuities never become platitudes or imitations.

Through the combinatory capacity of his civil imagination, the wise man creates the truth (*far il vero*) and thus discloses new worlds where, through an expansion of what it *is* to be human, human forms of living together become possible. Wise men are creators. They are poets. Their heroic mind, one that has the courage of its divine creativity, is also sublime. It is therefore true to say that for Vico poetry is an essential civilizing factor. It is rational (in the sense of receptive reason) and “politically constructive.”⁷¹ This means that it shapes human emotions and passions in a moral sense. It disciplines and forms them. It situates and orients them correctly and thus makes human living together possible. In this sense, contrary to Lilla’s categorization of imagination as irrational, for Vico poetry is “a rational, truth-seeking enterprise.”⁷² As the “power that finds and creates connections (*similitudines*),” ingenuity “startles, uplifts, and brings men together.”⁷³ Poets are for Vico the educators of mankind. However, their imagination is not narcissistic, but profoundly attuned to the voice of the other, to the imaginative horizon of a community, and, eventually, of humankind.

Engaged in this civil act of creative making of the world, Vico’s wise man knows, opposite to the Cartesian philosopher, that he cannot rely only on logical arguments. He knows he needs topics as well, namely, the myths and narratives of a society, as the places where thinking and acting started in a society; its poetic beginnings. That is why for Vico prudence needs eloquence, namely, “lively and acute wisdom,”⁷⁴ creative wisdom, through which arguments keep a tight connection with cultural motives, as the places where the objects of our thoughts and theories first came into being, connected thus to experiences and existential conditions.

The wise man also knows that preserving myths and narratives, the fabulous beginnings of mankind is not a self-congratulatory activity, a form of idolatry. He knows that preservation is an expansion of the imaginative horizon and thus of the creative power. The wise and prudent man, as a man of

⁷⁰ Verene, Vico’s *Science of Imagination*, p. 53.

⁷¹ Mali, *The Rehabilitation of Myth*, p. 159.

⁷² Mooney, *Vico in the Tradition of Rhetoric*, p. 149.

⁷³ Mooney, *Vico in the Tradition of Rhetoric*, p. 150.

⁷⁴ Vico, *Autobiography*, p. 124.

eloquence who masters the *sapienza chi parla*, is both ingenious and flexible. He has imaginative flexibility and mobility. Thus, he knows that to preserve is to be able to creatively make humanity, to generate new forms of humanity and togetherness because of the copiousness of your spirit and of your imaginative power to disclose worlds. It is to be culturally creative, but in a pious way, namely in a way where mankind has priority over national belonging. This priority is revealed to us in the existential conditions of our creativity.

Cultural Vitality and the Pious Creation of Humankind

Fantasia and *ingegno* are different from *immaginazione*. This is a form of the modern imagination that is perverted by reason and thus incapable of divine creativity. Estranged from both fantasia and *ingegno*, modern reason and *immaginazione* had lost the capacity to connect to the experiential roots of concepts and judgments. As a result the deficiently imaginative reason of the age of men understands (concepts, institutions, and other cultures) only from the outside. It sees ideas and institutions as mere formulas, not as experiences. To see them as mere formulas means to have forgotten their meaning, namely, to disconnect them from the inventive perceptions and the transformative feelings that shaped their coming into being. The vitality, the robustness, and vigorousness, which accompany creativity is thus lost.

To see ideas and institutions as experiences is for Vico the real source of cultural creativity, because it connects to the existential conditions that shape human ingenuity. These connect creativity, “creative potency,” to human imperfection and finitude. The beginnings of mankind refer to “the existential conditions of thought”⁷⁵ and to an “original existential experience,”⁷⁶ as captured by some “foundational events”⁷⁷ that formed the moral emotions and the traditions by which men came to live as humans. In a fundamental sense, they convey “an existential sense of human strangeness,”⁷⁸ which comes from the “abyssal condition of the first men, nomadic wanderers in their ‘deserts’ – the forests, a world without order or one whose order is inaccessible.”⁷⁹

The principles of humanity that Vico’s *New Science* has the ambition of giving us are connected to these existential conditions. I share, in this respect, Joseph Mali’s opinion that what makes the novelty of Vico’s theory of the principles of humanity is not the actual choice of religion, marriage, and burial,⁸⁰

⁷⁵ Verene, *Vico’s Science of Imagination*, p. 69.

⁷⁶ Mali, *The Rehabilitation of Myth*, p. 71.

⁷⁷ Mali, *The Rehabilitation of Myth*, p. 116.

⁷⁸ Rudnick Luft, *Vico’s Uncanny Humanism*, p. 115.

⁷⁹ Rudnick Luft, *Vico’s Uncanny Humanism*, p. 113.

⁸⁰ Mali, *The Rehabilitation of Myth*, p. 56.

but the idea that our humanity and the poetic power to make it are grounded in and grow out of the same conditions. This means, Mali explains, to see religion, marriage, and burial as real moral facts. Therefore, I believe that as real moral facts they say something fundamental about what it is to be human.

In my opinion, religion, marriage, and burial, as defined by Vico, embody and describe, almost structurally, three different modalities of creating a bridge to the strange, each in different circumstances and to different degrees. They refer to crucial experiences in the making of the human, all three being traversed by the attempt to give a voice and a face to the strange, to find a way of addressing it. To begin with, as clarified above, religion is the paradigmatic creation of a bridge to the strange, in a situation where there is no other form of order, except the projective and transformative capacity of the creator.

The meaning of marriage is conveyed by Vico through the symbolism of three solemn rites. The first rite is that of defining marriage as a “lifelong sharing of one’s lot,”⁸¹ which is, in fact, a reminder of the original act of the *grossi bestioni*, that of dragging their women into their caves. In my opinion this signifies that marriage is about creating a bridge, a connection, in a space already structured by some order (the cave). The second rite is the veil worn by the brides. This symbolizes, for Vico, the origin of marriage in shame. In my opinion, the sheltering of the cave as well as the covering of the veil symbolizes the boundaries that encircle the consorts. The third solemn rite is the ritual abduction of a bride by force. This evokes the real violence with which the *grossi bestioni* dragged their wives into the caves. In my opinion, it is a perpetual reminder of the strangeness that accompanies the coming together for the first time of two human beings. Marriage is the paradigmatic creation of a bridge, a connection, through the taming of the initial violence and strangeness that marks the act of entering the boundaries of an already (culturally and socially) ordered space.

Burial, says Vico, was “the origin of the universal belief in the immortality of the human souls.”⁸² However, faithful to the idea that it is the social nature of human beings that interests him, not metaphysics, Vico points out, right after making this statement, that to “mark each grave, the giants must have fixed a slab...in the ground.”⁸³ It is around these grave markers that tribes and clans grouped and genealogical threads grew. They were also represented on the first family shields. It was the dominion over lands that the burial sites of the dead indicated as well. It seems thus that the true role of burial was to create a bridge, a connection between generations across time. Grave

⁸¹ Vico, *New Science*, # 506.

⁸² Vico, *New Science*, # 529.

⁸³ *Ibid.*

sites were the sign posts over time of a genealogical tree. They were markers of memory and of belonging. They paradigmatically related strangers across time.

Religion, marriage, and burial paradigmatically invent (though vigorous fantasia and acute *ingegno*) bridges to the strangeness of the thunder, of the newcomer that one has to share one's religion with, and of the faceless strangers coming from the future. Their inventive power is grounded in and shaped by the existential conditions of human creativity. These are ignorance, wonder, curiosity, and fear. Vico thinks that "whenever man is sunk in ignorance, he makes himself the measure of the universe."⁸⁴ Thus, when there is scarcity of known things, men judge the things of which they are ignorant in accordance with their own nature."⁸⁵ As a result, Vico generalizes, "as rational metaphysics teaches that man becomes all things by understanding them (*homo intelligendo fit omnia*), this imaginative metaphysics shows that man becomes all things by *not* understanding them (*homo non intelligendo fit omnia*); and perhaps the latter proposition is truer than the former, for when man understands he extends his mind and takes in the things, but when he does not understand he makes the things out of himself and becomes them by transforming himself into them."⁸⁶

As Verene explains, Vico's concept of ignorance resembles Nicholas of Cusa's notion of "learned ignorance." Like the Socratic ignorance, this is a constructive, creative ignorance. It transforms limits into sources of creativity, of further search, because, in making humans aware of their shortcomings, it reveals that their humanity, as much as God, cannot ever be identified with any of their particulars instantiations. Any attempt to know God or humanity ends with the increased awareness that this is only an expression of the imperfection of the one searching for meaning, and not an expression of the absolute. The only "product" of such "learned ignorance" is the deeper awareness of how much larger and impossible to capture in one single form or culture, the horizon of what counts as human is.

As a result, it is a "sense of ignorance that can help prevent the mind from turning ignorance (defined as uncertainty and indefiniteness of mind) into *boria*, or arrogance and false science."⁸⁷ It prevents humans from becoming arrogant, both as nations and as scholars. It prevents nations and cultures from claiming to be the sole possessors of what it is to be human and scholars from claiming that humanity and science started with reason. It is a sense of

⁸⁴ Vico, *New Science*, # 181.

⁸⁵ Vico, *First New Science*, # 254.

⁸⁶ Vico, *New Science*, # 405.

⁸⁷ Verene, *Vico's Science of Imagination*, p. 135.

ignorance that makes nations receptive to the otherness of other nations and cultures and scholars receptive to the otherness of imagination and fables, of poetic origins. This sense of ignorance is 'learned' because its only 'result' is the opening up of other possibilities, the enlargement of the horizon of what the divine or the human is.

Wonder and curiosity are both the daughters of ignorance. Wonder "opens our minds," while curiosity searches for meaning, it asks what something "can mean or signify."⁸⁸ *Maraviglia*, wonder, the foundation of knowledge, which has a creative core, is the state that "ruptures the uniformity of an undifferentiated world because it marks the perception of an alterity transcending one's state."⁸⁹ Thus it is capable of seeing the extraordinary in the ordinary. On the other hand, curiosity "closes off the shock generated by wonder by seeking the sense of the experience."⁹⁰

Moreover, fear is not passive, but an active and creative passion. It is also a self-limiting passion, being "awakened in men by themselves"⁹¹ It is extraordinary, not ordinary fear, namely, it is not fear of humans, but an existential fear of formlessness. It is the fear that, wonder and curiosity would not be able to form a place, a clearing from which our thinking and acting can start, a place where we can return, a root to govern our reasoning, without which we would get lost and would forget our origins. Verene calls this form of existential, extraordinary fear, "the terror of formlessness, which accompanies the attempt to make a new intelligibility."⁹² It is the fear that haunts those who are primarily creators, not knowers.

Instead, the fool, the opposite of the wise and prudent man, is devoured by curiosity, "always seeking excitement, never in touch with himself."⁹³ He is affected by one malady of curiosity, to the extent that this could also signal "mind's inability to hold onto the entities it questions."⁹⁴ The fool is thus devoured by desires and fear or anxiety.⁹⁵ As a result, he experiences culture either as an endless source of unreflected and touristic pleasures, where the worlds he encounters have no relief-like existence, being only a museum of dead curiosities, or a source of fear and anxiety, where the perception of alterity is just a terrifying experience, to be avoided. He cannot transform fear into a source of creativity, and thus into a formative passion that both shapes

⁸⁸ Vico, *New Science*, # 189.

⁸⁹ Mazzotta, *The New Map of the World*, p. 109.

⁹⁰ Mazzotta, *The New Map of the World*, p. 110.

⁹¹ Vico, *New Science*, # 382.

⁹² Verene, *Vico's Science of Imagination*, p. 93.

⁹³ Vico, *On Humanistic Education*, p. 66.

⁹⁴ Mazzotta, *The New Map of the World*, p. 110.

⁹⁵ Vico, *On Humanistic Education*, p. 65.

his desires and passions in a superior moral sense and keeps him connected to the existential sources of creativity. As a result, he cannot put his mind in a heroic and sublime disposition, one that in shaping its divine creativity, curbs it at the same time, by opening an over standing reality, one that cannot be fully delineated and made immanent, one that keeps de-centering us in our attempt to further capture it.

As a consequence, creativity is possible for Vico only when a deficit is recognized as being constitutive to what it is to be human. In my opinion this deficit has for Vico a threefold nature. It is ontological, epistemological, and linguistic. The beginnings of mankind are for Vico poetic. This means that what makes us human is not the capacity to know, but the ability to create and to imagine. It is corporeal imagination or bodily thinking (*robusti sensi* and *vigorosissime fantasie*) that gives the human mind something to think about for the first time. By the same stroke, through the creation of the first thought object, humanity comes into being as well.

On the most fundamental level this creativity is possible because of an ontological deficit. This means that there is no given niche for the humans in the world. Our initial feeling is one of strangeness to the world. As a result, our world is made by us. In this sense, for Vico language and metaphor create reality. The act of naming, which is metaphorical and thus results in an imaginative universal (*universale fantastico*) or a poetic archetype, “is the appearance of *is* in experience.”⁹⁶ Sandra Rudnick Luft calls this poetic ontology or the “ontological creativity of language.”⁹⁷

The epistemological deficit means that we are fundamentally creators, because of the fault (*difetto*) of our mind, of our limitation (*limitatezza*) and incapacity to understand what God has created. However, the fault of our mind is, in fact, a source of empowerment, because man turns this *difetto* to good, practical, and useful use (*trasse da questo difetto della sua mente un utile partito*). Thus he imagines what he cannot know. In this sense, it is creative imagination, ingenuity, which starts the construction of the human world. However, the vital imagination of the first humans *is not a part of our mind*, but a vivid sense of inspiration, a strong sense of sublimity, that creates for the first time what *is* to be thought by our mind.

Linguistic deficit means that there will always be in the world more things than words to name them, thus the need to invent them. It is in this sense that Vico reminds us “the important principle that every language, no matter how copious and learned, encounters the hard necessity of expressing spiritual

⁹⁶ Verene, *Vico's Science of Imagination*, p. 173.

⁹⁷ Rudnick Luft, *Vico's Uncanny Humanism*, p. 121.

things by means of relationships with corporeal things.”⁹⁸ It is in the turning to practical use of the *difetto* of our nature and world, of our mind, and of our language that the power of human creativity originates.

In this sense, imagination makes reality and it makes us human, by bringing us into a community with others and at the same time by keeping our community with them connected in a meaningful way to its strange and unfamiliar beginnings, to the threefold deficit that makes creativity possible. Grounded in and shaped by this threefold deficit, human creativity is neither hubristic nor a form of mastery. It is pious. Pious creativity transforms the creative agent in a way that allows him to experience a sense of otherness and piety, a sense of limitation. As a result pious creativity shapes the moral identity of the human creators in a sense that makes them experience a deferential conscience. This is a form of conscience that “is linked to the feelings that reflect sublimity, devotion, and a sense of distance.”

Deferential conscience grasps “the sense of otherness” that is “necessary to the perpetuation of wise and appropriate making.”⁹⁹ As the fundamental trope of human creativity, metaphor is both world-disclosive and morally formative, because in creating something new a sense of limitation is simultaneously experienced, namely a sense of non-mastery, a sense for something external and over standing, something that cannot be fully made immanent. At the same time, this sense of otherness is part of the wise making because through limiting, it makes possible further creativity, keeping thus alive a sense of unfinalizability, of inexhaustibility of what it is to be human.

From such a perspective, the crux of culture is not reproducing what has been initially disclosed, but it is about connecting to the existential conditions of creativity and thus engaging them once again poetically, in view of further (pious) creativity. In this sense, images are not to be unreflectively reproduced and imitated. They are not to be idolatized. Images and thus sensory topics (the grounding narratives and metaphors) are not static in a culture, but enlarged and revised.¹⁰⁰ Thus, culture creatively expands its origins. It creatively engages the founding *archai* and the principles of humanity to expand the forms of living together, through the capacity to connect to different forms of strangeness.

The memory of origins enables future creativity, by keeping vivid the sense of our initial strangeness, finitude, limitation, and vulnerability, of the existential conditions that shape our creativity, our finite spontaneity. It is meant to situate us again in the condition that shapes pious creativity. According to

⁹⁸ Vico, *First New Science*, #298.

⁹⁹ Black, *Vico and Moral Perception*, p. 62.

¹⁰⁰ Mooney, *Vico in the Tradition of Rhetoric*, p. 242.

Vico, these existential conditions were poetically configured in all cultures. As a result, opposite to what he calls the conceit of nations, the beginnings of humanity and thus of what it is to be human are independent of each other. They are not the privilege of any nation or culture. It is poetic wisdom that can offer human beings the knowledge of these existential conditions that are poetically configured in all cultures.

It is this kind of poetic wisdom that Vico's *New Science* tries to unlock for the modern spirit and imagination. He narrates myths in his *New Science*. He interprets metaphors and symbols, thus trying to unveil the power of metaphorical dislocations to make reality, to see similarities in what is different, "to join together disparate worlds."¹⁰¹ This capacity to creatively use narratives for developing new ways of thinking and acting is stored in and further enhanced through *sensus communis*, a common sensuality that is shared not only by each national community, but also by mankind at large. It is this common sensuality that makes it possible to construct a community even across cultures, namely, a common public world, one that constitutes the kernel of politics. It is this common sensing that becomes the "mover of culture,"¹⁰² the very source of the cultural construction of the forms that shape human nature.¹⁰³

In the tradition of rhetoric, which models Vico's theory of culture, the core of this creativity is metaphor. For Vico metaphor is not mere adornment, but the creative medium through which the threefold, ontological, epistemological, and linguistic deficit is productively and practically used. The extent of what we share (as members of a cultural community, but also as members of humanity) is given by how much we can metaphorically co-create and invent, as an expression of our capacity to see connections between our inherited imaginative horizons and the new situations that solicit our practical judgment. The co-creation of metaphor is the result of *sensus communis*, of fantasia, and of ingenuity. It springs from a combination of, on the one hand, familiarity/ continuity and comfortable proximity and, on the other hand, of strangeness and terror of formlessness.

The familiarity with even the remotest matters and the strangest origins is provided by the copious imaginative, cultural and historical, horizon without which no ingenuity would be possible, "for we must be familiar with things before we can judge them."¹⁰⁴ Without common sense and copious fantasia, the ground that the speaker shares with his audience, with the hearer, is very

¹⁰¹ Mazzotta, *The New Map of the World*, p. 11.

¹⁰² Black, *Vico and Moral Perception*, p. 193.

¹⁰³ Vico, *On the Most Ancient Wisdom*, p. 51.

¹⁰⁴ Vico, *New Science*, #498.

narrow and, even in danger of vanishing, thus leaving the speaker and the hearer with, maybe, strong minds, but without any world between them. The feeling of strangeness and the terror of formlessness come from the capacity of seeing oneself once again as a nomad, and thus in the danger of losing oneself in the darkness of the initial forest from which humans first pulled themselves out as a result of their own inventiveness. It is to remember that we are first and “originally” strangers, guests, and refugees, an experience that Vico sees as being foundational for the political existence of man.

It is this mixture of familiarity and strangeness that is the origin of cultural pious creativity. Its product is a form of unity (of national groups as well as of mankind) that does not reconcile in a Hegelian sense, where differences are overcome through a superior synthesis, but only holds together through the event of creative performance. This holds together not by abstracting from the concreteness of the context, but by transforming the emotions and feelings of the participants, by engaging them into a metaphorical dislocation. While the metaphorical dislocation creates new reality, it does not annul the distance between the particulars. It does not ever exhaust and overcome their differences. It uses them productively, however.

As a result, at the center of metaphorical dislocation is the possibility of further transformation, metamorphosis, and creation, because the gap between familiar and strange is never closed. The focus is rather on the “sense in transition,”¹⁰⁵ on the capacity to keep open the space between imaginative world disclosures and rational concepts. In this sense, the vital creativity of a culture resides in the capacity to keep itself on the threshold, between its copious familiarity and its terrifying strangeness. This is the capacity a culture has not to ever close the gap between diversity and unity, but only to gather diversity together, to hold it together, in such a manner that it can neither disperse nor just be a piling up and driving together of different disconnected elements.¹⁰⁶

However, it is precisely this cultural vitality that, according to Vico, modern democracies lost. Thus, they do not connect anymore reason with the world disclosing power of imagination. The metamorphic gap between imaginative worlds and rational concepts was thus closed, covered, and forgotten. As a result, modern democracies might have a *ratio communis*, but they do not have a *sense* of community.¹⁰⁷ This is the case because they forgot their origins, the fact that these are places where humans start as guests and refu-

¹⁰⁵ Ibid.

¹⁰⁶ M. Heidegger, *Introduction to Metaphysics*, new translation by Gregory Fried and Richard Polt (New Haven and London, 2000), p. 142.

¹⁰⁷ Black, *Vico and Moral Perception*, p. 186.

gees, as strangers. They forgot that political origins are places where familiarity and strangeness woven into each other, that origins are both marginal and liminal places. Such *loci* are the asylum and the market place, or the threshold places, where there is a diversity of voices, a polyphony that cannot ever be made one by reason, but only imaginatively configured.

The Asylum-City and the Origins of Democratic Politics

The order of human institutions, Vico states, is “first forests, then huts, next villages, later cities, and finally academies.”¹⁰⁸ It is in the dark and impenetrable density of forests that the first humans started. This signifies two things. First, there is no given order. There is only the darkness and the impenetrability of the forest. Order needs to be invented. Second, the first humans were nomads and wanderers “through the earth’s great forest.”¹⁰⁹ This means that the first humans were disoriented and lost wanderers in the initial forest, potential openers of a clearing, and not possessors of roots and origins. What made them human was their world disclosive, poetic capacity. The clearing thus opened is the foundation of *politeia*, of civil government, because it first provided order and orientation for the *grossi bestioni*, the vigorous and robust giants.

Order originates in the poetic making of man. This does not reproduce or confirm any initial model. It is, instead, the projection of a sense of possibility, where the creation of order emerges at the same time with the transformation of its creators. Its locus is language. This explains why Vico so carefully explains that “the natural law of nations arose separately among various peoples who knew nothing of each other.”¹¹⁰ It seems that the intuition guiding his understanding of natural law is that there is no model-copy relationship among different cultures, but a creative relationship framed by “an idea which was *one in substance*, but was expressed differently in various articulated languages.”¹¹¹ The core of this creative relationship is the polyphonic and metaphorical nature of (poetic) origins and of language. This reflects the fact that origins are a mixture of strangeness and familiarity, of marginality and liminality.

Since the foundation of civil government and the source of order is the first civil metaphor, the image of the “heavens as a great living body,”¹¹² the origin of law is not self-preservation, but the capacity for moral transforma-

¹⁰⁸ Vico, *New Science*, # 239.

¹⁰⁹ Vico, *New Science*, # 369.

¹¹⁰ Vico, *New Science*, # 146.

¹¹¹ Vico, *New Science*, # 527.

¹¹² Vico, *New Science*, # 377.

tion, for metamorphosis and sublimation, which at the same time brings people together through pious creativity. The origin of law resides in on the threshold or on the boundary situation, the core of which is the idea that “I am forever another,” an idea that also guides the manner in which Vico constructs his own *Autobiography*.¹¹³ The defining element of such a situation is “the possible transition to higher or different states of consciousness or social degree.”¹¹⁴ It is transfiguration. Such a situation is a combination of marginality and liminality, of being outside and yet already inside because of the capacity to transform oneself by projecting beyond oneself.¹¹⁵

It is this situation, of being on the threshold and potentially another, where strangeness and familiarity woven into each other that is paradigmatically embedded in the way all cities began, as a “refuge in the clearing.”¹¹⁶ The (poetic) archetype of a city is to be a refuge, an asylum, “whose invariable property is to protect their residents from violence.” Cities “were the world’s first hospices, and the first people received there were the first guests or strangers, *hospites* in Latin, of the early cities.”¹¹⁷ The defining feature of being a city is its openness, because, as Vico points out, the eternal origin of all states is not deception or force, but “generous humanity,” to which all other kingdoms, “whether acquired by deception and force, must later be recalled in order to stand fast and preserve themselves.”¹¹⁸ Democracies especially, Vico tell us, are “open, generous, and magnanimous.”¹¹⁹ Since the letting in of the refugees “reveals the existence of worlds other than one’s own, each world unknown to the other, and yet accessible to the other,”¹²⁰ the origin of the cities describes a situation where “different worlds suddenly draw near to one another.”¹²¹ The market place or the public square (*piazza*) describes another.

The refugees, the first associates, were guests. Guest, Vico explains, means both stranger and enemy.¹²² A stranger is a *peregrinus* in Latin. However, a stranger or a *peregrinus* is not a “true foreigner.” The difference is that “true foreigners,” when they travel through the world, Vico explains, do not wander through the countryside, as the stranger or *peregrinus*, but stay on the direct public roads. This means two things. On the one hand, the true foreigner

¹¹³ Mazzotta, *The New Map of the World*, p. 20.

¹¹⁴ Mazzotta, *The New Map of the World*, p. 29.

¹¹⁵ R. A. Makkreel, “Vico and Some Kantian Reflections on Historical Judgment,” in *Vico: Past and Present*, edited by Giorgio Tagliacozzo (Atlantic Highlands, N.J., 1981), Volume 2, p. 18.

¹¹⁶ Vico, *New Science*, # 114.

¹¹⁷ Vico, *New Science*, # 561.

¹¹⁸ Vico, *First New Science*, p. 146.

¹¹⁹ Vico, *New Science*, # 953.

¹²⁰ Mazzotta, *The New Map of the World*, p. 175.

¹²¹ Mazzotta, *The New Map of the World*, p. 175.

¹²² Vico, *First New Science*, # 282 and *New Science*, # 611.

accepts and follows the boundaries (which simply demarcate) between him and the others, as he directly takes the public roads. While the stranger, the one accepted in the asylum, in the refuge, starts opening up his own roads, his own commonplaces, he starts creating potential public roads out of the inchoate potentiality of the countryside.

On the other hand, by taking the direct public roads, the true foreigner is not dangerous, because he keeps himself in the open. He can be surveyed, because he follows a beaten trade. It is harder to keep an eye on the stranger, because he mingles with the others, he melts into the society and its culture, and thus he transforms himself and the world around him. He is dangerous because he transforms boundaries into crossings, and thus starts melting their role as just demarcations. Boundaries become points of contact and contiguity. The stranger is ambiguous, being both a source of diversity and of tragic transgressions of given forms of order. In the end, however, by transforming the refuge city into an on-the-threshold place, where strangeness and familiarity are woven into each other, he becomes a source of repeated metaphorical dislocations.

In Vico's narrative this is illustrated through the way strangers, first called plebeians started using the symbols of the heroes, because they had "no names of their own."¹²³ They entered the cultural commonplaces of the other and started transforming them, by creating inside the same name, which they shared with the heroes, their own fables.¹²⁴ At the same time, the heroes realized that it is for their mutual advantage that they appease the multitude of the rebellious clients, the strangers. Thus, embassy and commerce were invented and symbolized in the poetic archetype of Mercury. This god symbolizes, according to Vico, the act of sending "the law to the rebellious servants."¹²⁵

It was the presence of the strangers within the confines of the city, a presence that disturbed and pulled one out of oneself (*excessus mentis*), that made new laws necessary, namely new ways of addressing and of relating to the other. The law appears thus at the intersection of different voices, as a mixture of familiarity and strangeness. On the one hand, the plebeians and the nobles create bridges to each other, namely, the shared names and fables of familiarity. On the other hand, "the encounter between stranger and host puts in place a strange relation, a relation of strangeness,"¹²⁶ one that, in a sense, does not cease to be unsettling and uncomfortable.

¹²³ Vico, *New Science*, # 581.

¹²⁴ Vico, *New Science*, # 579, 580, 581.

¹²⁵ Vico, *New Science*, # 604.

¹²⁶ Mazzotta, *The New Map of the World*, p. 175.

It is in this sense that the source of all forms of order is poetic, because “all of Roman law was a serious poem, acted out by the Romans in their forum,”¹²⁷ while “all the principles of metaphysics, logics, and ethics originated”¹²⁸ in the public square of Athens. As the place where order takes shape, the public square is characterized by utter diversity. It is the space where “there were as many masks as there were persons, for in Latin *persona* properly means a mask. And there were as many names.”¹²⁹ In such places a plurality of discourses is available. They are polyphonic places, of poetic performance.

Through this, in a universe of diverse voices, of mixed voices of strangers and hosts, people learned to live on the threshold. Poetic performance made thus possible “experiences of association” instead of “narratives of separation.” This is symbolized for Vico by the act of wearing a mask, the initial meaning of *persona*, derived from the verb *per-sonari*, which “meant to wear the skins of wild beasts.”¹³⁰ Wearing a mask is thus the symbol of the mobile, metamorphic, transformational performance through which the individual is at the same time present and hidden, strange and familiar. It is this type of performance that holds together without collapsing the differences, without annulling them.

The unity achieved by poetic performance is not a making one, but a holding together without annulling the differences. Poetic unity reveals that at the heart of any claim to “purity” of a culture, of a tradition lurks the unsettling presence of the strangeness that made us human, of our unavoidable and ambiguous generosity and openness, the one that founded our cultural and political existence. Poetic unity is a dynamic unity, where every voice has the depth and the variety of a palimpsest texture, obscurities that do not unfold with Cartesian clarity, where traditions and vocabularies are hybrid, where words have intersecting and intermingling connotations, a mixture of strangeness and familiarity.

As a result, it makes every “identity” to be potentially on the verge of metamorphosis, on the verge of turning into another. In this sense, the crucial trait of imaginative unity is not the “sullen reverence for stability,” which “gives logic too much credit, conceiving it as the most legitimate model of thought,”¹³¹ it is not “stability and completion of being,”¹³² but rather “unfin-

¹²⁷ Vico, *New Science*, # 1037.

¹²⁸ Vico, *New Science*, # 457.

¹²⁹ Vico, *New Science*, # 1033.

¹³⁰ Vico, *New Science*, # 1034.

¹³¹ Black, *Vico and Moral Perception*, p. 101.

¹³² M. M. Bakhtin, *Rabelais and his World*, translated by Hélène Iswolsky (Bloomington, 1984), p. 101.

ished metamorphosis"¹³³ and transformation. Poetic unity is an in-between space that never closes off completely the differences between human and beast, between strange and familiar, between sacred and profane.

It is in this sense that for Vico modern democracies forgot their origins. They forgot that the origins of what it is to be human, of political communities, of law, and eventually of philosophy, logic, and ethics, are polyphonic places, where unity can only be imaginative, more like a holding together than like a reconciliatory making one. They forgot that origins are places where strangeness and familiarity are interwoven, where marginality and liminality co-exist, where marginality and strangeness are the source of both creation and sublimation. They forgot that their origins are not stable and completed, but a source of metamorphosis and transformation, an exercise into the dialogization of the diverse voices of strangers and hosts, an inter-illumination and hybridization of different languages and worlds. To the extent they forgot this truth about their origins modern democracies also lost the capacity for creating new imaginative, poetic unities, and thus new ways of ordering reality and of being with the others.

In brief, Vico assumes the unpopular task of telling moderns that they traded off creative for reproductive imagination. As a result, images are comfortably reduced to being just producers of security and confirmers of familiarity, and not sites of creativity and metaphorical dislocations. Democracies lost the capacity to give a new turn to their cultural and historical imaginative horizon. In an age of reproduction where origins are only a mirroring of one's own identity, and not possibilities to be, where the extraordinary has been safely banished from the confines of the ordinary, to reinvent the poetic and creative power of culture in an intersubjective and non-reifying manner is a challenge. It is true then to say that, even accepting Lilla's labeling and thus calling Vico an anti-modern, still it is hard, if not impossible, to deny that, as a critic of modernity, Vico has the courage to tell the moderns not only that they gave up creative for simply reproductive imagination, but that this has troubling and destructive cultural, moral, and political consequences, especially when intercultural understanding has become a task.

Conclusion

I argued in this paper that Vico's conception of the relationship between culture and politics is not conducive to nationalism, but to the pious creation of mankind, and that his conservatism, far from being reactionary, is a source of imaginative cultural and political creativity. Pious creativity is shaped by

¹³³ Bakhtin, *Rabelais*, p. 165.

the mixture of strangeness and familiarity that characterizes both the coming into being of humanity and the beginnings of polities. It is this meaning of origins, as polyphonic places and as the sites of poetic unity and of metaphorical dislocations that modern democracies forgot. Vico assumes the unpopular, but constructive, task to remind the moderns the implications of such a forgetting. The moderns traded off creative for reproductive imagination. This resulted in the political incapacity to create new cultural places, and, consequently, a new *sense* of community and a new sense of humanity, from where common acting and thinking can start.

Young's Theory of Structural Justice and Collective Responsibility

FEORILLO A. DEMETERIO III

Iris Marion Young was born in 1949 in New York City and grew up in the culturally diverse setting of Astoria, in the borough of Queens. Her father died when she was very young, while her polyglot mother worked as an interpreter for the United Nations. After earning her degree at Queens College in 1970, she pursued her master's and doctor's degrees in philosophy at the Pennsylvania State University. There she met a graduate student in economics, David Alexander, who later on would become her husband. After earning her doctor's degree in 1974, based on a dissertation on Ludwig Wittgenstein (1889-1951), she taught philosophy and political theory at Rensselaer Polytechnic Institute, Worcester Polytechnic Institute, Miami University and University of Pittsburgh. In 1999 she moved to the University of Chicago as a professor of political science. She was an active member of the Radical Philosophy Association, the Society for Women in Philosophy and the Society for Phenomenology and Existential Philosophy. In 2006, Young died at her home, at the age of 57, after a struggle against throat cancer.

Standing on the philosophies and theories of such thinkers as Hannah Arendt (1906-1975), Emmanuel Levinas (1906-1995), John Rawls (1921-2002), Michel Foucault (1926-1984), Jürgen Habermas (b. 1929), Ronald Dworkin (1931-2013), and John Roemer (b. 1945), Young focused her philosophizing on gender, race, justice, equality, democracy, globalization and international relations, while immersing herself in activism and political organizing. It was her 1990 book *Justice and the Politics of Difference* that gave her the international reputation as a political philosopher. This work was followed by six more books: *Throwing like a Girl and other Essays in Feminist Philosophy and Social Theory* of 1990, *Intersecting Voices: Dilemmas of Gender, Political Philosophy and Policy* of 1997, *Inclusion and Democracy* of 2000, *On Female Body Experience: "Throwing Like a Girl" and other Essays* of 2004, *Global Challenges: War, Self Determination and Responsibility for Justice* of 2007, and the

posthumously published *Responsibility for Justice* of 2011 that was prepared by her husband, Alexander.

As an attestation to her international reputation, some of her works have been translated to more than twenty languages such as Croatian, Japanese, German, Italian, Portuguese, Slovakian, Spanish and Swedish. Her fellowships and visiting professorships required her to travel to Austria, Australia, South Africa, Germany and New Zealand. This first section of my paper, on her theory of structural justice and collective responsibility, is based on a close reading of four of her seven books: *Justice and the Politics of Difference*; *Inclusion and Democracy*; *Global Challenges: War, Self Determination and Responsibility for Justice*; and *Responsibility for Justice*. These four books were chosen after setting aside the ones that were more focused on gender and feminism. All of these four selected books are collections of inter-locking essays, presented as chapters, on various themes instead of monographs dealing with single argumentative lines.

The book *Justice and the Politics of Difference*, 1990 is composed of eight chapters and an epilogue and addresses such themes as: the implications of the contentions of left leaning social movements in America to political philosophy; the implication of postmodernism to political philosophy and philosophy in general; the rooting of traditional socialist discourses on equality and democracy on the late twentieth century politics and theory; and the present day notion of social justice as implied by these social movements and theories. The first chapter, entitled "Displacing the Distributive Paradigm," argues that the current discourses on distributive justice are not sufficient to cover the totality of the concept of justice as these tend to emphasize the distribution of material goods. Young suggests that side by side with these discourses, justice should be tackled in terms of a given society's decision making processes, division of labor, and division of culture, with the concepts of oppression and domination as key categories. The second chapter, entitled "Five Faces of Oppression," examines in more detail the manifestations of oppression in contemporary American society, in which Young identifies five main aspects: exploitation, marginalization, powerlessness, cultural imperialism and violence. In this chapter Young proffers her analytic concept of the social group as the recipient or agent of such forms of oppressions. The third chapter, entitled "Insurgency and the Welfare Capitalist Society," critiques the welfare state that represses the political discussions of its policies by relegating such discussions to the jurisdiction of the policy experts instead of opening it to the public sphere to be threshed out more thoroughly. The fourth chapter, entitled "The Ideal of Impartiality and the Civic Public," delves into the ideal of impartiality to uncover that its tendency to see society as composed of homogenous individuals instead of groups with different needs and condi-

tions could be the root of unjust policies and practices. The fifth chapter, entitled “The Scaling of Bodies and the Politics of Identity,” uses Julia Kristeva (b. 1941) notion of abject to analyze the connection between a given society’s criteria on the beautiful, the ugly, the clean and the filthy on one hand, and its racism, sexism, homophobia, and ageism, on the other hand. The sixth chapter, entitled “Social Movements and the Politics of Difference,” presents a pathway towards liberation and social equality that is founded on the affirmation of group differences instead of on the unrealistic insistence on social homogeneity. The seventh chapter, entitled “Affirmative Action and the Myth of Merit,” supports affirmative action and critiques the assumptions of meritocracy that is supposedly undermined by a given society’s option for affirmative action. Young sees affirmative action not as a compensatory mechanism for the past injustices but as an enabling system to overcome oppression. The eighth chapter, entitled “City Life and Difference,” resists the homogenizing force of the city and proffers that instead of unity the city should be more sensitive to heterogeneity. Young presents her four virtues of her envisioned city life: social differentiation without exclusion, variety, eroticism, and publicity. The epilogue, entitled “International Justice,” yearns that her findings for the society and the city should also be projected to the global community.

The book *Inclusion and Democracy* of 2000 is composed of seven chapters and addresses such themes as: “the differences and conflicts that generate problems for which authoritative decision-making seeks solutions; the meaning and role of public discussion in decision-making; the nature of political representation both through formal institutions and in civil society; as well as structural, communicative, and jurisdictional impediments to political equality and fair outcomes” (Young, 2000, 4). The first chapter, entitled “Democracy and Justice,” grapples with the question “what are the norms and conditions of inclusive democratic communication under circumstances of structural inequality and cultural difference?” (Young, 2000, 6). Young places her hopes on deliberative democracy as a mechanism for attaining justice while critiquing its shortcomings and flaws. The second chapter, entitled “Inclusive Political Communication,” tackles the same question tackled by the preceding chapter and looks into some forms of political communication that are otherwise overshadowed by the idealized form of orderly and dispassionate argumentation. Specifically, Young examines here the communicative forms of greeting or public acknowledgement, rhetoric, and narrative. The third chapter, entitled “Social Difference as a Political Resource,” deals with the same question dealt with by the two preceding chapters and critiques the ideal that political communication should aim always at the common good, as oftentimes this would result to the marginalization of the interests of the less powerful groups. The fourth chapter, entitled “Representation and Social Perspective,” engages with the question “how should inclusive democratic communica-

tion and decision-making be theorized for societies with millions of people?” (Young, 2000, 6). Young disagrees with the idea that representative democracy would always be thin democracy and could never be a participative or deep democracy. In this chapter, Young explored the mechanisms and ways in which active and inclusive participation can be achieved in the modern day representative democracy. The fifth chapter, entitled “Civil Society and Its Limits,” responds to the same question responded to by the preceding chapter and more specifically explored the potentials of the civil society, the public sphere and some government institutions as mechanisms and avenues for the achievement of a more participative and inclusive democracy within the reigning representative democratic model. The sixth chapter, entitled “Residential Segregation and Regional Democracy,” addresses the question “what is the proper scope of the democratic polity, and how are exclusions enacted by restricting that scope?” (Young 2000, 6). Young studies the effects of racial and class segregations, as well as the insistence of politically delineating the metropolis into its constituent cities, to deliberative democracies, as this would exclude individuals and groups within a given polity. The seventh chapter, entitled “Self-Determination and Global Democracy,” grapples with the same question grappled by the preceding chapter and argues that in the age of globalization and interdependency deliberative democracy should also be instituted in the international setting.

The book *Global Challenges: War, Self-Determination and Responsibility for Justice* (2007) is composed of nine chapters and addresses such themes as: self-determination, war and violence, and global justice. The first chapter, entitled “Hybrid Democracy: Iroquois Federalism and the Postcolonial Project,” proceeds on the theme of self-determination and studies the historical confederation of the six Iroquois nations, namely Mohawk, Oneida, Onondaga, Cayuga, Seneca, and Tuscarora, in order to glean some lessons on how to conceptualize modern day models for the interaction of nations and states. The second chapter, entitled “Two Concepts of Self-Determination,” still on the theme of self-determination, compares and contrasts the concept of self-determination that is based on the idea of non-interference, and self-determination that is based on the idea of non-domination. Young proffers that self-determination based on non-domination is a viable model for a federal interaction among nations and states at the global context. The third chapter, entitled “Self-Determination as Non-Domination: Ideals Applied to Palestine/Israel,” still on the theme of self-determination, explores further the concept of self-determination based on the idea of non-domination. Young makes a distinction between the more common model of federalism that puts emphasis on the vertical relations among the self-determining entities and the central government, and her preferred model of federalism that puts emphasis on the horizontal relations among self-determining entities. She suggests

that this preferred model of federalism could be a viable model to resolve the conflict between Palestine and Israel. The fourth chapter, entitled “Power, Violence and Legitimacy: A Reading of Hannah Arendt in an Age of Police Brutality and Humanitarian Intervention,” works on the theme of war and violence, and analyzes the hidden injustice involved in the intrusion of NATO in Serbia, without the UN authorization, using the distinction made by Arendt on legitimacy and justification as its framework. The fifth chapter, entitled “Envisioning a Global Rule of Law,” still on war and violence, is a collaborative work with the Italian economic and political theorist Daniele Archibugi (b. 1958). The authors critique the military response of the United States of America in Afghanistan after the 11 September 2001 terror attacks, and instead lay down an alternative plan of action that is based on the rule of law and international co-operation as an effective long term address to the problem of terrorism. The sixth chapter, entitled “The Logic of Masculinist Protection: Reflections on the Current Security State,” still on the theme of war and violence, presents a parallelism between a government at war, that over aggressively protects its citizens both from external threats of violence and internal threats of dissent, and a patriarch that protects his women and children and exacts from them their total obedience. Young argues that just as these women and children would want to insist on their autonomy and rights, the citizens of a government at war should also be allowed to express their autonomy and rights. The seventh chapter, entitled “De-Centering the Project of Global Democracy,” still on the theme of war and violence, builds on Habermas’ notion of the public sphere and proposes that deliberative democracy is not merely based on a face to face dialogue but could involve a multiplicity of fora that may be scattered across space and time. Young thinks that a de-centered deliberative democracy could be more easily adapted in the global context as a norm of interaction between nations and states.

The eighth chapter, entitled “Reflections on Hegemony and Global Democracy,” still on the theme of war and violence, angrily reflects on the war in Iraq and represents President George W. Bush as a global dictator in order to contrast with its vision of putting up a global democratic order where people from different races, nations and states can effectively represent themselves whenever transnational issues and concerns are being discussed and planned. The ninth chapter, entitled “Responsibility, Social Connection, and Global Labor Justice,” runs on the theme of global justice, uncovers the structural injustice involved in the global sweatshop system, where clothing items that are marketed and consumed in the first world setting are often manufactured in the poorer countries under sub-human conditions and circumstances. Young’s idea of social connection demonstrates to the people of the first world their complicity in the perpetration of these sweatshops and their duty to alleviate the conditions and circumstances in such sweatshops.

The book *Responsibility for Justice* (2011), with a foreword by the American philosopher Martha Nussbaum (b. 1947), is composed of seven chapters and addresses such themes as: economic inequalities in the United States of America and in the world, how people conceptualize poverty, structural injustice, and the distinction between guilt and responsibility. The first chapter, entitled “From Personal to Political Responsibility,” critiques the thoughts of the American libertarian political theorist Charles Murry (b. 1943) and the American scholar on poverty and welfare, Lawrence Mead (b. 1943) that tend to blame the poor for their poverty. Young argues that by doing so, these two theorists swayed our attention from looking at the injustices embedded in the social structure. Young proposes that the analysis of structural injustice need not end up in a useless blame game but in a proactive situation wherein citizens acknowledge their share political responsibilities to rectify such structural injustices. The second chapter, entitled “Structure as the Subject of Justice,” demonstrates that poverty cannot be sufficiently analyzed and addressed using an interpretive frame that only emphasizes individual responsibility and not structural injustices and inequalities. By talking about the life of a woman named Sandy, a single parent who could not find an affordable and appropriate housing for herself and her children, Young illustrates that in some cases we could not even pinpoint the exact causes of individual poverty, as the aspects of a complex system may only be just contributing one tiny circumstance each to effect such poverty. The third chapter, entitled “Guilt versus Responsibility: a Reading and Partial Critique of Hannah Arendt,” looks at the distinction made by Arendt on guilt and responsibility and puts forward the idea that even if a citizen cannot be pinpointed as guilty of instituting or perpetrating a structural injustice, such a citizen can still be responsible in working towards the elimination of such an injustice. The fourth chapter, entitled “A Social Connection Model,” returns to the story of Sandy and examines her situation using the Arendtian distinction on guilt and responsibility. The fifth chapter, entitled “Responsibility across Borders,” projects the social connection model, that she discussed in the domestic context of the life of Sandy and the poverty and inequalities in the United States of America, unto the global context to make us all realize of our shared responsibility to grapple with the structural inequalities that exist in the interaction among nations and states.

The sixth chapter, entitled “Avoiding Responsibility,” explores the different ways and practice through which people brush aside their responsibility to act against structural injustices and inequalities. Young mentions four such ways and practices: reification, denial of connection, heading the demands of immediacy, and the “that is not my job” attitude. The seventh chapter, entitled “Responsibility and Historic Injustice,” re-reads Frantz Fanon (1925-1961) surprising call for a forgetting of the past colonial wrongs in order for the

colonized to focus on the present and futural tasks of inventing his new identity. Young claims that Fanon is basing his call on a liability model of responsibility. But by offering her own social connection model of responsibility, she proposes a more effective and acceptable approach in dealing with the historic injustice suffered by the black Americans.

In as far Young's theory of structural justice and collective responsibility is concerned, these four books contain the following key themes: 1) Young's theory of structural justice, which may be subdivided into a) her critique of the distributive model of justice, b) her proposed alternative structural model of justice, and c) her strategies in addressing structural evil; 2) Young's theory of collective responsibility; 3) her call for a global discourse on justice; and 4) her views on the applicability of her theories to the analysis of justice in other countries. These themes and sub-themes are discussed in more details in the following sub-sections.

Theory of Structural Justice

As mentioned in the preceding paragraph, Young's theory of structural justice may be discussed under the headings of her critique of the distributive model of justice, her proposed alternative structural model of justice, and her envisioned strategies in addressing structural injustices. The bulk of these ideas are contained in her books *Justice and the Politics of Difference*, and *Inclusion and Democracy*.

Critique of the Distributive Model of Justice

Young's critique of the distributive model of justice is primarily found in the essay "Displacing the Distributive Paradigm" from the book *Justice and the Politics of Difference*. It starts with the claim that contemporary philosophical discourses on justice had narrowly focused on distributive justice at the expense of the themes that may not be covered by such model of justice. Under this model, social justice is defined as "the morally proper distribution of social benefits and burdens among society's members," where benefits and burdens are mainly understood as "wealth, income, and other material resources" but is often stretched to include nonmaterial entities such as "rights, opportunity, power, and self-respect" (Young, 1990, 16). Young explains that this understanding of social justice can be found in the writings of such thinkers as the American philosopher Rawls, the British historical sociologist W. G. Runciman (b. 1934), the American constitutional scholar Bruce Ackerman (b. 1943), the American governance and policy scholar William Galston (b. 1946), the British political theorist David Miller (b. 1946), the American

economist Edward Nell (b. 1935), the British philosopher Onora O'Neill (b. 1941), the American-Canadian philosopher Kai Nielsen (b. 1926), and the American philosopher Michael Walzer (b. 1935) (cf. Young, 1990, 16-18).

But empirically speaking, social justice as distributive justice cannot thoroughly make sense out of some demands and clamour from some of the recent social movements in the United States of America. Young cites five examples: a rural town in Massachusetts rallying against a state decision to set up a hazardous waste treatment plant in the locality; a city in Ohio being outraged by a major employer's sudden announcement of the closure of its plant pulling almost half of the city out of employment; some Black critics complaining about the unfair stereotyping of Black Americans in popular culture; a similar grievance from some Arab Americans; and some organizations of clerical workers arguing against their plight of spending the entire working day encoding mindless numbers and data (cf. Young, 1990, 19-20). Young emphasizes that the distribution of goods or burdens is simply not the issue in these appeals for justice in contemporary America.

More important than these empirical counter-proofs, Young delves into the philosophical problems and implications of the distributive model of justice as the sole model for social justice, where she finds two major ones. The first one of these is that the model would tend to limit the discussion of social justice to the allocation of material goods, like things, resources, incomes, wealth, social positions, and jobs (Young, 1990, 15). This preoccupation with material things, Young claims, would prevent us from asking the more radical question of what are the social structures and institutional contexts that cause the current pattern of distribution of such material goods. A society may spend all its energy, resources and time in trying to come up with the situation where the goods and burdens are fairly distributed among its members, but if its social structures and institutional contexts have the tendency to favour some groups over other groups sooner or later the situation would slide back to its starting point where there is no fair distribution of goods and burdens.

The second philosophical problem and negative implication of the distributive model of justice as the sole model for social justice springs from the efforts of some political theorists to stretch the coverage of distribution from mainly involving material goods and burdens to something that would include non-material goods and burdens, such as rights, power, opportunity, and self-respect (cf. Young, 1990, 16). Young argues that treating these non-material goods and burdens as something distributable just like the material goods and burdens would in the end distort their very nature. Once power, for example, is conceptualized as something distributable, this would reify it and make it something inert (cf. Young, 1990, 30-33). Young agrees with

Foucault that power should be more effectively thought of as something inter-relational and active. Once opportunity, as another example, is examined as something distributable, this would mislead us to think opportunity can be given to those with less opportunity as easily as handing them packages or bundles of goods. Instead, having or not having opportunity is the result of some “rules and practices that govern one’s action, the way other people treat one in the context of specific social relations, and the broader structural possibilities produced by the confluence of a multitude of actions and practices” (Young, 1990, 26).

Hence, whether social justice talks about material or non-material goods and burdens, it becomes clear that the distributive model of justice is not sufficient to tackle all the issues about social justice. This is the main reason why Young proposes for a more structural and dynamic analysis of social justice that would complement the short comings of the distributive model of justice. But at this early point she already makes it known that her structural analysis of justice goes beyond the Marxist focus on the analysis of the modes of production, as this would include “any structures or practices, the rules and norms that guide them, and the language and symbols that mediate social interactions within them, in institutions of state, family, and civil society, as well as the workplace” (Young, 1990, 22).

Alternative Structural Model of Justice

Young’s structural and dynamic analysis of justice is at the heart of her theories of justice and collective responsibility and this can be primarily found in the essays “Five Faces of Oppression” from the book *Justice and the Politics of Difference*; and “From Personal to Political Responsibility” and “Structure as the Subject of Justice” from the book *Responsibility for Justice*. As her theory is structural, it is but expected that her analysis would focus on collectivities rather than individuals; but as her theory is also post-Marxist, it is but expected that such collectivities should not be the social classes of Marx. Young, therefore, introduces the “social group” as her main analytic concept while admitting that social theory and philosophy have yet to develop this concept more fully (Young, 1990, 43). She defines “social group” as: “a collective of persons differentiated from at least one other group by cultural forms, practices, or way of life. Members of a group have a specific affinity with one another because of their similar experience or way of life, which prompts them to associate with one another more than with those not identified with the group” (Young 1990, 43). For her example of social groups, she enumerates: “women and men, age groups, racial and ethnic groups, religious groups, and so on” (Young, 1990, 42-43).

To further sharpen her concept of the social group she contrasts it with the more common concepts of “aggregate” and “association” used by social theorists and philosophers. She argues that while an aggregate is a collection of individuals created by the sociologist/ethnographer/investigator based on a given attribute or set of attributes, the social group is not just a collection of individuals with particular attributes, because social groups contribute to the creation of the identities of its members. Young explains: “though sometimes objective attributes are a necessary condition for classifying oneself or others as belonging to a certain social group, it is identification with a certain social status, the common history that social status produces, and self-identification that define the group as a group” (Young, 1990, 44). She argues further that while an association is a collection of individuals with common aspirations, the social group is not constituted by the formal agreement of its members to come up with such a group based on some organizational constitution and bylaws that would make it no different to a “club, corporation, political party, church, college or union” (Young, 1990, 44). Young points out that both the aggregate and the association models of collectivity are based on the assumption that there are individuals first and that they happen to become part of a collectivity. The social group model that she proffers is based on the assumptions that there are already social groups and that individuals may be thrown, in the sense of the German philosopher Martin Heidegger (1889-1976), into such groups where their identities are shaped. Young believes that social groups emerge in three ways: first, through a collectivity’s self-differentiation in relation another collectivity; second, through some social processes that differentiates people based on economy, or culture, or gender, and other similar points of reference; and third, through one collectivity’s act of defining/identifying another collectivity (cf. Young, 1990, 43). The social group is the main analytic concept in Young’s theory of structural justice and collective responsibility because the social group is more often the recipient, or the victim, than the perpetrator of structural injustices.

If the social group is the main subject of Young’s structural analysis, this main subject is set in a context, or space, or field, that she calls the “social structure,” and sometimes the “social-structural processes” to emphasize the dynamism of such context/space/field. Instead of giving this concept a clear definition, she opted to just give four accounts in order to illustrate its general meaning: 1) as objective constraint, 2) as considering position, 3) as something produced in action, and 4) as unintended consequences. The first account, social structure/social-structural processes as objective constraint, is based on the French philosopher Jean Paul Sartre’s (1905-1980) notion of the “practico-inert field” that is shaped by past actions and affects the present by channeling some actions and blocking others. Young clarifies: “Many of the physical facts about most metropolitan regions of the United States

today, for example, are structured products of a combination of social policies, investment decisions, cultural preferences, and racial hegemonies of the mid-twentieth century” (Young, 2011, 54).

The second account, social structure/social-structural processes as considering position, is based on the Austrian-American sociologist Peter Blau’s (1918-2002) idea of the social structure as “as a multi-dimensional space of different social positions,” as well as on the French sociologist and philosopher Pierre Bourdieu’s (1930-2002) thought of the field as a context of different social positions (Quoted by Young, 2011, 57; cf. Young, 2011, 57). In this account, social structure/social-structural processes refer to the initial standing of a given social group or individual in given context/space/field that would later on determine the range and possibilities of its action and interaction with the other social groups or individuals. This account is already alluded to in the first account in the sense a given context/space/field channels and constraints social groups and individuals differently, and these differences is based on the differences of their initial positions in such context/space/field.

The third account, social structure/social-structural processes as something produced in action, is based on the British sociologist Anthony Giddens’ (b. 1938) theory of structuration and Bourdieu’s concept of “habitus.” Young explains: “when individuals act, they are doing two things at once: (1) They are trying to bring about a state of affairs that they intend, and (2) they are reproducing the structural properties, the positional relations of rules and resources, on which they draw for these actions” (Young, 2011, 60). The fourth account, social structure/social-structural processes as unintended consequences, is based on Sartre’s notion of “counter-finality,” the situation in which people are scampering to pursue their various ends that adds into a cumulative situation that works against their desired ends (cf. Young, 2011, 63). She clarifies: “Social structure (...) refers to the accumulated outcomes of the actions of the masses of individuals enacting their own projects, often uncoordinated with many others. The combination of actions affects the conditions of the actions of others, often producing outcomes not intended by any of the participating agents” (Young, 2011, 62-63).

At the bottom line, Young’s definitions of justice and injustice are founded on the presence or absence of domination and oppression in a social structure or social structural processes that may assist or hinder a given social group’s exercise of its capacities and attainment of its possibilities. But before examining more closely what she exactly means by this, it would be more beneficial to first take a look at her primary manifestations of structural injustice. In the essay “Five Faces of Oppression,” she mentions, as the title suggests, only five such manifestations; but in her essay “Insurgency and the Welfare Capitalist

Society” she adds the over-administration of society as another manifestation of such injustice; furthermore, in many of her other essays, especially the ones in the book *Inclusion and Democracy* and *Responsibility for Justice*, she adds political exclusion as one more manifestation. First in her list of manifestations of structural injustice is exploitation, which in her post-Marxist framework is conceptualized as the systemic and un-symmetrical exchange of power/energy of the dominated/ oppressed group with the wages from the privileged group (cf. Young 1990, 49). The binary social groups involved here could be the workers and owners of capital, the women and men, the whites and the colored.

Marginalization is Young’s second manifestation of structural injustice and it pertains to the systemic exclusion of some social groups from the pool of workers (cf. Young, 1990, 53). These marginalized people are often racially marked, such as Blacks, Indians, Eastern Europeans, North Africans, Asians; but they could also be marked by some other circumstances, such as the aged, single mothers, and the physically and mentally disabled. Powerlessness is Young’s third manifestation of structural injustice and like exploitation and marginalization this is still conceptualized with reference to work. With her post-Marxist framework she makes a distinction between the social groups of the professionals and the non-professionals, with the latter being the specific victims of powerlessness. She defines the powerlessness of the non-professionals as the “lack the authority, status, and sense of self” (Young, 1990, 57).

If exploitation, marginalization and powerlessness are conceptualized with reference to work, the four other manifestations of structural injustice according to Young are conceptualized in the much wider contexts of culture, day to day existence and politics. Cultural imperialism as Young’s fourth manifestation of structural injustice is based on a term that was first used by the Argentine-American feminist philosopher Maria Lugones, and the American scholar on race and gender Elizabeth Spelman, particularly in their collaborative essay “Have We Got a Theory for You: Feminist Theory, Cultural Imperialism and the Demand for the Woman’s Voice.” Related to the Italian philosopher Antonio Gramsci’s (1891-1937) notion of “hegemony,” Young defines “cultural imperialism” as “the universalization of a dominant group’s experience and culture, and its establishment as the norm” (Young, 1990, 59). The effects of cultural imperialism would range from the invisibility of the non-dominant social groups, to their construction as Others, to their stereotypical representations, or to their being marked as deviants. Violence is Young’s fifth manifestation of structural injustice and this refers to the physical and emotional harm inflicted on members of some social groups for the sheer reason that they are members of such groups. Young elaborates: “In American society women, Blacks, Asians, Arabs, gay men, and lesbians live under such threats

of violence, and in at least some regions Jews, Puerto Ricans, Chicanos, and other Spanish-speaking Americans must fear such violence as well" (Young, 1990, 61). As already mentioned, the essay "Insurgency and the Welfare Capitalist Society" presents the over-administration of society as Young's sixth manifestation of structural injustice and it alludes to Habermas' idea of the system's colonization of the lifeworld that stifles the individuals' spontaneity and freedom. She asserts: "increasingly the activities of everyday work and life come under rationalized bureaucratic control, subjecting people to the discipline of authorities and experts in many areas of life" (Young, 1990, 76). Scattered through a number of essays is Young's seventh manifestation of structural injustice, political exclusion, which is about some social groups' lack of opportunity to participate in the creation of policies and laws that would affect their lives and communities. As such this manifestation of injustice is different from powerlessness which Young tied only to the context of work. Political exclusion for her is an injustice that occurs in the much wider social and political sphere.

After grasping Young's notions of the social group, and of the social structure/social-structural processes, as well as her enumerations of the main manifestations of structural injustices, we may now attempt to understand her theory of structural justice. This we may do by understanding what she means by structural injustice and by asking four crucial questions: 1) who is the victim of such structural injustice?; 2) what is the context where such structural injustice occurs?; 3) who is the perpetrator of such structural injustice?; and 4) how is structural injustice related to moral wrong and to specific injustice? The first question had already been answered: the social group stands as the victim of structural injustice. Although at the bottom line it is undeniably an individual who is victimized by structural injustices, he/she is victimized for the reason that he/she belongs to a particular group. Furthermore, because an individual belongs to a particular group in a special way, he/she will also be victimized in a special way. Young explains: "group differences cut across individual lives in a multiplicity of ways that can entail privilege and oppression for the same person in different respects" (Young, 1990, 42).

The second question had also been settled already: the social structure/social-structural processes that serve as the context/space/field where structural injustice occurs. It was noticeable how Young made it a point that such social structure/social-structural processes are not something neutral or similar to an empty stage. In her first account, the social structure/social-structural processes are presented as something that facilitates some actions and constrains others; in her second account, they are portrayed as the totality of different and unequal initial positions; in the third account, they are pictured

as something produced in action that sooner would determine other succeeding actions; and in the fourth account, they are described as negative cumulative effect of past actions that may be well intentioned in the first place. This non-neutrality of the social structure/social-structural processes is very significant as we address the third question, “who is the perpetrator of structural injustice,” for this will lead us to the dramatic twist in Young’s theory. The answer for the third question turns out to be the same answer for the second question: the social structure/social-structural processes in their collectivity is the perpetrator of structural injustice. She clarifies: “Oppression in this sense is structural, rather than the result of a few people’s choices or policies. Its causes are embedded in unquestioned norms, habits, and symbols, in the assumptions underlying institutional rules and the collective consequences of following those rules” (Young, 1990, 41).

The fourth question can help us in further sharpening our understanding of Young’s structural injustice. Young writes: “the wrong is structural injustice, which is distinct from at least two other forms of harm or wrong, namely, that which comes about through individual interaction, and that which is attributable to the specific actions and policies of states or other powerful institutions” (Young, 2011, 45). Structural injustice is different from an immoral action, because structural injustice could not pinpoint specific agent or agents perpetrating such action. Structural injustice is different from a wrong emanating from a specific action or policies of states or institutions, because structural injustice is an effect of a network of such actions or policies. Young, of course, does not close the possibility that structural injustice may occur simultaneously with an immoral action or with another wrong founded on a specific questionable action or policy. But because structural injustice is systemic, it will recur even if attendant individual immoral actions are punished or questionable specific actions or policies are rectified.

Strategies in Addressing Structural Injustices

Young’s philosophy reflects her life as a political activist. As soon as she proposes how to structurally analyze justice, or how to pinpoint particular structural situations of injustice, she just would not pause on her armchair and let the other political theorists and policy makers think of suitable solutions and remedies. On the contrary, it would appear that she is even more animated in looking for viable and doable ways and means on how to address the systemic wrongs that she had just exposed. Her main strategies in responding to structural injustices can be substantially found in the essays “Insurgency and the Welfare Capitalist Society,” “The Scaling of Bodies and the Politics of Identity,” “Social Movements and the Politics of Difference,” and “Affirmative Action and the Myth of Merit” from the book *Justice and the*

Politics of Difference; and “Democracy and Justice,” and “Representation and Social Perspective” from the book *Inclusion and Democracy*. In these essays, her main strategies are: 1) psychological explanation of the root of discrimination, 2) support for affirmative action, 3) an emphasis on the politics of difference, 4) a call to re-politicize the depoliticized aspects of policy making and to decolonize the colonized aspects of the lifeworld, and 5) faith in deliberative democracy. The first three strategies directly answer her five main manifestations of social injustice, namely: exploitation, marginalization, powerlessness, cultural imperialism, and violence. While the fourth and fifth strategies directly answer her sixth and seventh main manifestations of social injustice, namely and respectively: colonization of the lifeworld and political exclusion. These five strategies shall be discussed in more details in the following paragraphs.

Young’s psychological explanation of the roots of discriminations against race, gender, sexual preference, age and abilities starts with the question why the phenomena persisted despite the modern laws that prohibit such phenomena. She thinks that these laws indeed had an impact on discrimination, but instead of eradicating discrimination these changed the modes of discrimination. In explaining this insight she makes use of Giddens three-levelled theory of subjectivity that the latter utilized in grappling with social relations and social structures. Giddens thought that action and interaction may occur at the level of discursive consciousness, where they are and can be verbalized; or at the level of practical consciousness, where they, as habitual and routine activities, are at the fringes of consciousness but nevertheless reflexively monitored by the subject; or at the level of the basic security system, where the ontological integrity of the subject is situated (cf. Young, 1990, 131). Young’s point is that the laws against discrimination might have effectively checked discrimination at the level of the discursive consciousness, but not necessarily at the levels of the practical consciousness and basic security system. To explain further the persistence of discrimination at the deepest level of subjectivity, the level of the basic security system, she borrows the notion of “abject” from Kristeva (cf. Young, 1990, 142-145). In Young’s appropriation, the man of color, the woman, the homosexual, the aged, and the disabled are abjects that are capable of disrupting the dominant subject’s project of self-construction as something pure, strong, heterosexual, youthful/alive and able bodied. The dominant subject fears and despises the abject, but at the same time fascinated by it. His/her fear and disdain come from the threat that the abject would become part of him/her; and his/her fascination comes from the reality that he/she needs the abject in affirming his/her superiority. It is in this sense that the man of color, the woman, the homosexual, the aged, and the disabled are threats to the subject’s level of basic security system as they can potentially unravel his/her ontological integrity.

Young's psychological explanation of the roots of discrimination comes with two calls: 1) for philosophy and political theory to include in their investigations on justice not only actions that flow from the level of discursive consciousness but also those that flow from the levels of practical consciousness and basic security system; and 2) for a cultural revolution consisting of the identity and self-affirmation of the man of color, the woman, the homosexual, the aged, and the disabled, of consciousness raising among themselves, and of consciousness raising among the dominant social groups (cf. Young, 1990, 150-154).

Young's support for affirmative action is presented as a response to the theorists and policy makers who are against such practice. Their critique of affirmative action is hinged on the thought that such practice as embodied in policies that prioritize and give advantage to the underprivileged and underrepresented social groups in the spheres of employment, education and business, is contrary to the basic principles of non-discrimination (cf. Young, 1990, 192). This critique simply points out that affirmative action's intention of counter-acting the discrimination suffered by some social groups resulted to new forms of discrimination against other social groups. Young counter-critiques this reasoning by unpacking three problematic assumptions of the current practice and debates surrounding affirmative action. First, she points out that currently affirmative action is largely conceptualized as a system of redress to some past injustices suffered by some social groups (cf. Young, 1990, 194). This creates a big question because the beneficiaries of affirmative action are no longer the same individuals who supposedly suffered injustices in the past. Second, she indicates that the objections against affirmative action were framed under the paradigm of social justice as distributive justice. Under such a paradigm, the state, local governments, and private institutions are indeed pressured to equally distribute opportunities and jobs to individuals based on merit and not on any other considerations, such as their being part of particular social groups (cf. Young, 1990, 192-193). Third, and related to the second, she invites our attention to the assumption that merit, as the sole criteria of the distribution of opportunities and jobs, is something that can have a clear and unbiased measure that could guarantee fairness. Young deconstructs the hitherto innocuous criteria of merit as something that would eventually favour the white, heterosexual, young, able-bodied, able-minded male (cf. Young, 1990, 193). She therefore proposes to shift the debate under the paradigm of social justice as structural justice as this would construe affirmative action as a mechanism that would enable the underprivileged and underrepresented social groups to counteract the structural injustices, and in the process attain a playing field that would be more or less comparable to those of the dominant social groups.

As already mentioned, Young's psychological explanation of the roots of discrimination against race, gender, sexual preference, age and abilities comes with a call for cultural revolution that involves self-affirmation for these dominated and oppressed social groups. Her emphasis on the politics of difference is a politicization and radicalization of this advocacy for self-affirmation, and starts with a critique of the idea of assimilation, the policy that aims to eradicate differences and to achieve a homogenous society. She argues that assimilation, no matter how egalitarian its goals are, would in practice put the subordinate social groups in an unfavorable condition as the dominant social groups would be the ones to define the directions, values, norms of a given society, even the conceptualization of the common good. She clarifies: "the real differences between oppressed groups and the dominant norm, however, tend to put them at a disadvantage in measuring up to these standards, and for that reason assimilationist policies perpetuate their disadvantage" (Young, 1990, 164). Young recalls how during the second half of the 20th century a number of social movements had affirmed their Otherness and made it the foundation of their coming together and eventual mobilization towards demanding for specific rights and the creation or abolition of certain policies. Examples of these social movements are the Black Power of the Afro-Americans, the Red Power of the Native Americans, the feminist movements, and the more current gay and lesbian movements (cf. Young, 1990, 1959). Young's politics of difference is about subordinate social groups' political empowerment so that they will have their say in defining the directions, values, norms of a given society, and in contesting the myth of the common good that the dominant social groups had imposed on them in the past. She makes it clear, however, that politics of difference should not be taken as an essentialist discourse, as this would imply that the disadvantage of a given social group is due to the weaker nature and constitution of its members. Instead, politics of difference should be framed on a relational discourse, implying that the disadvantage of a given group is only due to some unfavourable social structures and cultural practices (cf. Young, 1990, 157).

Young's call to re-politicize the depoliticized aspects of policy making and to decolonize the colonized aspects of the lifeworld is her response to the mode of oppression brought about by the welfare state's tendency to make more and more areas of private life subject to bureaucratic planning and administration. What makes this manifestation of structural injustice more sinister is that its policies were depoliticized, meaning taken away from the public sphere and given to the charge of experts who in turn claim legitimacy for their plans and actions based on the grounds of science and rationality. Young states: "most active policies enacted by government in the welfare capitalist society are not laws, however, but regulations established by agency department heads, often without any public discussion" (Young, 1990, 74).

Furthermore, this manifestation of structural injustice victimizes not only the members of the subordinate social groups, but practically everyone in the society, although in varying degrees and circumstances. Young recalled again how the social movements during the second half of the 20th century had reacted against the depoliticized colonization of the lifeworld by questioning specific policies and pushing back the welfare state's rational encroachment. She writes: "they seek to loosen social life from the colonizing influence of welfare state and corporate bureaucracy, to create alternative institutional forms and independent discussion" (Young, 1990, 82). To be more specific, vigilance against seemingly innocuous policies, cultivating existing public spheres, creating other public spheres, and bringing questionable policies to these public spheres are what Young meant by re-politicizing the depoliticized aspects of policy making and decolonizing the colonized aspects of the lifeworld.

Young's faith in deliberative democracy is already implied in her emphasis on the politics of difference as well as in her call to re-politicize the depoliticized aspects of policy making and to decolonize the colonized aspects of the lifeworld. But these two previously mentioned strategies in addressing structural injustice can only find their fullest effectiveness in the context of a functioning deliberative democracy. In laying down her idea of what deliberative democracy is, she first contrasts it with its competing model, aggregative democracy. Aggregative democracy is all about the decision making process that is founded on "the most widely and strongly held preferences" of the members of a given society (Young, 2000, 19). It is an efficient model because it will just feel the pulse of the people through elections, referendums, polls and votes. But it leaves very little room for exchanges of thoughts between opposing views, and it would tend to drown the preferences of the smaller social groups. These are the reasons why Young prefers the more laborious and tedious process of deliberative democracy. The decision making of deliberative democracy is not based on the raw preferences of the members of a given society, instead it is based on the consensus of these members on which is the most rational alternative after all alternatives have been discussed, critiqued and debated upon. Young says: "participants arrive at a decision not by determining what preferences have greatest numerical support, but by determining which proposals the collective agrees are supported by the best reasons" (Young, 2000, 23).

After showing the superiority of the deliberative model over the aggregative model of democracy, she proceeds to critique the deliberative model as currently practiced in some contemporary societies. She claims that this model tends to: 1) assume that political deliberation is always a face to face deliberation; 2) take the argument as the primary form of political commu-

nication; 3) be captivated by the myth of the common good; and 4) follow the norms of orderliness (cf. Young, 2000, 18). Following these critiques, she proposes first that deliberative democracy should realize that modern democracies could no longer return to the Greek template of direct democracy, but should be contented with representative democracy which nevertheless can still be inclusive, once it is decentered from the legislative halls and get connected to other public spheres, such as “the streets, squares, church basements, and theatres of civil society” (Young 2000, 168). Secondly, aside from the formal argument and counter-argument, political communication should also recognize other forms of expression such as speeches, graffiti, placards, protest arts and the like. Thirdly, Young had already expressed her objections against the myth of the common good and her invitation to all social groups to present to the public sphere their group-specific goods. Fourthly, as political communication transcends the arguments and counter-arguments, the other modes of political communication should be expected to deviate from the orderly norm of restrained and controlled debates of the powerful and the educated members of the society.

Theory of Collective Responsibility

So far, Young’s five strategies in addressing structural injustice are largely dependent on the subordinate groups’ capacity to organize and mobilize themselves and be able to assert their group specific political goals. But their subordinate status would severely limit their capacity to do so. Young realizes that there is a need for the other more privileged social groups and all other social groups to help them in the various aspects and stages of their political struggle. Her theory of collective responsibility is her way of enjoining all social groups in concerted efforts of working for justice. The bulk of Young’s theory of collective responsibility is found in the book *Responsibility for Justice*, particularly in the essays “A Social Connection Model,” and “Avoiding Responsibility.” Her theory stands on the crucial distinction between two senses of the word “responsibility”: responsibility as something originating from guilt or fault, and responsibility as something originating from the individuals’ social roles and positions (cf. Young, 2011, 104). The first sense of responsibility serves as the foundation of what she calls the “liability model of responsibility;” while the second one serves as the foundation of what she calls the “social connection model of responsibility.”

The liability model of responsibility aims to mobilize an individual or group to do something compensatory or reparatory because they have been found to be guilty or liable for a certain fault or harm. Courts function this way and Young does not intend to belittle this model of responsibility. But she certainly finds this model inadequate in the context of structural injus-

tice. The first shortcoming of this model would be its inability to deal with a situation in which the guilty or the liable agent cannot be satisfactorily pinpointed for the reason that in many cases of structural injustice it is the social structures that are at fault and sanctioning specific agents who appear to be the most guilty and the most liable would not guarantee that such structural injustices would no longer recur. Young argues: “the primary reason that the liability model does not apply to issues of structural injustice is that structures are produced and reproduced by large numbers of people acting according to normally accepted rules and practices, and it is in the nature of such structural processes that their potentially harmful effects cannot be traced directly to any particular contributors to the process” (Young, 2011, 100). The second shortcoming of this model is its tendency to trigger the process of the blame game, which at the bottom line, may just paralyze the society and prevent it from working for justice. The ones who are accused of being guilty and liable would become defensive, while the ones who were supposed to be the victims could be consumed with spiritually destructive resentment. The third shortcoming of this model is its predisposition to exculpate the seemingly less guilty and less liable individuals and group, thereby exempting them from having the responsibility to work for justice. The fourth shortcoming of this model is its being reactionary and backward looking that hints its lack of dynamism.

Young’s theory of collective responsibility is constituted by her proposal to use the social connection model of responsibility in matters concerning structural injustice. She writes: “the social connection model of responsibility says that individuals bear responsibility for structural injustice because they contribute by their actions to the processes that produce unjust outcomes” (Young 2011, 105). Hence, this model does not bother about pinpointing who are the guilty and liable, or who are the most guilty and liable agents, because it is more interested at looking at the defects in the social structures. This model would not trigger the unnecessary blame game because it is not interested in blaming anyone. Thus, dominant groups would assume a defensive posture, while subordinate groups would not be preoccupied with the thoughts of their being victims. Freed from a possible animosity, the social groups can more easily cooperate in working to rectify problematic social structures. Instead of conceptualizing responsibility as an individualistic and sectoral duty, the social connection model casts responsibility as a collective duty by virtue of each individuals’ being part of a society with defective social structures. Young explains: “where there are structural injustices, finding that some people are guilty of perpetrating specific wrongful actions does not absolve others whose actions contribute to the outcomes from bearing responsibility in a different way” (Young, 2011, 106). Responsibility under the social connection model is proactive and forward looking because it aims to

stop the recurrence of a given structural injustice, and it is dynamic because it enjoins all the members of a given society to work hand in hand in rectifying the problematic aspects of their social structures. Hence, Young was able to establish that the task of addressing structural injustice does not belong to the subordinate social groups alone, but to all social groups, specially to the dominant social groups in any given society.

Young notes four common reasons used by individuals and social groups to turn away from their collective responsibility. The first of these is reification or the reasoning that society works that way and that there is nothing we can do about it except just deal with it (cf. Young, 2011, 154). The second of these is to deny the reality of interconnectedness and accept responsibility only for those faults and harms that can be directly traced to us (cf. Young, 2011, 158). The third of these is to accept interconnectedness but to rationalize that we cannot address structural injustice because our time and attention are consumed by the more immediate demands of relationships and everyday lives (cf. Young, 2011, 161). The fourth of these is to accept that something must be done about the structure but assert that changing the structure is not our task (cf. Young, 2011, 166).

Call for a Global Discourse on Justice

Young's discourse on global justice is an implication of her insistence on the structural way of looking at justice as well as on the social connection model of responsibility. The practice of international relations, whether in the area of economics, politics or culture, would create structures that are subject to the structural analysis of whether they are just or unjust, or in the language of Young, whether they result in the oppression and domination of peoples from other countries or not. Furthermore, social connections obviously do not end at political borders; hence the call for responsibility certainly should also not end at such borders. The concerns for global justice are more pressing in the context of structural model of justice than they are in the distributive model of justice. In the latter model, everyone can easily say let the peoples beyond our borders take care of their own fair distributions of goods and opportunities. The bulk of Young's call for a global discourse on justice is found in the book *Global Challenges: War, Self-Determination and Responsibility for Justice*, but its component essays are actually elaborations and applications of the thoughts that she already fully developed in the essay "Self-Determination and Global Democracy" in the book *Inclusion and Democracy*. As the necessity for a discourse on global justice is already very compelling under Young's structural theory of justice, her call for such discourse consists of her reconstruction of the meaning of self-determination of states to give more conceptual room for structural interconnectedness, which

is followed by her more practical proposals on the need for a global governing body and on how the United Nations Organization can tweak its own structures to become a more effective and suitable organization to mediate the various states' claim to justice.

A global discourse on justice would immediately appear to be contradictory to the more entrenched idea of self-determination of states which is founded on the concept of non-interference. Young elaborates: "just as it denies rights of interference by outsiders in a jurisdiction, this concept entails that each self-determining entity has no inherent obligations with respect to outsiders" (Young, 2000, 257). She, therefore, has to deconstruct this idea of self-determination as non-interference in order to make her call for a global discourse on justice operationally feasible. Non-interference is not actually a realistic concept in the sense that in practice states are politically, economically and culturally interconnected. Without a global discourse on justice, these existing interconnections might already have supported injustices. Thus, instead of insisting on non-interference as the key concept for self-determination, Young proposes to replace this with non-domination. She explains: "in so far as outsiders are affected by the activities of self-determining people, those others have a legitimate claim to have their interests and needs taken into account even though they are outside the government jurisdiction. Conversely, outsiders should recognize that when they themselves affect a people, the latter can legitimately claim that they should have their interests taken into account in so far as they may be adversely affected" (Young, 2000, 259). The switch from non-interference to non-domination opened self-determination to the possibility of discursively addressing whatever injustices that might have emerged from some given states' practices on international relations.

Young's faith on deliberative democracy to address questions and claims to justice necessitates the existence of global public spheres where such questions and claims may be settled. She proposes that there be at least seven such public spheres, which she calls "regulatory regimes" to take care of the following areas: "(1) peace and security, (2) environment, (3) trade and finance, (4) direct investment and capital utilization, (5) communications and transportation, (6) human rights, including labour standards and welfare rights, (7) citizenship and migration" (Young, 2000, 267). Young thinks that presently the United Nations Organization, although it is the most promising international body in terms of its comprehensive membership, is not yet prepared for the task of providing global public spheres. One of the most glaring problems of the United Nations Organization is its vulnerability to the wishes of the more powerful member states. In terms of infrastructure, this organization is severely hindered by its lack of reliable and neutral military force, as well as its lack of substantial and independent funding. Nonetheless,

the United Nations Organization can serve as the momentary global public sphere until the world realizes the urgency for the need set up more effective and efficient regulatory regimes.

Applicability of Young's Theories

Whereas Young is convinced that the broad points of her structural theory of justice and collective responsibility can be used as a framework in putting up a deliberative system of global justice, she is not certain about the appropriateness of imposing her theories on other individual countries. In the "Epilogue" of the book *Justice and the Politics of Difference*, Young expresses her warning that her theories were developed in the specific context of the welfare society of the United States of America and should not just be unreflectively borrowed as an analytic framework in studying injustices in "the Southern or Eastern Hemispheres" (cf. Young, 1990, 257). She expects that her theories will undergo modifications and changes as they are brought to the other parts of the globe where conditions are different from those of her homeland.

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Part IV

**Justice and Responsibility
in African, Indian and Islamic Traditions**



Nigerian Traditional Moral Values: Globalization, Justice and Responsibility

OGUGUA PATRICIA ANWULUORAH & JUDE CHINWEUBA ASIKE

Prior to the advent of western education, the indigenous people of Nigeria had certain cosmological ideas, which formed the basis of their system of values. Central to the Nigerian's view of the world, and the place of man in it, was the belief that the universe was peopled by spirits, some great, some small, some benevolent, but many more were malevolent. All of them were capable of swift and often vindictive anger. The supreme Being, the *Allah* of the Moslems, the *Chineke* of the Igbos, the *Olorun* of the Yorubas, and the *Abassi* of the Ibibios, and also the *Ifa*, the *Fenigbeso*, the *Ojukwu*, and a host of other deities and spirits either inhabited or were guardians of land, sea, and air as well as everything in them. Just as in other parts of tropical Africa, the Nigerian air was swarming with these spirits and supernatural powers. Most Nigerians brought up in the villages and native towns of Nigeria have at one time or the other smelt a spirit or spirits. The air of mystery pervaded the Nigerian atmosphere far more oppressively when the Christian message was first introduced than is the case today.

Apart from the deities is the belief in ancestral spirits. This belief finds expression in various ritual practices connected with the ancestral shrines and subsidiary belief in reincarnation. The closeness of the ancestors' spirits helps to support the strong kinship attachments so common in Nigeria.

These beliefs provide the moorings of the traditional Nigerian culture. They provide the framework into which the beliefs in witchcraft, charms and magic must fit in. They explain the respect paid to certain elders and traditional rulers who form the visible link between the living and the death, and justify the myths about man's relationship with the universe. They make sense of the values of the traditional Nigerian society. The significance of the missionary's challenge is that he invited the native to abandon all these beliefs in favour of the belief in the Supreme Being, God.¹

¹ Otoni Nduka, *Western Education and the Nigerian Cultural Background* (Ibadan: Oxford University Press, 1965), pp. 10-11.

Issues of Justice and Responsibility

Globalization describes a process by which regional economies, societies and cultures have become integrated through a globe-spanning network of communication and trade. The term is sometimes used to refer specifically to economic globalization: the integration of national economies into the international economy through trade, foreign direct investment, capital flows, migration and the spread of technology.² It is usually recognized as being driven by a combination of economic, technological, socio-cultural, political, and biological factors. It can also refer to the transnational circulation of ideas, languages or popular culture through acculturation.

Sofadekan observes that all through history, the people of Africa and indeed the rest of the third world have been the target of the successive ideological creations of the Western world not minding how it affects their existence. Through the periods of slavery and colonialism, neo-colonialism and imperialism, and now globalization, the western worlds' view has been imposed upon most of mankind; and Africans merely see themselves as struggling against many odds to liberate their minds, attitude and societies from such a related entanglements because their customs and needs are much different. Many people, especially the disadvantaged, experience this as something that has been forced upon them rather than as a process in which they can actively participate. Some see it in terms of the economic agenda of powerful nations dominating the world.³ Hence, Pope John Paul II emphasizes that:

One of the church's concerns about Globalization is that it has quickly become a cultural phenomenon. The market as an exchange mechanism has become the medium of a new culture. Many observers have noted the intrusive, even invasive, character of the logic of the market, which reduces more and more the area available to the human community for voluntary and public action at every level. The market imposes its way of thinking and acting, and stamps its scale of values upon behavior. Those who are subjected to it often see globalization as a destructive flood threatening the social norms which had protected them and the cultural points of reference which had given them direction in life.⁴

In furtherance to the above, many individuals of sterling quality have made contributions in this regard and argued that for the concept of globalization to be worthy and meaningful, it has to be humanitarian in its approach and detail. Thus, its concern for humanity must not be negotiable. It is on the

² Jadish Bhagwati, *In Defence of Globalization* (Oxford, New York: Oxford University, 2004).

³ A. O. Sofadekan, "Effects of Globalization on the Family Institution," in M. A. Folarunsho, I. O. Oyeneye and R. I. Adebayo (eds.), *Religion and Modernity* (Ijebu-Ode: Almseki, 2007), pp. 54-59.

⁴ Louison Emerick Bissla Mbila, CSSP, *Pope John Paul II on Globalization*.

strength of this argument that Pope John Paul II while meeting with members of the Pontifical Academy for Social Sciences observed the following: "Globalization could become a new version of colonialism if it does not have a common code of ethics guiding it." It is necessary, therefore to insist that globalization like any other system be at the service of the human person, it must respect fundamental human values, self-solidarity and common good. Ethics demands that systems be attuned to the needs of man, and not that man be sacrificed for the sake of the system. What this connotes is that man in his wisdom should continue to affirm that ethical discernment in the context of globalization must be based upon two inseparable principles including: First, the inalienable value of the human person, source of all human rights and every social order. The human being must always be an end and not a means, a subject and not an object or a commodity of trade. Second, the value of human cultures, which no external power has the right to downplay and still less to destroy.⁵

Globalization must not be a new version of colonialism. It must respect the diversity of cultures which, within the universal harmony of peoples' are life's interpretive keys. In particular, it must not deprive the poor of what remains most precious to them such as, their religious beliefs and practices, since genuine religious convictions are the clearest manifestation of human freedom. Despite the diverse cultural forms, universal human values still exists and they must be projected as the guiding force of all development and progress. According to Agbakoba,

It is becoming increasingly clear that it is necessary for the world to have a global ideology that would provide for and project justice and respect for the persons and communities as well as provide a basis for the minimizing and resolving of conflicts locally and internationally.⁶

The Concept of Moral Values in Nigeria

Values are fundamental in all human societies and in human actions and activities. Generally, morality originates from religious considerations, and so pervasive is religion in Nigerian culture that the two cannot be separated. What constitutes moral code of any particular Nigerian society – the laws, taboos, customs and set forms of behavior – all derive their compelling power from religion. Thus, morality flows out of religion, and through this the con-

⁵ *L'Osservatore Romano*, Editorial and Management Office, Via del Pellegrino, 00120, Vatican City, Europe.

⁶ Joseph C. A. Agbakoba, "Building Cultural Bridges in the Era of Globalization," *Philosophy, Culture and Tradition. A Journal of World Union Catholic Philosophical Studies*, Vol. 5 (2005), pp. 41-53.

duct of individuals are regulated; and any break of the moral code is regarded as evil and punishable.

An Important fact about the rules which constitute the ethical code of Nigeria societies is that they are usually integrated into a unified system, and to understand the ethical code no rule can be considered apart from the system as a whole. The only desirable ideal is social harmony and peace for the good of man and society. Most of the important virtues are either couched in proverbs or expressed in the form of a folk-tale with a moral to it. The proverbs may serve as prescriptions for action or act as judgment in times of moral lapses. Proverbs are often cited at an appropriate times during an argument, can settle the dispute instantly, for the proverbs are believed to have been handed down by the ancestors and predecessors to whom we owe our communal experience and wisdom.

The Resilience of Nigeria Traditional Moral Values

Some Nigeria traditional moral values: truth (*Eziokwu*), justice (*Ofo*), *hard-work*, tolerance etc. are universalizable and can meet the criteria for universal values. Let us examine these moral values with special reference to Igbo and Yoruba tribes of Nigeria.

Truth (*Eziokwu*): For the Igbo, truth is the major strand that welds society together. Without truth there was no need for human society. The trust built in Igbo society lies mainly in the ability of the individual members to tell one another the truth. Thus, it is obvious that the pillar stone of every community is telling the truth. Thus the Igbo say: *eziokwu bu ndu* (“truth is life”).⁷

On the other hand *onye okwu asi* (“a liar”) is someone who negates the life principle which the truth gives. Truth has its own reward, as this Yoruba song shows.

Be truthful, do good;
Be truthful, do good;
It is the truthful
That the divinities support.⁸

Embodiment of truth in our actions both in private and public affairs faces the chance of dealing with embezzlements of public funds, sale of fake drugs, human trafficking, and lapses in our judicial systems among other issues.

Justice: Justice is an important notion in Igbo traditional morality. The Igbo religious symbol for justice is *Ofo*. This is not a spirit but the symbol

⁷ D. U. Okpata, *Essays in Igbo World View* (Nsukka: A.P. Express Pub., 1998), pp. 71-91.

⁸ Kofi Asare Opoku, *West African Traditional Religion* (Accra: FEP International Private Limited, 1978), pp. 152-153, 158-159).

of authority which descends from the ancestors, a guarantee of truth, and sometimes part of the regalia of the *Umualusi* (Spirit). As the embodiment of the spirit of ancestors, it is ever reminded that *ndu*, the supreme value, requires justice so as to even this *ndu* out of all members of the community. A popular proverb in Igbo says:

Ejim ugu, ejim ofo, ofo ka ideyi ji awa ala (“I hold ‘ogu’ in one hand and ‘ofo’ in another, it is through the powers of ‘ofo’ that the soft rain water furrows the hard ground”).⁹

This reminds the community of the power of justice which in its nature is believed to involve transparent honesty, innocence and fair play, the rain like justice may seem weak, but it is capable of leaving its mark on the ground. So can a man who observes the difficult job of pursuing *ndu*. Hence, an over used proverb among the Igbo says:

Egbe bere, uguo bere, nke si ibe ebena, nku akapu ya (“Let the kite perch and let the eagle perch, which ever says the other will not perch, let its wings break off”).¹⁰

This again emphasizes peoples’ concern for the principle of justice. In the living of *ndu* (“life”), there is enough room for all to ‘perch’ and achieve fully the supreme value. Greed, jealousy, destruction of other peoples chances for making success of life and the lack of the spirit to give and take by which the community could live harmoniously and grow are greatly deprecated by Igbo. The traditional idea of justice frowns at marginalization and the increasing level of poverty as a result of the unjust distribution of abundant natural resources in the country. This has led to persistent conflict in the Niger Delta region. The militants there have continued to pressurize the Federal Government to give them a fair share of the petroleum resources from their land.

Hard-work: In the Igbo cultural life, certain Igbo proverbs/adages/aphorisms lay great emphasis on the importance of hard work and the consequences of laziness, and not showing seriousness towards ones work or means of livelihood.¹¹ Below are some examples:

- *Ngana kpuchie ute, aguṛu e kpughee ya*. (“If laziness/sloth pushes one to sleep, hunger, will wake him up.”)
- *Aka aja aja, na-ebute ọṅṅ mmanṅ mmanṅ*. (“The hands that toil/labour shall eat.”)
- *Onye ruo, o rie*. (“He that sows, reaps.”)

⁹ Edmund Ilogu, *Christianity and Igbo Culture* (Onitsha: University Publishing Company, 1974), pp. 131-132.

¹⁰ Ibid.

¹¹ P. A. Ifegwazi, *A Philosophical Approach to Selected Igbo Proverbs* (Onitsha: Midfield, 2004).

- *Onye rụkarià, o rikarià.* (“He that sows more reaps more.”)
- *Nkụ onye kpara n’òkòchì ka ọ na-anya n’udummiri* (“The firewood one gathers during the dry season should be used during the rainy season.”)
- *A rụọ n’anwụ, e rie na ndo.* (“Enjoyment comes after hard work or labour.”)

The proverbs are used to remind both young and old that there is dignity in labour. Since among the Igbo people, proverbs make greater impact on the mind than ordinary words. Any lazy person, dependent on others for survival is looked down upon and considered a failure. Inculcation of these proverbs among the youth is capable of discouraging examination cheating, as well as the urge to acquire, also known as the ‘certificate quick syndrome’.

In the Igbo community, names are given to enable a person to be strong and engage him/herself in hard-work for a meaningful life of accomplishment. These names remind one to be full of strength, and avert the negative consequences of exhibiting laziness and weakness towards one’s work. The Igbo man values strength and labours for his survival, sustenance and self-esteem. Names are used to show that strength is needed to make wealth: *Dike* (“Be strong”), *Ikedimma* (“Strength is good”), *Nwadike*, *Onyedike*, *Odike* (“Strong ones”), *Ikeakor* (“Never be deprived of strength”), *Ikeazota* (“With strength one acquires”), *Ikeuba* (“Strength to prosper”), *Ikedì* (“There is strength”), *Ezeuchu* (“King of enterprise”), *Akụbụike* (“Wealth is strength”). Without strength nothing can be achieved. Wealth is obtained by strength and not by cheating, kidnapping for ransom of money; and other corrupt practices.

Character (iwa): The Yoruba conceive of *iwa* (character) as providing the means by which humans regulate life to avoid conflict with supernatural forces and to be able to live in harmony with fellow humans. Thus, in a system dominated by many supernatural forces and a social structure predominantly authoritarian and hierarchical, the Yoruba believe that each individual must strive to cultivate a good *iwa* to be able to live a good life in perfect harmony with the forces that govern the universe and the members of his society. This, then, accounts for the high premium placed on good character.¹² It is always considered to be very important that one does the right things so that one should ensure that one’s good destiny becomes a reality. Thus the character of the person would determine, to some extent, the person’s situation in life. A man of weak character is destined to become a prey to resignation and idleness.

¹² J. A. Omolafe, “The Socio-Cultural Implications of Iwa in Traditional Igbo Thought,” *Orita, Ibadan Journal of religious Studies* (1990), pp. 69-86.

The unique place of *iwa* would appear to predispose people to the tremendous socio-cultural changes that are rapidly overtaking Nigeria. Definitively, consistency and steadiness of character together with the corresponding attributes of patience and tolerance are major assets at this time.

It is our strong conviction that traditional concepts like *iwa* offers positive directions to reduce corruption, fraud, cheating, greed, ethnic conflicts and religious intolerance in Nigeria.

Conclusion

There is no doubt that some aspects of Nigeria traditional values and morality have been greatly influenced by the processes of globalization. However, we have seen that there are elements of universal values which are inherent in Nigeria traditional moral values for example: truth (*eziokwu*) for the Igbo and (*otito*) for the Yoruba, justice (*Ofo*), hard-work and tolerance, etc. Thus, despite the diverse cultural forms, universal human values still exist and they must be projected as the guiding force of all development and progress. This approach will no doubt ensure justice and responsibility in the context of a world strongly globalized.

The Human Rights Issue: An Indian Perspective

VENSUS A. GEORGE

In the Indian sociopolitical thought the notion of human rights is of recent origin.¹ The classical perspective of Indian society as an organism – consisted of a hierarchical system of various classes interrelated and working together for the welfare of the community – did not allow the notions of social justice and human rights to develop. However, in the last part of the 20th century there was an increasing acknowledgement of the significant place and relevance of human rights, particularly since the declaration of the state of emergency in the mid 1970s.²

“Human Rights” in Classical Indian Thought

The classical Indian sociopolitical thought lacked the notions of social justice and human rights as understood in western sociopolitical thinking. In the western approach to life and reality history is of paramount importance so that reality and truth are wholly determined by it. Therefore, only the historical is true; the historical is real. Hence, in the western worldview all things not only begin and develop in time, but also are bound by time; every existence is temporal. Therefore, the concepts of history and temporality are of paramount importance for the western mind.³ Besides, western thinking clearly distinguishes the sacred and the secular as two autonomous spheres with their own autonomous functions within the society. For these reasons, in the sociopolitical realm, there is the necessity for the western mind to under-

¹ Cf. Vibhuti Patel, “Human Rights Movements in India,” *Social Change*, vol. 40, no. 4 (2010), p. 459. Accessed from <http://sch.sagepub.com/content/40/4/459> on 09/18/2013.

² Cf. *Ibid.*, pp. 459-460. Cf. also Ghanshaym Shah, *Social Movements in India: A Review of Literature* (New Delhi: Sage Publications, 2004).

³ Cf. Sebastian Velassery, “Indian cultural Tradition: An Introductory Analysis,” *Identity, Creativity, Modernization: Perspectives on Indian Cultural Tradition*, eds. Sebastian Velassery and Vensus A. George (Washington D.C.: The Council for Research in Values and Philosophy, 2013), p. 38.

stand and thematize the issue of individual right, or what is known in today's world as "human rights." Hence, the notion of human rights as we understand today is predominantly a western concept, which emerged in a different cultural context and from a different perspective of society and individuals within it.⁴ Classical Indian sociopolitical thinking does not view human existence in this compartmentalized manner, nor is history so significant in it because existence implies continuous cycles of life. Hence, in order to understand the absence of the notion of human rights in the classical Indian sociopolitical thought we need to consider the Indian metaphysical vision of the universe, the notion of *dharma*, and their consequences in the Indian classical perspective on human rights.

Indian Metaphysical Vision of the Universe

According to the Indian worldview there is no once for all beginning or end of all creation. All things are potentially embedded in an inexhaustible Ultimate Reality, the *Brahman*. This reality periodically manifests itself in multiplicity and eventually takes that back into its unmanifest Being. This "taking back" of the manifestation of the unmanifest Being, often referred to as the destruction of the universe, does not involve a total annihilation of being, but its transformation into another name and form (*nama-rupa*). The new that begins now is organically related to the old that has come to an end. This process is not only applicable to the world at large, but also true of human beings. The law of *karma* and rebirth (*samsara*) ensures that each new generation being born is a remodeling of the old that has died, except for the liberated few.⁵

This ontological perspective gives a vision of the universe in which every reality is related to the other. An individual thing does not exist by itself, but is connected to everything else. The full identity of anything is to be found only in its relationship to the total whole. All realms of existence – the physical and the vital, the mental and the spiritual – are continuous. There is no absolute barrier between the natural and the supernatural, the sentient and the insentient, the physical and the psychical. Herein is founded the ontological rootedness of the interrelationship between the individual and society, ethics and religion, spirituality and mysticism, God and man. This worldview elaborates the distinction of the composite and the differentiated beings from the perspective of the in-composite and undifferentiated Being, at the same time avoiding duality because the existence of the composite beings of the

⁴ Cf. *Ibid.*, pp. 43-44.

⁵ Cf. *Ibid.*, p. 39.

differentiated universe is the participation in the unmanifest Being.⁶ Thus, this vision of the universe, in which every reality is related to the other, brings to the fore the notions of *dharma* and harmony in the world-process, to which we turn our attention now.

Notion of Dharma

In the unfolding of the world-process (*yajna*), the law of cosmic harmony (*rta*) ensures harmony and order. *Dharma* is the unique ontological relationship that a thing has to the rest of the world of relationships in the world-process. The harmony of the world-process is preserved when each thing remains true to its *dharma* and the *dharma* of every being is respected. Thus, the *dharma* of a thing is its very nature. Hence, the practice of *dharma* consists in the awareness of the *dharma* of the universe – always appreciating and appropriating the *dharmaic* relationships that are operative in the universe – and living the *dharma* of one's life in consonance with this awareness. To respect the complex *dharma* of the universe is to respect the law of cosmic harmony (*rta*) and to become part of the cosmic process, by discovering one's relationship to the universe because the more one discovers the universe, the more one discovers oneself.⁷ Thus, *dharma* implies the prescriptive and descriptive dimensions. The prescriptive dimension consists in the norm or standard of things required to achieve relations to the social, political and religious laws – the way things ought to be. The descriptive dimension corresponds to the nature of a thing as it is in relation to these laws – the way things are. Though *dharma's* functioning as a moral and prescriptive concept is very different from its functioning as a natural and descriptive concept, both of these functions of *dharma* belong to the essential nature of things, and not mere accidental properties.⁸

However, over a period of time in Indian cultural history, particularly due to the desire of the priestly class (*brahmins*) to maintain their cultural and religious supremacy, efforts were made to confuse these two dimensions of the principle of *dharma* thereby to understand the descriptive as the prescriptive. In other words, something is considered *dharma* – morally commendable – because it is *dharma* – it happens to be the way things are and it is their nature. This confused perception of the prescriptive and descriptive functions of *dharma* paved the way for the justification of the caste system (*jati*) – which originally began as a class system (*chaturvarnya*), namely, priestly class (*brahmins*), ruling class (*kshatriyas*), trading class (*vaishyas*) and slave class

⁶ Cf. *Ibid.*, pp. 39-40.

⁷ Cf. *Ibid.*, p. 40.

⁸ Cf. *Ibid.*

(*sudras*) based on the division of labor – and the consequent untouchability with regard to the *sudras* on the ground that it is part of *dharma*.⁹

This interpretation of *dharma* coupled with the volitionally attached religious sanctions to the caste system justified the irregularities, exclusiveness, and inequalities built into the caste system by viewing them as belonging to the *dharma* of each caste. Thus, the irregularities of the caste system were considered lawful, right and virtuous and became the duty of each caste to accomplish them.¹⁰ As a result, the status and opportunities of an individual in the society is related to one's caste (*jati*), to which one belongs by birth. Since one's birth itself is conditioned by past actions (*karmas*) one has performed in one's previous life, the exclusivism and inequality the caste system imposed on different castes were theologically found correct. Hence, the people of the lower caste (*sudras*), by the fact that they are *sudras* were considered untouchables and were denied accessibility to the study of the Vedas, thereby systematically prevented from knowing the truth of the scriptures. This brought about the monopoly of the intellectual and the spiritual realms by the *brahmins*, which, in turn, led to the deterioration of the law of reason and authentic interpretation of the Vedas and particularly the law of *dharma*. It resulted in the concept of *dharma* further undergoing a series of interpretations and being conveniently used as a theological weapon to suppress those who belonged to the *sudra* caste, thereby denying them their rights as persons and existence as autonomous individuals. This distorted notion of *dharma* has exerted such great influence in the sociopolitical sphere that *Manu Smriti*, Kautilya's *Artha Sastra*, and Prasasthapada interpreted *dharma* in relation to the caste system. This, in turn, prevented the development of notions of individual freedom, social justice and human rights in the Indian cultural tradition.¹¹

Indian Classical Perspective on Human Rights

The above-mentioned metaphysical vision of the universe and interpretation of the law of *dharma* perceive the human self and the sociopolitical structure of the society as an integrated system, both essentially related to each other. In order to understand the Indian classical perspective on human rights, we need to clarify further the nature of human self and the nature of the sociopolitical structure of the classical Indian society. Hence, we attempt to understand the nature of the human self and the sociopolitical structure of

⁹ Cf. *Ibid.*, pp. 34-35, 40-41.

¹⁰ Cf. *Ibid.*, p. 41.

¹¹ Cf. *Ibid.*, pp. 35, 41-42.

classical Indian society in the first and second sections, and the third section will consider the issue of human rights.

Nature of the Human Self: The *Vedas* and later Indian scriptures (*smritis*) visualize the human person as the *Atman*, which is the microcosm of the divine *Brahman* on the one hand and as an integral part of the society on the other. The human person within her/himself is an integrated whole composed of a physical body (*sarira*), a sensitive mind (*manas*), a rational intellect (*buddhi*), and an enduring Self (*Atman*). Indian philosophy considers that this composed “microcosm” is the “macrocosm” that is *Brahman*, the ultimate Reality (*yatha pinde tatha brahmande*). Thus, the fourfold nature of the human Self corresponds to the ultimate *Brahman*. Hence, the individual Consciousness is not an isolated and enclosed Self, but is constantly and progressively opened to its ultimate nature, which is *Brahman*. Thus, man’s Self (*Atman*), identical with *Brahman*, is the infinite ground of his being. His intellectual and rational aspect (*buddhi*) is the cause of his personal being. However, in man, the body, the mind and the intellect are limited by time and space, and conditioned by causality. Therefore, man is not completely free at all these levels even though he is endowed with freedom, volition, and power of free choice. The integration of these lower faculties of the human person is consummated when body, mind and intellect are centralized, harmonized and organized by the unitive enduring Self (*Atman*). Thus, there comes about in the human person unity in diversity and harmony in discord. From what we have said it is clear that in the human person the physical, the vital, the mental, and the spiritual are continuous, and there is no absolute separation between the natural and the supernatural, the sentient and the non-sentient, the physical and the psychic, the sexual and the spiritual dimensions in the human person. The human person, an integrated and composed whole, identical with the divine *Brahman*, is an integral part of the society, which is often compared to a well-knit organism by many of the schools of Indian philosophy.¹² Now, we turn our attention to the sociopolitical structure of the classical Indian society.

In the classical Indian sociopolitical thought, the sociopolitical system is visualized as a system of integrated living of human persons in which people of each caste do their specific functions as per the rules of the caste for the betterment of the society, and the political authority has, in fact, no control over the caste structure. In such a society, though individual rights are not given adequate emphasis, participatory rights and duties of different castes are given sufficient emphasis accommodating different castes within the society. Thus, Indian classical political tradition conceptualized the relation

¹² Cf. *Ibid.*, p. 43.

between theories and practices in such a way, those theories and practices could neither exist nor function without the time-bound category of the caste system as understood in and interpreted according to the scriptures.¹³

Thus, the society in this sociopolitical tradition is a society that internalizes through disciplining the dispositions of its members to perform their function and duties, and the sum total of performances of all members of the society belonging to different castes, thereby bring about an orderly community existence within the society. Hence, the classical Indian political tradition is society-centred and subordinates not only the individual members of the society, but also the state and government to the societal mandates. This manner of functioning of the society is based on the idea of the active involvement and participation of each caste group within society, in the conduct of various institutions and organizations pertaining to the day to day life of the society, each group functioning according to the rules of its caste, and the government at the centre is paternalistic and allows them to function in this manner.¹⁴

The picture of traditional Indian society one gathers from political treatises such as *Manu Smriti* or Kautilya's *Arthashastra* is a full-fledged caste society where all kinds of functions – intellectual, religious, political, military, commercial and manual – are carried out by hereditary caste groups. They accomplish these tasks and functions according to their traditional caste laws, local customs and organizations, such as caste and village councils in interdependence with one another, but without much interference from outside agencies including the political authority and the government at the centre. Therefore, various caste groups of the society enjoy a large measure of internal autonomy, within their own limitations. The main functions of the society are carried on in a decentralized manner according to the customary laws of caste and over which the king does not exercise any authority. Even in situations of caste rivalries and conflicts, the king often plays a mediatory role of easing tensions and bringing rival groups together rather than commanding role. In this system of sociopolitical thinking, the best way to govern a country is to decentralize matters of everyday living to the caste groups to be guided by their laws and customs, while the king should focus his attention on the overall well being of the nation and its national security.¹⁵

The above-described perception of the society and its organization, envisions the society as an organism. Therefore, the traditional Indian sociopolitical thinking does not view the society as a collection of individuals loosely

¹³ Cf. *Ibid.*, p. 41.

¹⁴ Cf. *Ibid.*, pp. 41-42.

¹⁵ Cf. *Ibid.*, p. 42.

joined by self-interest, but an integral unit like an organism made up of many different but interrelated and mutually dependent parts. Thus, if *sudras* are required by the “sacred law” to be the servants of higher castes, the higher castes are ordained by the same law to look after *sudras* and their families as a matter of duty, and the infringement of which according to Kautilya, is a punishable offense. The interests of different groups are ameliorative and not antagonistic because they have basic needs and goals in common, and hence interdependence and harmony are natural. Each group contributes to and receives from the whole. The good of an individual is tied up with the good of all. Such a social and political tradition in India accords more importance to the state of existence in society than the individual existences. It caters more for the socio-community existences than for the individual ones. Thus, the relations among groups and men are a moral problem rather than a legal one in India’s classical sociopolitical tradition.¹⁶

The *Vedic* perception of the human person as the integrated whole made up of body, mind, intellect and the enduring Self, identical with the divine *Brahman*, and the human person being an integral part of the society, which is perceived as an organism in which every individual working within his caste group according to its own laws for the wellbeing of the whole society paved the way for the conception of the society as a unity in diversity, in the process sacrificing social justice, individual freedom and human rights. Now, we turn our attention to the issue of individual human rights in the classical Indian society.

Since the above mentioned perceptions of the human person and the society have hardly ever taken any interest in individual existences, but instead have catered only for the socio-community existences, the classical Indian cultural tradition, unlike the western tradition, could not develop the concept of social justice based on the concept of social equality of man. Instead, Indian cultural tradition emphasizes the concept of compassion and is sensitive enough to the distress and pain of the people one personally has to deal with. Justice compared to compassion is an abstract virtue and it is less dependent on personal involvement. Compassion is best exercised in one’s immediate circle, while justice refers to society at large. The Indian cultural tradition fosters a good deal of concern and affection for one’s relatives, dependents and friends and even those who personally seek help. However, it is not concerned with social justice and individual human rights as the western cultural tradition.¹⁷

¹⁶ Cf. *Ibid.*

¹⁷ Cf. *Ibid.*, pp. 43-44.

An issue becomes a problem only when it is present in our awareness as a privation. The issue of individual rights had never been a problem for the Indian masses in the classical times, as they have been leading an individual existence with the support, concern and care of their social existence. In view of the predominance of social existence over individual existence, conceptually and ontologically, the essential being of man is looked at as a part of the whole, the whole being the society, and at the wider level is the cosmos. As a result, the issue of individual rights among men does not take the shape of a moral or social problem in the classical Indian social thought. Struggle for individual rights is not recognized as a legitimate moral activity. The ideal of social living is desire for cooperation among people of different castes rather than rebellion and the demand for individual rights. Hence, the issue of rights does not hold its status of a genuine and independent moral problem. The individual and the group grievances are sacrificed in relation to the value of universal unity. Conceptually, not only are the actual experiences of human relations ignored, but also the issue of rights is never taken up as a problem. For example, the idea of justice has never been regarded in the Indian cultural tradition as the central idea while dealing with human relations. The harmony and the consequent equality of men are to be arrived at through compassion and the mutual conscious striving for harmony. Accordingly, a sense of compassion rather than social justice is generated in man toward all beings. The harmony and the consequent equality of men are to be arrived at through compassion for each other and the mutual conscious striving for harmony. Indeed, the above-mentioned perspective of the human person and his relation to the society often generated a sense of compassion rather than social justice towards all beings, including other human persons. As a result, there is no place for human rights and social justice in classical Indian sociopolitical thought.¹⁸

Human Rights Issues and Human Rights Groups in India

Since the human rights issue was not really present in the classical Indian sociopolitical thought, the issue of human rights and existence of organizations fighting for human rights are of recent origin in Indian society. The *Civil Liberties Union* was the first human rights group in the country. In the early 1930s Jawaharlal Nehru and some of his colleagues founded this association as an independent watchdog initiative, with the specific objective of providing legal aid to nationalists accused of sedition against the colonial authorities. However, this initiative did not last long because it was subsumed by the hopes generated by the national liberation. It was not until the late 1960s

¹⁸ Cf. *Ibid.*, p. 44.

and early 1970s that the real emergence of human rights groups took place. The immediate reason for their emergence is the crackdown on those persons working for the upliftment of the traditionally oppressed classes both by the privileged classes and the government. Notable among these groups were: the *Association for the Protection of Democratic Rights* (APDR) in West Bengal, the *Andhra Pradesh Civil Liberties Committee* (APCLC) in Hyderabad, the *Association for Democratic Rights* (AFDR) in Punjab, and the *Committee for Protection of Democratic Rights* in Mumbai.¹⁹ These groups highlighted the growing repression and exploitation, and played a crucial role in confronting and exposing the violent role of the state. However, their capacity to conscientize people and bring together the liberal and progressive elements in the country were limited due to their fragmented nature, and the indifference of the media and the public opinion to the plight of the marginalized sections of the society. Besides, they were not able to combine their political activism with socioeconomic upliftment of the marginalized people. Despite their limitations, they succeeded, to a great extent, to drive home the fact that the state was itself violating the rule of law and the constitutional rights of marginalized groups and political activists.²⁰

The major boost to human rights movement came about in the context of 19 months of National Emergency imposed by Prime Minister Indira Gandhi between 1975 and 1977. The emergency rule was marked by detention without trial for a large number of people including students, youth, and political personalities; news censorship; trespassing without legal sanction of private premises; taping of telephones; interception of letters; constitutional amendment curtailing basic rights to life and freedom in the name of national security; violation of civil liberties. Television being a monopoly of the government was totally controlled by the ruling party.

Jayaprakash Narayanan, a social activist in the Gandhian mode, launched a major agitation during the emergency, which brought the liberals, humanists and the radicals to form the first national human rights organizations, the *People's Union for Civil Liberties and Democratic Rights* (PUCLDR), which after the lifting of emergency got divided into the Delhi-based *People's Union of Democratic Rights* (PUDR) and the national *People's Union of Civil Liberties* (PUCL). The other national level association for human rights was *Chhatra Yuva Sangharsh Vahini*. Two major concerns of these human rights groups were civil liberties and democratic rights.²¹

¹⁹ Cf. *The Human Rights Movement in India: A Critical View*. <https://icrindia.files.wordpress.com/.../20-human-rights-movement-in-ind>. Accessed on 09/18/2013.

²⁰ Cf. *Ibid.*

²¹ Cf. *Ibid.* Cf. also Vibhuti Patel, "Human Rights Movements in India," pp. 460-461.

In the post-emergency India, there have been a wide range of groups and movements that struggle for human rights and distributive justice. They have highlighted the absence of human rights and defend human rights. In periods of major crises they have also thrown their weight with independent action groups and mass movements in providing relief and rehabilitation and carrying out lobbying on behalf of the oppressed and the victimized. The activities of these groups were clearly evident during the carnage of the Sikhs in November 1984 and the Bhopal disaster a month later. One significant achievement of such groups have been the substantial body of literature they have produced which highlighted the complex causes of social, political, economic and cultural oppression. The major contributions of these groups are the following: 1) Taking up fact-finding missions and investigations regarding human rights violations. 2) Defense of people's rights by using Public Interest Litigation in courts. 3) Organizing citizen awareness programmes, which includes the publication of perspective statements on specific issues. 4) Organizing campaigns against violation of human rights. 5) Producing supportive literature for independent movements and organizations.²²

With the help of the above-mentioned activities these groups have successfully raised three different types of issues and sensitized the nation regarding them: 1) Direct or indirect violations of human rights by the state – including police lawlessness, torture and murders of opponents through fake “encounters,” repressive legislation, political manipulation and terror by mafia groups, and the like. 2) Denial of legally stipulated rights in practice and the inability of government institutions to perform their functions. 3) Structural constraints which restrict realization of rights, such as violence in the family, landlord's private armies, the continuing colonization of tribals, and the like.²³

Through their action-plan and sensitizing the nation these human rights groups have made definite contribution to the upholding human rights and widening the democratic consciousness in the country. Some of the significant achievements are the following: 1) Mitigating some of the complex sources of oppression. 2) Freeing and rehabilitating bonded laborers. 3) The campaigns of these groups have brought about major judgments by the more sensitive individuals in the judiciary, which, in turn, have opened up new avenues for the realization of justice for the poor and the marginalized. 4) Prosecution of public official and policemen. 5) Keeping of the democratic movements alive among the urban middle class. 6) Helping to protect and expand the space for independent political action.²⁴

²² Cf. *The Human Rights Movement in India: A Critical View*. <https://icrindia.files.wordpress.com/.../20-human-rights-movement-in-ind>. Accessed on 09/18/2013.

²³ Cf. *Ibid*.

²⁴ Cf. *Ibid*.

Since the post-emergency period, the human rights groups and the human rights movement at large have been enriched by the collective wisdom emerging from the tribal movement, peasant struggles, environmental movement, women's liberation movement, child rights movement, dalit movement, and the struggles of the disabled persons. The state and the mainstream institutions often had a love-hate-relationship to many of these human rights movement in different phases of the brief history of human rights movement in India.²⁵

Having looked into the emergence of the human rights issue and human rights movements in India and their contribution in general, we, now, move on to map the areas of human rights violations in India and the strategies and responses to counter such violations provided by human rights groups.

Mapping the Areas of Human Rights Violation

A recent study undertaken by Usha Ramanathan sponsored by Swedish International Development Agency (SIDA) attempts to map the issues that inhabit the human rights landscape in the areas of ordinary governance. The mapping exercise involved the states of Maharashtra, Andhra Pradesh, Kerala, Karnataka, Rajasthan, West Bengal, Orissa, Tamil Nadu, Uttaranchal and Delhi.²⁶ According to this study the following are the areas in which human rights violations take place in India: Custodial violence; Project displacement; Internally displaced due to conflicts; Refugees; Land alienation; Right over resources; Urban shelter and demolition; Livelihood; Sexual harassment at the workplace; Rape; Death penalty; Fake encounters (Extra-judicial killings); Involuntary disappearances; Extraordinary laws; Preventive detention; Detention; Missing women; Homicide in the matrimonial home; Domestic violence; Sati; Child marriage; Child labor; The 'neglected' child; Child abuse; The 'unwanted' girl child; Prostitution; Prisons; Wages to prisoners; Sexuality; Freedom of expression; Dalits; Medical research; Population policies; Organ transplant; Trafficking; Bonded labor; Anti-liquor movements; HIV and AIDS; De-notified tribes; Tourism; Right to information; Honor killing; Environment and pollution; Political violence by non-state actors; Clamping down on protest; Disability; Corruption and criminalization of politics; Natural disasters; Special economic zones (SEZ).²⁷

²⁵ Cf. Vibhuti Patel, "Human Rights Movements in India," p. 459.

²⁶ Cf. Usha Ramanathan, "On Human Rights in India: A Mapping." www.ielrc.org/content/w0103.pdf. Accessed 09/18/2013.

²⁷ Cf. *Ibid.*, pp. 4-40.

Strategies and Responses

At this point, we need to mention the strategies and responses provided by the state and non-state actors in coping with the above-mentioned areas where human rights are violated. We can speak of two types of strategies and responses: popular and legal/institutional.²⁸

Popular Strategies and Responses

Organizing people to take up the violated rights with concerned authorities; Iconization – consists in making the victim into a symbol to highlight the violated human right; Bringing in the media; Establishment of people's tribunals and commissions for the purpose of fact-finding and solution; Free-flow of information regarding the violation of human rights; People to people contact; Negotiating the conflict and the violation of human rights; Forming truth commissions; Dissemination – distribution of literature about the violated human rights so as to mobilize support; Formation of peace-committees; Using census-data to highlight the extend of the violation of human rights; Setting the non-negotiable – it establishes baselines regarding an issue, which should not be crossed; Campaigns, resistance and protest against the violation of human rights; Providing helpline for the victims of human rights violation.²⁹

Legal/Institutional Strategies and Responses

Trial Observers – It is a method of demanding accountability in the judicial and quasi-judicial process, which might involve human rights violations; Establishment of national and state human rights commissions, and other commissions, such as the national commission for women, the national commission for underserved/poorer classes, etc. to oversee that human rights are not violated; Courts – setting up of human rights courts at various levels, courts dealing specifically with violation of human rights against women, etc.; Compensation for the victims – *Ex gratia* payment for the victims whose rights are violated; Enactment of extraordinary laws – specific laws against terrorism, violation of law and order, etc.; Other laws – laws enacted by the state to protect the rights of people, who are considered more vulnerable, such as persons with disabilities, law enforcing juvenile justice, laws regarding care and protection of children, etc.; Counseling – institutional support aims at helping the victim after the violation; Census – including the areas of

²⁸ Cf. *Ibid.*, pp. 40-49.

²⁹ Cf. *Ibid.*, pp. 40-45.

human rights violation as categories in census; Samathuvapuram (A Place of Equality) – It is a strategy used in the State of Tamil Nadu bring about harmony among people of different castes and religions, by settling them together in government built settlements; Public Interest Litigation (PIL) – It is a judicial procedure which allows any citizen to file with the court any violation of human rights, which the court will take up for consideration; Establishment of Commissions of Inquiry by the government to study the case of human rights violation.³⁰

Conclusion

The character and structure of human rights issue has changed radically since the post-emergency period. There is a greater recognition of the violation of human rights among the people. There is also an awareness of the extent of human rights violations. Hence, the people and organizations promoting human rights are no more willing to take violations of human rights without a fight. It is important that government and other institutions must be more transparent in dealing with human rights issues. Persons guilty of violating human rights must be punished appropriately. The legal system must be the guardian of human rights. Thus, there has come about a fundamental change in India on the human rights issue from classical times to the present.

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Subaltern Global Justice and National Identity

R. C. SINHA

In this paper, I intend to address three issues. First, Globalization in itself is value free. It is neither good nor bad. It assumes value when linked with the question of Justice or injustice. The question of subaltern global justice is related to third world and underdeveloped countries. The question of global justice involves the preferential treatment of underdeveloped nations. I think, Globalization as a process of development is just and globalization as an instrument of exploitation is unjust. Globalization is faced with a dilemma. If we go against globalization, then we will be technologically backward and condemned to be poor and underdeveloped. The backwardness will cause poverty. As a matter of fact, poverty is a moral evil and responsible for many immoral activities. So in order to get rid of poverty and backwardness we have to accept technology based globalization. Peter Singer observes, "One hundred and fifty years ago, Karl Marx gave a one-sentence summary of his theory of history: 'The hand mill gives you society with the feudal lord; the steam mill, society with the industrial capitalist'. Today he could have added: 'The jet plane, the telephone, and the internet give you a global society with the transnational corporation and the World Economic Forum'."¹ Technology has changed everything. But the development of technology and globalization causes dehumanization (...). Man is alienated from himself. Man becomes a cog within the wheel. Dehumanization is equally evil. So we are faced with the paradox of globalization. Globalization is linked with development. Development is linked with the wellbeing of humanity. Sustainable development is morally desirable. Wanton development is morally undesirable.

Secondly, I contend that subaltern global justice is not logically incompatible with national identity. This idea has been shaped by studying the three

¹ Peter Singer, *One World* (New Haven, ct: Yale University Press, 2004), p. 10.

notable books relating to the problem of global justice and national identity. The book entitled *The World Is Flat* by Thomas Friedman who gives a brief history of the 21st century scenario of global development. This book gives a vivid account of Globalization. It makes us see the globe in a new perspective. We have no idea as to how the 21st century history will unfold in the age of Globalization. Friedman explains how the flattening of the world happened at the dawn of the 21st century. The world is flat means that the world has become a global village. The world has become too small. The world has become a global village due to the fast pace of communication. Friedman says after his return from Bangalore city of India, "Columbus reported to his king and queen that the world was round, and he went down in the history as the man who first made the discovery, I returned home and shared my discovery only with my wife and only in a whisper. 'Honey, I confided, I think the world is flat'."² Another book entitled, *The Clash of Civilization and the Remaking of World Order*, by Samuel Huntington also helped me to understand the problem of Globalization and national identity. Henry Kissinger commented that this is one of the most important books to have emerged since the end of the cold war. The subtitle of the first chapter of this book reads "Flags and Cultural Identity." In the very opening sentence of the introduction the problem of identity is discussed. Huntington says that global politics has become multi-civilizational. In the late 1980s the communist world collapsed. The cold war became history. The most important distinction among Nations is not ideological, political, or economic but cultural, according to Huntington. In his words, "Nation states remain the principal actors in world affairs."³ After reading these two books, I began to discern that these two problems are not logically incompatible, as it might appear. Peter Singer claims that the most influential work on the conception of justice is John Rawls' *A Theory of Justice*. However, in this book, Rawls failed to discuss the issue of global injustice. Singer observes "I was astonished that a book with that title, nearly 600 pages long could utterly fail to discuss the injustice of the extremes of wealth and poverty that exist between different societies."⁴ Nonetheless, I think that Rawls' conception of justice as fairness presumes that this world is not just. It is true that we do not live in a just and fair world. Rawls observes, "I will comment on the conception of justice presented in *A Theory of Justice* a conception I call "justice as fairness."⁵ Our question is:

² Thomas L. Friedman, *The World Is Flat: A Brief History of the Twenty-first Century* (New York: Farrar, Straus & Giroux, 2005), first edition, p. 5.

³ Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon and Schuster, 2002), p. 21.

⁴ Peter Singer, *One World* (New Haven, CT: Yale University Press, 2004), second edition, p. 8.

⁵ John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), Preface, p. xi.

what is global justice? It is not very clear what global justice means. In this connection, Amartya Sen's, *The Idea of Justice*, begins with the conception of injustice in order to understand justice because he understands justice as the absence of injustice. He focusses on comparative judgments of what is "less" or more "just." At the heart of Sen's argument is a respect for reasoned differences in our understanding of what a just society really is. National Identity is a fact and not figment of imagination. Tolstoy in his celebrated book, *War and Peace*, upholds that national identity is the root cause of war. In *Identity and Violence*, Sen claims that national identity is the cause of violence. Hence, Tolstoy as well as Sen, in order to avoid war and violence, suggested the need to transcend national identity. They advocated universalism and globalization. They discarded national identity. But I do not subscribe to the views of Tolstoy and Sen. To suggest that one should transcend national identity is to suggest that one could slip out of one's own skin. Thus, in my view, the suggestions of Tolstoy and Sen are not practical.

Thirdly, my contention is that global justice stipulates respect for "Others." By "Others," I mean here other nations and their identities. Global justice demands that developed countries should give just and fair treatment to "Others" who are deprived and underdeveloped. This boils down to the point that global justice does not mean equal treatment to all nations. Ordinarily, it is held that global justice contemplates equal treatment to all nations irrespective of race, color and nationality. But I do not subscribe to this principle of equal treatment. This is egalitarian view of global justice. My submission is that global justice does not mean equal treatment to unequals. Global justice cannot afford to give equal treatment to developed, developing and underdeveloped countries. I propose a subaltern conception of global justice which is concerned with the uplifting of marginalized nations.

Here I conceive two types of global justice: one is egalitarian and other is the subaltern conception of global justice. Egalitarian conception of global justice subscribes to the notion of equal treatment to all nations. Another kind of global justice which I propose is the "Subaltern Conception of Global Justice." I maintain that equal treatment for 'unequals' is in itself an act of injustice. We can't treat developed and underdeveloped countries equally in matters of awarding grants to developed and underdeveloped nations. The principle of equality does not do justice to backward and underdeveloped nations. As a matter of fact underdeveloped nations deserve more support and grants than developed nations. Hence, I understand that the conception of global justice is distributive in nature. Aristotle in his book *Nichomachean Ethics* came up with the suggestion that distributive justice consists of treating equals equally and unequal's unequally. Distributive justice is based on the principle of equity. There is obvious distinction between equity and

equality. The principle of equity is the core element of subaltern global justice. The principle of equality is the basis of egalitarian global justice. Equality is the principle regardless of inputs; all nations should be given an equal share of the rewards. By global responsibility I mean nations who have the most should share their resources with those who have less. Global justice is distributive because it is conceptualized as fairness associated with outcomes and distribution of resources. By the subaltern conception of global justice I mean that those who are marginalized should get fair treatment so that they come to the 'Centre'. This subaltern conception of global justice attempts to deconstruct the age-old egalitarian structure of the globe by bringing the marginalized nations into the mainstream. The conception of subaltern global justice sounds novel and requires some illustration. The term subaltern was popularized by Italian Marxist thinker Antonio Gramsci. The dictionary meaning of this term is 'subordinate' within army structures. Antonio Gramsci used it to denote the proletariat class. In the Oxford University some of the historians led by Ranjit Guha and Gayatri Shivak formed a group of subaltern studies. They started writing history from the viewpoint of the common woman/man. Ordinarily history is written about the life and achievements of kings and queens and the ordinary human is left on the margins. Actually this term subaltern was popularized by Gramsci to counter the ideology of fascism. In Aristotelian logic this term has been used to explain the relationship between two propositions. Aristotle used this terminology to explain the relationship of opposition of propositions. Aristotle used the term subaltern to demonstrate the logical relationship between two propositions having the same subject and predicate but differing in quantity. I find that the subaltern group of history writers are not fully aware of the logical implications and its application in the field of social and political philosophy. I tried to apply this relation of opposition of propositions in the field of social relationships and propose the subaltern view of morality which stipulates that the morality of marginalized people is different from the morality of elite and egalitarian societies.

In this sense I propose a "Subaltern Conception of Global Justice" which urges that it is the responsibility and moral obligation of developed nations to ameliorate the conditions of underdeveloped nations. Global justice demands that backward nations should be uplifted and developed. The inequality prevailing in global society should be lessened. In 2005 and 2007 I visited U.K. and got a chance to travel by train to Edinburg. I saw everywhere, written on walls, that "poverty is history." Singer, in his book, *One World*, observes "(...) even if there were no altruistic concern among the rich nations to help the world's poor, their own self-interest should lead them to do so."⁶ In the

⁶ Peter Singer, *One World*, p. 7.

global village, other's poverty becomes one's own problem. Another influential philosopher, similar to Singer, considers ethical issues surrounding Globalization. Michael Walzer observes that many people have written about the economic meaning of globalization. In *One World*, Singer explains its moral meaning. He shows how a global ethic rather than a nationalistic approach can provide answers to global problems. My contention is different from his. I contend that national identity and global justice are not mutually exclusive. The subaltern conception of global justice does not run counter to national identity. I hold that national identity and the concept of global justice are not logically incompatible. National identity is the primary focus of political legitimacy and the pursuit of justice. Indeed, national identity is a fact. On the other hand, the concept of global justice is not very clear. I understand that the concept of global justice is not concerned about war crimes but about socio-economic justice.

In this paper I concentrate on two focal issues of traditional political philosophy. One is the relation between justice and national identity and the other is the scope and limits of equality as a demand of justice. Both are of crucial importance in determining whether we can even form an intelligible ideal conception of global justice. The issue of justice presumes sovereignty. National identity comprises two most important components: one is sovereignty and another is cultural values. According to Hobbes, sovereignty is an essential component of national identity. Hobbes argues that although we can discover the true principles of justice by moral reasoning alone, actual justice cannot be achieved except through the sovereignty of nations. Justice is a property of the relations among human beings. The liberal requirements of global justice include a strong component of equality among nations. This is a specifically political demand which applies to the basic structure of global society.

I have understood global justice in two ways: one is egalitarian justice and another is subaltern conceptions of global justice. Egalitarian conceptions of global justice presuppose the principle for equality. The hallmarks of egalitarian justice are Rights and equal opportunity to all. It seems very difficult to resist Hobbes' claim about the relation between justice and sovereignty. I think that sovereignty is an important component of national identity. Broadly speaking we can understand two aspects of structure of global society. The basic structure of global society consists of sovereignty; the superstructure consists of cultural values. Hobbes construed the principles of justice as a set of rules and practices that would serve the interest of every one. The collective self-interest cannot be realized by the independent motivation of self-interested individuals unless each of them has the assurance that others will conform if he does. That assurance requires the external incentive

provided by national identity. But the same need of assurance is present if one construed the principles of justice differently, and attributed to Nations a non-self-interested motive that leads them to want to live on fair terms with other nations. Even if justice is taken to include not only collective self-interest but also the elimination of morally arbitrary inequalities. I believe that the situation is structurally not very different for the conception of global justice that is based on the conception of "Others." The conception of global justice, without a moral base will fall flat. Global justice without sovereignty, as stipulated by Hobbes, has no practical expression. If we think from a moral perspective without some form of global sovereignty, a serious obstacle to the concept of global justice arises. However, we have to accept the national identities of "Others" and then we can think of co-operation and moral assurance to maintain moral relations among the citizens of the globe. We may reject the Hobbesian contention that justice is collective self-interest, because it is true that for most of us, the ideal of global justice stems from moral motives that cannot be entirely reduced to self-interest. A global conception of justice includes much more than the conditions of a legally enforced peace and security among interacting nations.

The inequality in the world economy is obvious. Roughly twenty percent of people around the globe live on less than a dollar a day. This situation is changing as productivity growth speeds up. Inequality prevailing in the global scenario is so grim that global justice may be a side issue. The urgent issue is what can be done in the world economy to reduce extreme global poverty and economic inequality.

There are basic question as what we should do to fulfill the global justice in the absence of global sovereignty. Global justice requires more than mere humanitarian assistance to those who are deprived and marginalized and in desperate need. It is a fact that injustice can persist. Humanitarian duties are carried out, in virtue of the absolute, rather than relative level of needs of people. Developed Nations are in a position to help underdeveloped Nations. Justice by contrast is concerned with the relations between the conditions of different classes of people and the causes of inequality between them. The question arises as to how to respond to world inequality in general from the point of view of global justice. Postmodern conception of global justice imposes some limitations on the powers of sovereignty. Justice demands fairness or equality of opportunity from the practices that govern our relations with "Others." By others I mean national identities of other nations. Global justice is concerned with the relations between the conditions of different Nations. The question of global justice will depend on moral conceptions of those relations. There is always possibility of clashes between national identities. There is nothing like global sovereignty to deal with global problems.

Here there are two conceptions of global justice. One is egalitarian which contemplates equal concern to all. We have to live with just terms with each others who are fellow members of the globe. Egalitarians think that this moral principle of equal treatment applies in principle to all our relations to all “Others” not just to our fellow citizens. If we take egalitarian conceptions of global justice then separate national identities pose obstacle to the establishment or even the pursuit of global justice. But it would be morally inconsistent not to wish, for the world as a whole, a common system of institutions that could attempt to realize the same standards of fairness or equal opportunity that one wants for one’s own nation. The accident of being born in underdeveloped country rather than a developed country is as arbitrary a determinant of one’s fate as the accident of being born into a poor rather than a rich family in the same country. In the absence of global sovereignty we may not be able to describe the world as unjust but the absence of global justice is a defect in the age of Globalization. Egalitarian justice can be realized in a federal system in which members of different nations had special responsibility towards one another. But that would be legitimate only against the background of a global system. At present we do not have any full-proof system to legislate justice and injustice in the world. The moral appeal to powerful nations cannot work because they protect their own interests. So global justice in a sense, becomes the justice safeguarding the interests of the stronger. The quest for dominance, in the words of Noam Chomsky, defines the sense of global justice today.

Egalitarian justice suffers from defects because to treat ‘unequals’ equally is against the principle of global justice. The conception of global justice which I call the ‘subaltern conception of global justice’ is concerned with wellbeing of marginalized nations. This conception is exemplified by Rawls’ view that justice is doing well for the worst off. This conception is concerned with the socio-economic situation of the globe. The subaltern conception of global justice presumes that the national identities of all nations cannot be effaced. It is not plausible to do away with national identities. Nations do not lose their sovereignty. Every nation has boundaries and populations. It exercises its sovereign power over its citizens. Citizens have responsibilities towards others. The responsibility is *sui-generis*. The obligation of justice and responsibility arise as a result of special relations. The subaltern conception of global justice does not stipulate equal treatment to ‘unequals’. The developed and the underdeveloped cannot be treated equally. Hence, the subaltern conception of global justice is distributive in nature. Rawls insists that different principles apply to different situations. He observes “(...) the correct regulative principle for a thing depends on the nature of that thing.”⁷ In global

⁷ John Rawls, *A Theory of Justice*, p. 25.

justice we contend that nations are free to preserve their national identities. In a global context. We have to maintain mutual respect and equality of status among nations. This is more difficult than the traditional Hobbesian privileges of sovereignty on the world stage. The responsibility and duties governing relations among nations include, according to Rawls, not only non-aggression and fidelity to treaties, but also some developmental assistance to “peoples living under unfavorable conditions that prevent their having a just or decent political and social regime.”⁸ The consequence seems that if one wants to avoid moral inconsistencies and is favorable to the subaltern conception of global justice then one should favor a global difference principle. Moral consistency requires taking the nation as a moral unit in a conception of global justice. There is no logical or moral inconsistency in accepting national identity as a moral unit in global justice. The way to resist an egalitarian theory of global justice would be to deny that there is a universal principle of equal concern, equal status and equal opportunities.

The subaltern conception of global justice objects to arbitrary inequalities. National identity gives entitlement to be just and maintain the integrity of the nation but only on the condition that we must learn to respect “others identities.” Mere economic interaction at the global level does not trigger the heightened standard of global justice. There is nothing like global sovereignty at present. There is nothing like global identity. The global identity is dependent on national identity. There are a number of less formal structures that are responsible for a great deal of global governance. National institutions are responsible to their own citizens. But global networks do not have similar responsibility of legislating global justice. Global justice is not merely trading on a global level. Global justice is not merely the pursuit of common aims by unequal partners. Global justice is based on moral persuasion. I think that there is a difference between a moral obligation, however strong it may be, and global justice done and implemented with authority. We cannot ignore the practical difficulty to implement global justice. But we cannot leave this globe at the mercy of the strong and mighty. Chomsky, in *Hegemony or Survival*, talks about America’s quest for global dominance. We have to think in terms of global justice instead of global dominance in the 21st century. Chomsky conceived Globalization as the new face of capitalism. It means that globalization suffers from all the defects of capitalism. I maintain that globalization in itself is not good or bad but it suffers when it bears the face of the new capitalism, as contemplated by Chomsky. The subaltern conception of global justice seems plausible because it deconstructs the grand hegemony of powerful nations. It grants autonomy to national identity and urges the

⁸ John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999), p. 37.

deconstruction of the egalitarian conception of global justice which prepares the ground for the rich to become richer and poor to become poorer. The marginalized nations should not be spectators but participants in the process of development and global justice.

In the above article, I have tried to develop a subaltern conception of global justice. First, I contend that national identity is a fact. We cannot efface the sense of belonging to a nation in which one is born and raised. Second, to talk about global justice, it is meaningless unless it bridges the gap between rich and poor nations. At present we find the global economic process is operating in such a way that rich nations become richer and underdeveloped nations remain deprived and marginalized.

The Conjunction Between Quranic Justice and Islamic Civilization

SAYED HASSAN «AKHLAQ» HUSSAINI

In Islam, the practical meeting point between the sacred and the secular, and revelation and reason, is the principle of justice. Moreover, the human being is described as the Caliph of God, or God's vicegerent in the world. The human is the link between heaven and earth, objective and subjective reality, and the personal and the social. Thus, justice plays a big role both in understanding and practicing Islam. It is an indispensable foundation for Islamic doctrine as well as for theological matters. Justice as the attribute of God lays a theological base for different Muslim denominations. I am attempting in this paper to demonstrate: (1) the significance of Justice in the Quran; (2) how the Muslim understanding of Quranic justice shapes Islamic civilization, including philosophy, theology, ethics, law, a theory of society, politics, and economics; (3) what is the responsibility to the human in this conjecture?, and (4) how does such a concept of justice call Muslims to new challenges? Answering the two first questions constitutes the first two parts of this paper and the next two questions shape the third part. This examination helps us to obtain a better understanding of justice in the Quran, its place in current Islamic movements, and enriches the discussion of justice worldwide.

The Quranic Background

In referring to justice, the Quran uses the term "Adl" in different forms of speech 28 times, "Qist" in different forms of speech 25 times, and "Wazn" in different forms of speech 23 times. Respectively, the first term means justice,¹ the second means 'giving everyone his portion',² and the third means 'calculating exactly'.³ The holy Quran relates justice to the following issues:

¹ Muhammad Jafar Imami, *Lughat dar Tafsiir-e Namoneh* (Qum: Imam Ali bn Abi Talib, 1387), p. 374.

² *Ibid.*, p. 440.

³ *Ibid.*, p. 612.

Discussion of God. Justice is the word of God (Quran, 6:115; note, most translations, here and below, from the Quran are the author's) as well as His attribute (4:40) and is well known among knowledgeable people (3:18). God established the world, namely, skies and earth (55:7), created people (82:7), and revealed religion based on justice (6:115; 57:25), and He will judge – granting reward and punishment accordingly on the Last Day (26:117).

Discussion of Humanity. With the saying, “Verily, God loves those who act justly” (5:42), the Quran poses its highest concern about justice among people. A just individual is a desired, powerful, responsible, useful and on the right path; while an unjust person is not knowledgeable, is weak, a burden on others, and unsuccessful (16:76). The Quran encourages and orders its followers to apply justice through fair-mindedness in their social life even in dealings with those who wronged them, or nonbelievers – regardless of their moral values, religious views, brutal practices, socio-political positions, and repressed emotions because God can see all (5:8; 5:42; 60:8; 6:52; 16:90). Only a witness of just people is acceptable at the court (5:95) or social conflict (5:106). Finally, justice is a significant characteristic to reach the position of leadership. Thus, it is narrated that God rejected Abraham's quest to make his offspring the next leaders: “He said: My covenant includes not the unjust” (2:124).

Discussion of Relationships. Justice calls for a strong connection between God and people: “Be just: that is nearer to piety” (5:8); the right way of entering into friendship with God (49:9). Justice is among the main aims that the prophets apply (2:213; 42:15; 57:25). The last verse emphasized that the prophets not only declare the significance of justice and apply it, but they also attempt to teach people and reach them at the level at which they practice it. The Quran clarifies that justice is the foundation for peace in the community (49:9).

Muslim Development of the Idea of Justice

This Quranic base is strongly confirmed by the Prophet Muhammad's tradition *al-Sunna* that both of them together establish the main authorized religious sources in Islamic civilization. This is an example of the prophet's speech: “The Supreme God says: I will punish each Muslim community if it is satisfied with an unjust and oppressive governor, even if they are pious and benevolent themselves. I will forgive the Muslim community that is satisfied with a just governor, although they themselves are oppressive and sinful; the latter [a just governor] is a divine governor, and the former is a non-divine governor.”⁴ In this context, filled with the concept of justice, it makes sense

⁴ Hussain Ali Mutnazeri, *Islam Din-e Fitrat* (Tehran: Sayeh, 1378), p. 617.

that Muslims have to beg God constantly in their daily praying to help them in practicing justice.⁵

The above-mentioned usage of justice in the Quran as well as in the Islamic tradition have created a unique opportunity among Muslims in different periods of time and varied fields to develop the concept of justice in their own theology, philosophy, ethics, law, theory of society, politics, and their economic views. Accordingly, justice like an extensive and ongoing spirit covers all angles of Islamic culture from ontology to individual conditions, from political issues to ethical quests. Glimpsing these fields provides us a better understanding of Islamic civilization and how Muslims deal with justice.

Theological Justice

The question of justice is at the core of Islamic theology that had divided the earliest Muslims into two denominations: *al-Adliyah Wa-l Ghayrahum* or “people of justice and the others.” People of justice include *Mutazila*, from a Sunni context, and *Shia*. Others mostly manifest in *Ashaera* and can be traced to *Ahl al-Hadith* or ‘textualism’. These two kinds represented two different replies to the question of God’s justice in regards to human rationality and responsibility – concerning why God created, inspired prophets, established obligations and more.⁶

Obviously, both sides, “the people of justice” and “the others,” believe in God’s justice because of the Quran’s clear statements. The difference is based on the human ability to understand independently the meaning of God’s justice.⁷ The true problem is related to human reason and free will. *Mutakallem* or Muslim theologians explored the question by asking whether we are free beings who can listen to the prophets’ invitation to God, understand the invitation, evaluate the ideas, and make decisions freely. The people of justice continue if we are not free individuals who make decisions, what do God’s rewards and punishments mean? How is God just in rewarding or punishing people if He did not grant them free will to begin with? In other words, people of justice justified their beliefs based on the human’s independent understanding that was assumed applicable upon God’s actions because, on the opposite side, there is no way to distinguish between the true and false and right and wrong.

⁵ Fakhr al-Din Al-Razi, *Tafsir-e al-Fakhr al-Razi* (Beirut: Dar al-Fikr; 1981), 1:258.

⁶ Qadhi Abdul-Jabbar, *Sharh al-Usool al-Khamsah* (Cairo: Maktabah Wahabah, 1996), p. 300, *al-Usool al-Khamsah* (Safat: Kuwait University, 1998), p. 69.

⁷ The people of Justice believed what “the others” are saying about the definition of justice as the deeds of God, is not a justification of God’s attribute, but it is more the rejection of God’s justice. See Murtaza Muttahari, *Adl-e Ilahi* (www.motahari.ir), p. 51.

In contrast, the “others” or “non-believers in justice” believed in the transcendental position of God regarding human reason and free will. We think we understand and create our actions, but as a matter of fact, they are ineffective without God’s action. Continuing/ongoing justice is what God does. The people of justice spread their rationalization over God’s actions as well. God is *Hakim* or wise meaning He follows an aim or objective in any action. The “others” believed wisdom is God’s actions because they are God’s chosen, not because they are following wisdom. Therefore, justice in the people of justice is connected with free will, the principle of *Husn wa Qubh-e Aqli wa Zhati* or “rational and inherent goodness and badness,” and God’s wisdom that leads finally to the meaning of *Tawhid* or Oneness of God.⁸

The “principle of rational and inherent goodness and badness” is an outcome of Muslim theologians’ investigation of God’s justice. This axiom developed more than ten theological issues in Islamic theology like the following: (1) the necessity of knowledge of God; (2) God’s purification of absurdity; (3) the necessity of people’s religious duties; (4) the necessity of prophethood; (5) reasoning about prophetic doctrines; (6) knowing the honesty of the prophet’s doctrines; (7) termination of the period of prophecy alongside continuing divine law; (8) stability of moral principles; (9) meaningfulness of tragic and catastrophic events; and (10) God does not punish before warning. He does not require what is beyond peoples’ capacity, nor does He deny peoples’ freedom.⁹ As we see, God’s justice played a core role for the Islamic doctrine of God, creation, resurrection, prophethood and so on. There is a connection between theology and anthropology. God’s justice here equals human rational capacity, free will, and responsibility, especially in regard to the Islamic doctrine of predestination or *al-Taqdir* or *al-Qazha wa al-Qadar*,

⁸ Muttahhari, *Adl-e Ilahi*, p. 23. It seems that this is the origin of Sunni term. See Salih bn Mahdi al-Muqbeli, *al-Alam al-Shamikh fi Ithar al-Haq ala al-Abae wa al-Mashayekh* (Egypt: 1328), p. 300. *Sunnah* in Arabic means tradition, and Sunni who follows the tradition. It was referring to the “others” who were following tradition and narration, *ahl al-Sunnat wa al-Hadith*, because those are the sources that define justice and wisdom etc. They have accused Mutazila that they do not follow the community of Muslims (*al-Jama’a*) and the prophet’s narrations (*al-Hadith*). Arguing about the true meaning of the prophet’s tradition and community of Muslims, Mutazilla called themselves the people of justice and Oneness, *Ahl al-Adl wa al-Tawhid* and equaled *Ahl al-Sunnah wa al-Jamma’a* to *ahl al-Hadith wa al-Mushabbahah* “the people of narration and anthropomorphism” (Qadhi Abdul-Jabbar, *Fazl al-Itizal wa Tabaqat al-Mutazilah*, [Tunis: al-Dar al-Tunisiyyah lil-Nashr: 1974], pp. 185-187). Also, there are differences between *Shia* and *Mutazilah*, two parts of the people of justice, in their interpretation of free will, justice, God’s wisdom, and comprehensive oneness of God. For more information, see Muttahhari, *Adl-e Ilahi*, pp. 28-29.

⁹ See Subhani’s edition and revision on *Kashf al-Murad*, Allamah Hilli, *Kashf al-Murad fi Sharh Tajrid al-Itiqad* (Qum: Imam Sadiq, 1375), footnotes in pages 56-67.

that explains God's all knowing and all power.¹⁰ *Al-Taqdir* means all things are happening following God's power, knowledge, and will; and then there is no reason for disappointment and submission to negative circumstances because He encourages us to struggle with the negatives that we experience in our daily struggles, while He is supporting us in our faith and leading us to a final, faithful victory.

In addition, Islam is the last and permanent religion (33:40). Some Muslim theologians continue that if justice is among the prophets' objectives (57:25), it has to be an absolute idea because if God's laws are permanent they have to be just in the consistency and permanency of religion.¹¹ However, there are movements among contemporary Muslim intellectuals, called the *New-Mutazila*, originating from al-Afghani ideas, attempting to spread the concept of rationality and justice.

Philosophical Justice

The main stream of Islamic philosophy, including the Peripatetic, the Illuminative, and the Transcendental schools were involved more with metaphysical concepts of being than the practical idea of justice and politics. The political theory of al-Farabi and the social theory of Ibn Khaldun are exceptions. In spite of that, the Islamic emphasis on justice affected Islamic philosophy.

In philosophy, the first book about justice was written by al-Kindi, and titled, *Indeed all God's Actions are Just, No Injustice Among Them*. This volume is cited by Ibn Nadin, in his listing of philosophical books.¹² This concept, later developed in Islamic theology, is rooted in Plato's theory of justice, in the dialogue "Euthyphro."¹³ Al-Kindi's book has not survived.

The first book really used in philosophical study about justice belongs to al-Farabi. He discussed two concepts of justice; the first is putting everything in its right place like different parts of the body and the three forces of the mind. This idea leads him to the philosopher king, in four different forms.¹⁴

¹⁰ For in detail discussion about rational and inherent goodness and badness in Islamic theology look at following book in Persian: *Husn wa Qubh-e Aqli ya Payeha-e Akhlaq-e Jawidan* (the rational goodness and badness of the foundations for permanent ethics), wrote by Jafar Subhani Tabrizi (Qum: Imam Sadiq, 1382).

¹¹ Murtaza Muttahari, *Islam wa Neyaz-ha-e Zaman* (Teharn: Sadra www.motaheri.ir), 1:191.

¹² Muhammad Ibn Ishaq al-Nadim, *Kitab al-Fihrist* (London: Al-Furqan Islamic Heritage Foundation, 2009), 2:184.

¹³ There is in detail information about Muslims' impressibility from Plato's ideas: Hassan Fathi, "Aflatun, Telayedar-e Bahth-e Husn wa Qubh-e Aqli," in *Hehkamt va Falsafeh* (Tehran: Allameh Tabataba'ii University: Department of Philosophy, February 2006), Vol. 1, No. 4, pp. 5-15.

¹⁴ See Sayed Hassan Akhlaq, "Al-Farabi and Machiavelli," in *Ayeneh Marefat* (Tehran: Shahid Beheshti University, summer 2009), Vol. 7, No. 19, pp. 145-173.

The last is balancing and harmony. In Farabi's idea, the Utopia or *al-Madinah al-Fazilah* is a balanced community that contrasts the ignorant city or *al-Madine al-Jahilah* that appears in four forms: city of substitutes which looks only for money, of honor which looks only for honors, of popularity which looks only for unlimited liberty, and of the military which looks only for dominance. These four states lack the balance among different forces related to happiness.¹⁵ However, al-Farabi is considered in Islamic history more for his ontological exploration and his ideas on justice also discussed in an ontological context. Al-Farabi divided philosophy into practical and speculative. In correspondence with human nature, the former discusses possible entities in front of human beings, and the latter discusses necessary entities in front of human beings. The possible entities are based on reason and free will and provide human happiness. The individual happiness of the human fulfills through self-purification, and his social happiness fulfills through social responsibility. However, practical philosophy deals with possible and potential entities, instead actual beings and unwilling entities.¹⁶ The contemporary philosopher Mahdi Haeri Yazdi (1923-1999) continued that if we suppose a condition for ourselves that does not care about local and personal character, and is not affected by education and traditions, then we will judge that justice is goodness and beauty.¹⁷ There is a tendency to show that philosophers like al-Farabi and Avicenna believed that the goodness of justice is a self-sufficient proposition. However, this idea appeared in recent Muslim philosophers such as Abd al-Razzaq Lahiji (d.1961), Sayed Muhammad Baqir al-Sadr (1935-1980), Ayatollah Khomeini (1902-1989), and Mahdi Haeri Yazdi.

Muslim philosophers, in their ontology, appreciate the difference as an essential part of being, without accepting the discrimination. Also, they look at knotty issues as an opportunity for struggle and growing up. In the Peripatetic Philosophy, justice is related to the wisdom of God. God is Wise – meaning He created the world in its best possible form. This idea develops later in the transcendental wisdom of Mulla Sadra through a profound ontology. Accordingly, God's justice equals giving and gracing existence to the potential of regarding its rationality. God is not only the origin of absolute perfection, absolute benevolence and absolute grace, but also, He is the complete agent and the gracious necessity. Therefore, He gives each being its merit of existence and completion. If we are saying that God does just in the cosmos it means He gives each one its portion of being and completion. In view of that,

¹⁵ Abu Nasr Farabi. *Arae Ahl-e Madineh-e Fazileh* (Tehran: Shoraye Ali Farhang va honar, 1354), pp. 280-284.

¹⁶ Mahdi Haeri Yazdi, *Kavosh-ha-e Aql-e Amali* (Tehran: Moasese-ye Mutaleat va Tahqiqat-e Farhangi, 1361), p. 8.

¹⁷ *Ibid.*, p. 14. The supposition sounds like the Rawlsian "veil of ignorance."

injustice related to God means the prevention of a potential – its possibility of being. Thus, from an ontological viewpoint, God’s justice refers to His general emanation and grace to all potential beings, without prevention or discrimination.¹⁸

Examining the Islamic philosophical works from al-Kindi to the present era we find three approaches toward the concept of Justice, although they are not categorized clearly. They are as follows:

Epistemological attempts: in this sphere Muslim philosophers mostly believe in possible knowledge of justice through self-sufficient rational propositions. It is submitted that those propositions have objective, absolute, clear and certain contents. This is a concept that links philosophy to theology and is developed more by theologians or theosophical philosophers, like Mulla Sadra.

Axiological attempts: in this sphere they analyze justice in the whole of creation, especially in humans and their relationship with the Creator. This justifies also why we have to obey justice. Justice is above all the virtues in the society that is replaceable only in an ideal situation with a virtue like kindness or benevolence “*Ihsan*.”¹⁹ The former is a rational dealing that provides mutual responsibility, but the latter is an ethical value that spreads esteem, regardless of merit and reaction. Muslim thinkers look at justice in society not only as an individual virtue or social order, but also as a transitional virtue toward a desired and perfect society as “*Ummah*”²⁰ or people of Oneness. People are created to reach the “perfection” or actualization of their excellent potential beings as it is understood in Islamic philosophy and its interpretation of the Quranic verse 56, chapter 51.²¹ People can achieve their own perfection through the just character as the first step, and then, perfect society through a just community.

Anthropological attempts: in this sphere they discuss justice concerning their concept of human nature, free will, intentional creation, sociability, position in the community, individual or social needs. Facing new philosophical debates requires Muslim philosophers to enrich and develop their ideas. I personally believe Muslims need to return to al-Farabi to reestablish an Islamic theory of politics and justice.

¹⁸ Muttahari, *Adl-e Ilahi*, pp. 58-60.

¹⁹ There is a clear Quranic verse saying God ordered people to practice justice and benevolence (16:90). I will discuss this subject in the last section of paper using a quotation of Imam Ali.

²⁰ See Sayed Hassan Hussaini, “Identity and Immigration, A Quranic Perspective,” *Building Community in a Mobile/Global Age: Migration and Hospitality* (Washington D.C.: The Council for Research in Values and Philosophy, 2013), pp. 84-86.

²¹ For example see Sayed Muhammad Hussain Tabatabaai, *al-Mizan*. Also, this Rumi’s poem refers to same idea: “I did not ordain (Divine Worship) that I might make any profit; nay, but that I might do a kindness to (my) servants.” Rumi Jalal al-Din, *The Mathnawi of Jalal ud-din Rumi* (Tehran: Booteh, 2002), 2:1746.

Ethical Justice

The Quran over and over again emphasizes training and purification among the main goals of the prophets to promote humanity. These concepts are understood as advocating for education and spirituality in an Islamic context that led to various schools of thought and Sufism. Sufism devotes much attention to the idea of the perfect human (*al-Insan al-Kamil*), Islamic ethics (*al-Akhlaq*), laws (*al-Fiqh*) and the idea of just human (*al-Adil*). *Al-Risalah fi al-Hoqq* (the treatise on the rights), written by Imam Ali Ibn Hussain, the grandson of the prophet Muhammad, is a great connecting point between ethical rights and lawful rights in the Islamic context.

However, discussing moral values and ethical concerns remains central among eminent thinkers like Imam Ghazzali and Mulla Muhsin Fayz Kashani (d. 1980). The former, in the Sunni denomination, wrote *Ihya Ulum al-Din* (Revival of Religious Sciences) to renew Islamic ethical objectives²² that were forgotten among Muslims and *al-Sharia*, and the latter, in the Shia denomination, renewed *Ihya Ulum al-Din* through writing *al-Mohjat al-Bayza fi Ihya al-Ihya* (The Clear Way to Revival) to present a common demand among all Muslim communities. Before both of them, the desired morality was conceived as a personal state that follows Islamic law, but imagined it more as a balance among different inner desires and passions of a personality that make a foundation for spiritual accomplishment. This balance links Islamic ethics to the notion of justice.

Islamic ethics expanded the idea of personal justice through a combination of Plato and Aristotle's concepts of justice. Respecting soul and virtue, Islamic thinkers proposed the just man as a moderate man who follows the rule of reason. This view is visible in Ghazzali²³ and Mulla Muhammad Mahdi Narraqi²⁴ (1716-1795) and his son Mulla Ahmad Narraqi (1771-1829). At the advanced apex of this exploration, Ahmad Narraqi expanded the implications of a just state (*Malakah-e Adalat*) within a moral personality reflected in the areas of character, deeds, money, properties, dealing with people, and political and governmental issues. In a detailed chapter, he discussed three manifestations of justice, including between people and God, among living

²² Ghazzali narrates lots of Hadith (the authorized tradition of the prophet Muhammad) to demonstrate that the true nature of religion is promoting and improving the character of an individual. See Muhammad, Ghazzali, *Ihya Ulom al-Din* (Krayatah Futra: Indonesia [no date]), Vol. 3, pp. 48-49.

²³ Ghazzali, *Ihya Ulom al-Din*, Vol. 3, pp. 52-53, also see Ghazzali, Muhammad, *Kimyaye Sa'adat* (Tehran: Ilmi wa Farhangi), Vol. 2, pp. 6-9.

²⁴ Mahdi Narraqi, *Jame al-Sa'adaat* (Beirut: al-Alami [no date]), Vol. 1, pp. 64, 120 & 121.

people, and between live and dead people.²⁵ However, justice in Islamic ethics is an absolute, permanent, and the unchangeable virtue that demonstrates the desired ideal of moral improvement.

Muslim ethicists were more concerned with individual moral justice, rather than social and structural justice. These arguments were behind their approach: (1) human being is not a machine that follows instructions and orders routinely; (2) if an individual could not be just in his/her few activities, what is guaranteed is that s/he can apply justice in complicated public affairs particularly in association with power and money. Hence, justice viewed as a personal and moral virtue is reflected in community. Also there is an optimistic approach to the human in relationship between justice and knowledge; the former deals with practical values and the latter with speculative values. More and true knowledge can reform the personality into a more just person.²⁶

Lawful Justice

The Qur'anic focus on justice is also connected with three major elements in the Islamic context: secular law; *Fiqh*,²⁷ – Islamic law; and ethics. Although, the last one is concerned with justice as we saw earlier, in comparison to Islamic law it attempts to move people from justice to *Ihsan* (benevolence) and it is more associated with personal character and improvement. *Fiqh*

²⁵ Ahmad Narraqi, *Miraj al-Saadah* (Qum: Hijrat, 1379), pp. 83-99.

²⁶ Muslim ethicists always suggest two ways to change a character: the informative and the pragmatic. They believe that if people know the best way they surely will follow it. Additionally, they have different views on the current modes of human personality development that claim to constantly change or reform personalities. See Ghazzali, *Ihya Ulom al-Din*, 3: 54-55; *Kimeyaye Sa'adat*, 2: 9-18.

²⁷ Regarding Islamic laws we must have a clear idea of terms: *Fiqh*, *Ijtihad*, and *al-Sharia*. *Fiqh* is an Arabic term meaning "deep understanding." The Quran uses it several times with the same meaning but more related to "heart" (4:78; 6:25 & 65 & 98; 7:179; 8:65; 9:81 & 87 & 122 & 127; 11:91; 17:44 & 46; 18:57 & 93; 20:28; 48:15; 59:13; 63:3 & 7). Accordingly, Muslims earlier used to split Islamic *Fiqh* into two branches: major *Fiqh* and minor *Fiqh*. The first one was about Islamic basic beliefs and the second about Islamic law. Imam Abu Hanifah (699-767), the founder of the Sunni Hafani School of *Fiqh* wrote a book about Islamic basic beliefs called *Fiqh al-Akbar* (the major *Fiqh*). There is a commentary on this book by the great theologian Abu al-Mansur al-Maturidi (853-944): al-Maturidi, abu al-Mansur Muhammad, *Sharh al-Fiqh al-Akbar*, reviewed and republished by Abdullah Ibn Ibrahim Ansari, Counsel for Military Encyclopedia: Hyderabad, 1904. However, nowadays *Fiqh* refers more to the minor one or deep contemplation on Islamic laws meaning "profund deduction of Islamic practices from related sources." The expert who deduces Islamic particular and pragmatic laws is called *Faqih* – Muslim Jurist: one who deals with *Fiqh* and *Mujtahid*. The last title is co-rooted with Jihad and *Mujahid*. *Mujtahid*, *Mujahid* and Jihad are originated from Arabic root *Johd* meaning hard struggling. Then, *Mujtahid* is one who hardly tries to deduce Islamic laws, *Mujahid* who does Jihad, and Jihad is hardly attempt in the path of God that includes both inward and outward

and law are common in pursuing the rule of law, but they have the following differences: 1) The law examines humans in their social interrelationships, but *Fiqh* also examine people in relation to themselves (merely private affairs) and to God; 2) The application of law is guaranteed by outward forces like social or judicial power, but this is not the case with *Fiqh*; 3) The rules and regulations in law are more flexible and changeable than *Fiqh*; 4) Basically, the law cares for worldly affairs like safety, but *Fiqh* also cares of transcendental issues; 5) The law does not pay attention to intention in most cases, but *Fiqh* considers highly the intention behind practices. 6) The law concentrated on “ought to” and “ought not to,” but *Fiqh* has more options – namely *Wajib* (have to do), *Haram* (have to avoid), *Mustahab* (prefer to do, but not necessary), *Makruh* (prefer to avoid, but not forbidden), and *Mubah* (equal to do or leave). 7) *Fiqh* is originated from divine/sacred laws that cannot be discussed and improved without Islamic authorized sources like the Quran, *al-Sunnah*, and in several cases, the Islamic consensus, while the secular law is not limited to them; 8) The above-mentioned qualities of *Fiqh* created a unique science and technique in Islamic civilization called *Usul-e al-Fiqh* (the principles of Islamic laws) to discuss how to deduce Islamic laws. This science includes some philosophical and linguistic contemplations arguing constantly on its axioms and approach. 9) As a matter of fact, *Fiqh* is not considered as a fully sacred science among Muslims because it is based on the process of deduction (*Ijtihad*). However, it is not a secular science like law because its sources, goals, contents, and most importantly, because it constitutes the Islamic combination of sacred and secular affairs.

Due to the poor and spiritless modernization, usually *Fiqh* is not associated with secular law in Islamic countries and secular and sacred laws are developing separately and mostly on a contradictory path. Therefore, I am listing here the development of justice in *Fiqh* as following. Islam clearly talks about justice as a quality of true faithfulness that shapes explorations in Islamic law. These qualifications appear whenever the formation of a community or social conflict-resolution is needed. This occurs, for instance, with issues such as divorce, business transactions, contracts, the need for an Imam for prayer, Islamic jurist (*Faqih*) to follow, judge of a jury, etc. after the death of the Prophet, such examples laid a foundation for Islamic civilization to deduce Islamic law in the new situation. The first two schools of law and jurisprudence were born in such a need: the school of *Ahl al-Rai* (the people

struggling. The process of the hard struggle to deduce Islamic law is called *Ijtihad*. Moreover, *al-Sharia* originates from *Shar'a* meaning the path – co-rooted with *al-Shaarea* namely street. The Quran used it for both the incorrect and correct path including Judaism and Christianity (5:48; 7:163; 42:13 & 21; 45: 18). Nowadays, most people use *al-Sharia* in a very narrow sense, equating the Islamic law with *Fiqh*.

of opinion) and the school of *Ahl al-Hadith* (the people of the prophet's narration); the former was trying to form opinions on modern subjects using analogies based on the spirit of Islam, and the latter focused on a series of texts by Mohammed's companions about the prophet's life and teachings – a kind of Scripturalism that spread the seeds of Salafism in Islamic civilization.²⁸ However, the confrontation between these two schools can be understood as the confrontation between people who follow the principle of justice as the core of Islamic laws and the people who are limited to the text. Concentrating on the spirit, not only the appearance of Islam caused the shaping of the Islamic rules of deduction and jurisprudence.²⁹

Apart from 'Scripturalism', therefore, Islamic law or *al-Sharia* is formed from a combination of God's revelation and humanity's struggle to understand through *Ijtihad* or the "human struggle for a method to deduce the divine order about new issues." These methods and their validity is discussed in a discipline called *al-Usul al-Fiqh* "the Principles of Jurisprudence." In other words, it is the study of the origins, sources, methods, and axioms upon which Islamic jurisprudence and law or *al-Fiqh* is based. Some scholars called *al-Usul al-Fiqh* the true Islamic philosophy because it originated from the pure Islamic context in a very rational discussion. It deals with four references as the main sources for deduction of new Islamic law through *Ijtihad*. These sources contain the Quran, the infallible tradition, consensus, and reason. The last source leads them to "the principle of rational independence." Thus, *al-Usul al-Fiqh* is a negotiating or balancing discipline between God's law, on one hand, and rational independence, on the other. It is opposition to Scripturalism that approaches religious obligations with the limitations of the text.

Al-Fiqh, however, has been highly developed in this context moving a step from a personal and merely moral justice to a social and lawful/legal justice. It started with applying justice in two meanings: (1) a stable and subjective quality that encourages individuals to do right things and avoid wrong things – similar to piety; and (2) avoid major sins.³⁰ However, as a result of expanding the concept, we can consider the following achievements. In this context, it

²⁸ See my paper titled *Taliban and Salafism: a historical and theological exploration*, on website (<http://www.opendemocracy.net/sayed-hassan-akhlaq/taliban-and-salafism-historical-and-theological-exploration>).

²⁹ Muttahari, *Adl-e Ilahi*, pp. 31-32.

³⁰ There are verses in the Quran dividing sins into two major and minor ones (4:31; 18:49) and making the faithful aware of God's forgiveness to minor sins if they avoid the big ones. There is diversity of idea among Muslim scholars what the criterion to distinguish major from minor ones is. Also, the answer to the question about what is the position of a faithful who committed big sin in regards to faith, caused huge civil war among the first Muslims (the battle of *Khawarij* or *Nahrawan* in 658) and created the most intellectual Islamic denomination

manifests the following seven characteristics for just action: rightness, necessity, relation to others, leading to benefits or to struggle and suffering, power, claims, and reparation. The scholars of *al-Sharia* expand these to cover: protective (life, property, and reputation); retributive (proportionality between crime and punishment after clear announcement), and distribute (benefits and struggles) justice. This is the meaning of justice as a subject, but if we look at justice as a predicate, it is predicated on three subjects: (1) respecting the privacy of others' life, property and reputation – protective justice; (2) punishing the wrong doers in regard to law and rational proportionality between crime and punishment – retributive justice; and (3) distributing the common goods and social benefits and struggling regarding people's merits, needs and abilities – distributive justice.

All above-mentioned characteristics have to be subject to “non-predilection.” Then, the formal element of justice is equality, not equality of all in all fields, but equality of equal individuals in equal fields. This concept is changeable to “equality before the law” or as it is well known “rule by law” and “Rule of law.” Muslim jurisprudence discusses matters such as individual and government's duties to protective justice (4:29 & 93; 17:15), liability, clarity, public and prior announcement, and proportionality to retributive justice (2:209; 24:32), and difference, deserts, abilities, and needs to distributive justice (2: 286; 23:62; 41:46). Of course, because of its divine roots, Islamic laws emphasize benevolence, contentment, and sacrifice as ethical virtues but affords them to people's choices and grants the principle of justice for them. Meanwhile, there is a tendency among recent Muslim jurists to focus on justice as an effective principle that redefines some Islamic current laws. They are attempting to establish justice based on “common sense.”³¹ These new Muslim *Faqihs* criticize the history of *Fiqh* because it established lots of principles like necessity of respect to parents and social contacts based on several verses of the Quran but it does not establish the principle of justice based on more verses in the Quran.³²

Mutahhari discusses the proportionality between divine punishment and human crime or sin through natural relationship between cause and effect, rather than conventional or arbitrary relationships.

called *Mutazila*. It seems reasonable that a religion who wants to combine *al-Sharia* and truth (*al-Haqiqah*), secular and sacred affairs, and keeps itself permanently impactful must leave room for discussion, deduction and personal facing God.

³¹ See: Hadi Qabil (Jami), *Qaedeh-e Adalat wa Nafy-e Zulm* (Qum: Fiqh al-Thaqalayn, 1390), p. 57.

³² *Ibid.*, p. 56.

Social Justice

Islamic socio-political thought is not developed as much as Islamic theology, philosophy, law, and ethics in considering the idea of justice. Social justice, in this context, is closer to 'proportionalism' than 'egalitarianism'. We are not able to define justice as mere equality – meaning giving or treating people the same, regardless of their merits. It is reasonable to say that justice deals identically with equal ownership of rights. This definition leads us to respect the rights of individuals and giving everyone what they deserve.³³ The Quran clearly states that God created people in different positions with diversity of levels (43:32³⁴; 17:21) that can be understood as a sign of God (30:22). But that does not mean that some people are privileged with opportunities and others have none. Some people are more beautiful, some of them have more peaceful minds, others have more healthy bodies, others are granted with high intelligence or nice families and so on. Therefore, people need each other because of different assets they possess. Also, it means that part of reason for this variety of levels is a social system, meta-personal responsibility, and individual effort. Everybody has to endure some suffering in order to reach happiness; the same applies to the community's well-being as it always presupposes reforming the system, methods, and character. This is why *Zakat* (alms) mostly comes associated with *Salat* (praying) in the Quran. This meaning of justice appears in all forms of Islamic discussion of justice including the Sufi perspective. For example Rumi used the same idea for encouraging people toward a spiritual journey as follows:

What is justice? Giving water to trees. What is injustice? Giving water to thorns. Justice is (consists in) bestowing bounty in its proper place, not on every root that will absorb water. What is injustice? To bestow (it) in an improper place that can only be a source of calamity. Bestow the bounty of God on the spirit and reason, not on the (carnal) nature full of disease and complications.³⁵

However, social justice, as it is understood nowadays is not well developed in Islamic social thought. The only exception is Ibn Khaldun (1332-1406) who discussed justice as "the medium state" in personal character and social circumstances,³⁶ as "putting everything at their place;"³⁷ as "applying the

³³ Muttahari, *Adl-e Ilahi*, pp. 56-57; Muttahari, *Islam wa Niyaz-ha-e Zaman*, 1: 184-186.

³⁴ The following verse of the Quran is very thoughtful: "Is it they who apportion your lord's mercy? We have apportioned among them their livelihood in the life of the world, and raised some of them above others in rank that some of them may take others in subjection; and the mercy of your lord is better than (the wealth) that they amass."

³⁵ Rumi, *The Mathnawi of Jalal ud-din Rumi*, 5:1089-91.

³⁶ Ibn Khaldun, *Muqaddamah* (Damascus: Dar al-yairub, 2004), 1: 362-3; 189-193.

³⁷ *Ibid.*, 2:77-80.

Islamic laws through religious Caliphate,”³⁸ and as “*Fiqh* justice”³⁹ or avoiding major sins and having the just state.⁴⁰ Sadly, as long as Ibn Khaldun recognizes “the providing public interest in the best way” as the nature of social justice that lead to civilization,”⁴¹ he approaches negatively the application of justice among people through secular governments.⁴² Unfortunately the period of the true Islamic caliphate ended 30 years after the Prophet Muhammad changed to monarchy.⁴³ Thus, Ibn Khaldun leaves us without any clear direction about the implications for applying social justice in our time.⁴⁴

Political Justice

Islam, because of its secular elements and the Prophet’s involvement in the tasks of government, exists in close association with the theory and practice of politics. The first and major division among Muslims, the Sunni and Shia denominations, was related to power. However, this split concerned the political legitimacy of power in regard to people, the separation of powers, and relationships between political power and justice. But, unlike modern concepts, these divisions were not analyzed in detail. Muslims are involved with the just caliph, Imam or political leader. He is supposed to be the comprehensive leader of worldly and other-worldly affairs. This leader is considered the successor of the prophet Muhammad. Although in Sunni accounts it is mostly the caliphate that is an issue of *al-Sharia* or *Fiqh* (a part of Islamic practice). While in Shia accounts, *Imamah* is among the substantial pillars of Islam. In reality, however, both reduce the discussion to the personality of the caliph or Imam and the function of *al-Sharia*. Therefore, the concept of political justice as traditionally discussed is a quality of the desired governor, his relation to ordinary people is like the relation of soul to body. The personality of a governor is more important than the political institution and system. Only a just person can apply just actions and rules of *al-Sharia*.

However, the inspiring point is that the application of justice is recognized among the main aims of Islamic government and it is flexible enough to

³⁸ Ibid., 2:42.

³⁹ Also Ibn Khaldun accounts these five issues as the objectives of *al-Sharia* in prohibiting injustice in order to protect people’s religion, mind, intellect, generations, and property. Cf. Ibid., 1:479.

⁴⁰ Ibid., 1:368 & 406.

⁴¹ Ibid., 1:129-130; 447-479.

⁴² Ibid., 1:478-479.

⁴³ Ibid., 1:399; 2:42.

⁴⁴ Ibn Khaldun has a pessimistic view in regards to human nature; injustice and transgression is a part of human nature (Ibid., 1:138); although God has put both good and bad in nature of people, but they are more close to evil and oppressive in natural state. Cf. Ibid., 1:254.

advanced ideas and update experiments both in methods and contents. Imam Ali ibn Abi Talib (600-661), the fourth caliph of the prophet and first Imam of Shia, explicitly accepted the pledge of people to become caliph, because he felt himself responsible for justice, saying: "Behold, by Him who split the grain (to grow) and created living beings, if people had not come to me and supporters had not exhausted the argument, and if there had been no pledge of Allah with the learned to the effect that they should not acquiesce in the gluttony of the oppressor and the hunger of the oppressed, I would have cast the rope of Caliphate on its own shoulders, and would have given the last one the same treatment as to the first one. Then you would have found that in my view this world of yours is no better than the sneezing of a goat."⁴⁵ Thus, sometimes, the religious government or theocracy is justified through applying justice, as the main aim of government, instead of safety, secure property, and welfare, although it includes all of them.

Moreover, the lack of genuine discussion on justice in political Islamic debates can be understood as the outcome of domination of "the others" (*Ashaera*) supported via despotic regimes among Muslims who nourished dictatorial cultures.⁴⁶ This ideology through different forms among Sunni and Shia society changed the critical approach toward power that was common among Muslims at the time of the Righteous Caliphs to a sacred approach to sanctify power.⁴⁷ Analytically, the characteristics of politics based on *Ashaera* can be listed as follows: (1) lack of knowledge: if there is no rational principles to lay a foundation to know the events in the world except God's hidden decision, how can people know the justification of power and make it legitimate. Political power, like other socio-political realities, can be understood as the unquestionable grace of God to some people; (2) lack of power – the responsibility toward surrounding circumstances originates from a clear understanding. When there is no room for true cause and effect (the principle of causality that was denied by *Ashaera*), people do not care for the surrounding socio-political system. This is because they have no real knowledge of it and no power; and (3) lack of rule of law: if there is not knowledgeable regulations and human-based power we will not understand past events and pre-

⁴⁵ Ali Ibn Abitalib, *Nahj al-Balaghah* (Qum: Dar al-Hijrah [no date]), Sermon No. 3.

⁴⁶ Qadhi Abd al-Jabbar (935-1025), the great Mutazila theologian, clearly narrates how Muawiah ibn Abi Sufyan (602-680) established the idea of pre-determinism to justify his political power. Qadhi continues that this idea warmly recognized for same purpose through Umayyad Caliphate. It originated from Levant (al-Shaam or Historical Syria) and overcame all over Islamic spaces creating a huge problem (Qadhi, *Fazl al-Itizal*, pp. 143-144).

⁴⁷ There are lots of stories reporting how lay people approached the Righteous Caliphs criticizing their speeches and deeds regarding to their understanding of Islam and Islamic justice. It means that those people compare the caliph's order and character to God's laws, but later Muslims compare God's law and their character to the governor's order or understanding.

dict the future without God's revelation. Nonetheless, God's law and government regulations can be recognized. We cannot relate to a comprehensive and public system of law, unless it applies to political parties, circulation of power, and the renewal of values based on the people's will and interpretation of life.

Therefore, huge socio-political corruption can be seen as a trial of God; unexpected political change as the plot of unseen powers, or the plan of unknown or historical enemies.⁴⁸ Besides, in the light of the new-Mutazilaism, there is a potential to explore the Islamic idea of power and political justice. Rereading the Quranic verses in regards to power, guardianship and God's *Wilayat* or (Providence) *Khilafat*⁴⁹ (succession) and comparing them with authorized al-Sunnah, rational principles, Islamic *al-Sharia*, and current speculative and actual positions can help scholars develop the Islamic idea of political justice.

Although, after centuries of historical sleeping, Islamic civilization awoke through activities of reformers, such as, al-Afghani (1838-1897) and got involved with modern issues of politics and justice in the West. Unfortunately, Islam also faced the experience of colonialism that created an obstacle to a positive, constructive dialogue between Islamic and Western countries on politics and the idea of justice.

Economic Justice

In addition to general verses of the Quran on justice, some, in particular, shape the principles of the Islamic view about economic justice and Islamic financial issues. To give a general view, let us first list the passages in which an association is made between rights and responsibilities while at the same time indicating equal rights to ownership of all individuals to property on the one hand, and, on the other, the natural differences between people's talents and interests. They are as follows: 1) Recognizing individual freedom and encouraging worldly attempts: "we do not waste the wage of whosoever does good works" (18:30) and "do you not see that God has subjected to your

⁴⁸ Sayed Yahya Yasrebi, *Muqaddemeii bar Falsafe-e Siyasat dar Islam* (Tehran: Amir Kabir, 1387), pp. 262-270.

⁴⁹ Although Shia prefer to use the Quranic term of *Wilayat* (2:257; 3:68; 4:45; 5:55 & 56; 8:40; 33:6; 42:9; 45:19; 47:11), referring to desired theocracy, majority of Muslims Sunni uses the Arabic word *Khilafat*/Caliphate – meaning literary "succession." The Quran used term Caliph referring to some prophets like David (38:26) and God gives glad tidings to faithful to become successors of the world (24:55 also see 7:169; 24:55). Additionally, some other Quranic verses recognize a political and public leadership for some prophets (2:246; 12:55). All these verses together with historical facts in the time of prophet Muhammad provide a connecting point between politics and spirituality in the Islamic context.

(use) all things in the heavens and on earth” (31:20); 2) Recognizing humans as social entities who have responsibilities to others, “in order that it may not be a thing taken by turns among the wealthy” (59:7, also see 4:32; 43:32). 3) Forming these two above-mentioned principles based on the Quranic conception of the human existential position in relation to God concerning ownership and property: (a) People are not thrown into the world alone. They are created by God within His plan (23:115; 38:27) and grace (4:165; 24:21; 57:25) without leading to force (2:256; 76:3). We are not allowed to do what we want in order to own property because everything belongs to God (30:26) and He entrusted people (33:72). (b) God revealed to them several laws and encourage them about moral values asking them to understand themselves in relation to others, as well as to God. (c) Worldly enjoyments are completely accepted in faith, this is why paradise and hell are described in a sensual way, with only two limitations: *Haq Allah* (the rights of God) (9:119), and *Haq al-Nas* (the rights of people, see 74:38-44) the latter means respecting life, reason, faith, family, property, and reputation. Some of the *Haq al-Nas* are mentioned in the longest verse of the Quran (2:282). The *Haq Allah* can be forgiven or waived by God’s compassion but not the *Haq al-Nas*.⁵⁰ Even *Salat* (praying), the most intimate personal relationship with God, is not allowed in a place where the owner is not in agreement; likewise, clothing, worn in praying, must be justly made and obtained. Thus, for me, an important question emerges: How can those who fight, in the name of Allah, pray in a civil war occupied zone and claim that they are acting in accord with Shariah Law?

Furthermore, 4) if God is the cause of this diversity, why did He make it? He explicitly says, I did it to provide an opportunity to deal with others (49:13) as a trial field to test human values (2:156; 8:28 & 73; 63:9). Accordingly, this situation requires something from the poor, and the rich, and something from the socio-politico-economic system based on education, culture, and faith. 5) To balance individual rights and social responsibility the Quran lists principles such as: (a) Money is *Qiwam* (foundation) for a community, but it is not allowed to be wasted or spent in a harmful way for the community (2:188; 4:5). (b) There are some public properties that have to be directed by an Islamic government for public use. They are called *Anfal*, rooted in Arabic word “given” that refers to God’s giving, and cannot be possessed by an individual. It includes disused lands, mountains, valleys, jungles, seas and shorelines, minerals, historical buildings, etc. (8:1). (c) *Zakat* (alms), as religious duty, is mentioned 32 times in the Quran, 27 times it is associated with *Salat* (praying). It is supposed that an adult Muslim has to pay *Zakat*

⁵⁰ Imam Ali, *Nahj al-Balaghah*, Saying No. 417.

if they have a certain amount of wealth⁵¹ to support the needs of the poor,⁵² destitute, indebted person, stranded traveler, for public benefits, like education, religious, health, public services, or can be spent to purchase slaves to set them free, and for non-Muslims who help the community. Of course, there are lots of potential ways to develop under modern *Ijtihad*.⁵³ Also there are several verses of the Quran that are encouraging and more obligated to *Zakat* to achieve this worldly and hereafter blessings (2:272; 70: 24-25; 73:20; 76:8-9; 107:1-3). In addition, *Khums* (literally one fifth) in regards to some material goods is an obligation on a Muslim that also helps to reduce poverty in the community (8:41). (d) Extravagance and squandering are banned both for personal (8:141) or social (25:67) interests, as signs of friendship with Satan (6:141; 17:26-27). (e) *Qaz al-Hasanah*, literally the beautiful loan, (or loan without interest) is encouraged among the faithful as a giving loan to God by saying, “who is it that will lend unto God a beautiful loan, so that he may give it increase manifold? God straitens and amplifies. Unto him you will return” (2:245). (f) Prohibiting profiteering also leads to a very well-known Islamic law barring the *Riba* (usury) (2: 275-279; 3: 130-131). Borrowing and lending can be done through other types of loans or financial dealings that form the debate on Islamic banking. (g) Islamic law also prohibits hoarding (4:29; 102: 1-2; 104:1-2), fraud (11:85; 83:1-3), bribing (2:188), gambling (2:219; 5:90), and robbery (60:12). It also offers special regulations about the property of orphans (4:2 & 127), wills (2:176 & 180-182), and inheritance (4:6 & 9-12 & 176; 6:152), and attempts to provide a common field for respect to individual property, social responsibility, and maintenance of the social system toward social justice. Our right to own property is subjected to reasonable usage and dealings based on mutual satisfaction (4:29; 25:67). The Quranic emphasis on having a clear concept of goods as a basis for dealing (11:85; 83:1-3) inspires ethical ideas in an era of advertisements, avoids excessive spending and lays a foundation for respect of the environment.

As a result, while respecting worldly enjoyments and wealth,⁵⁴ Islam undertakes regulations to block illegal ways to collect wealth, harmful methods

⁵¹ Some foods, animals, and popular currency like gold and silver are considered as the subject of *Zakat* in the classic Islamic law. See Muntazeri, *Islam Din-e Fitrat*, p. 580.

⁵² There are several Islamic points that encourage people to remove poverty because it fails religiousness, misleads rationality, and mistreats social relationship (Imam Ali, Nahj, saying No. 319, Muntazeri, *Islam Din-e Fitrat*, p. 548).

⁵³ *Zakat* in its Arabic root means purifying. So it is developed in Islamic civilization in regards to body, social position, beauty, political power, braveness, health, success, and knowledge respectively as fasting, giving, chastity, justice, struggling in the path of God, attempting to worship God, benevolence, spreading the knowledge to enjoy the purified nature of your possessions.

⁵⁴ See Sayed Yahya Yasrebi, *Tafsir-e Rooz*, Sure 104.

for income such as fraud and hoarding, and enriches faith in order to fight corruption, keeps the economy associated with human, moral and divine values oriented toward social justice and reducing the gap between poor and rich. Alongside, Islamic regulations and concepts of usury, lending interest-free, and giving alms provide some benefit for poor people encouraging them to take a share in a productive life. Moreover, the Islamic religious position does not afford financial privilege for believers. Religious leaders have the same rights and obligations in regard to property, work, and interests. Even the political leadership, in a theocracy, originates from people's pledge or (*Bay'a*), and is conditioned by applying Islamic practices. In other words, all verdicts and orders through religious authority or leaders must possess a clear process of transparency and must welcome all constructive criticism.

Human Responsibility

Based on such background, a great Salafi jurist, Ibn Qayyim al-Jawziyyah (1292-1350) wrote: "God sent the prophets and revealed books to help people to establish *Qist* – meaning justice – that is the foundation for skies and earth. When signs of justice appear and they present themselves, that is the *al-Sharia* of God and His religion, no matter from whence they come."⁵⁵ Accordingly, efforts to understand and apply justice consistent with our own time can be understood as part of practicing *al-Sharia*. In this way justice becomes associated with human free will and one's responsibility. It means that God's justice includes two elements: in regard to God, it implies God's activities in the world through the principle of causality that is known as *Qaza wa Qadar* or "predetermination and destiny."⁵⁶ In regard to humans, they have to know God's rule, natural law and human nature and take responsibility to solve their own problems.⁵⁷ Following this, I argue that scholars should examine new domains of justice in the Islamic context. These will be useful for both Islamic intellectualism and the global context.

Before moving on, I have to emphasize that, at a glance, in comparison with two substantial human values namely liberty and justice, Muslim populations seem to have prioritized justice over liberty. This is the reason for the growth of socialistic and communistic movements among Muslim cultures,

⁵⁵ Muhammad bn Abu Bakr, Ibn Qayyim al-Jawziyyah, *Bada'i al-Fawa'id* (Jeddah: Majma al-Fiqh al-Islami, 2008), 3:764.

⁵⁶ There is a Hadith or narration from Imam Sadiq in the most important book of Hadith in Shia Islam saying the following: "God dislikes doing something ignoring its causes." Cf. Muhammad ibn Yaqub al-Kulayni, *Usul al-Kafi*, Vol. 1, Chapter on knowing Imam and referring to him, Hadith No. 7.

⁵⁷ Muttahari, *Jahanbini-e Tawhidi* (Tehran: Sadra, available at www.motaheri.ir), 2/98-99.

rather than liberal and capitalist movements. Muslims look at democracy as a path toward justice and social services more than a path toward human rights, free will and free expression. Social and economic justice is the main concern of political Islam, including the Iranian revolution and the Egyptian brotherhood; in this context, “Divine Justice” written by Murtaza Muttahari (1919-1979), the theorist of the Islamic revolution in Iran, and “Social Justice in Islam” written by Sayyid Qutb (1906-1966), the theorist of Muslim brotherhood in Egypt, should be noted. The former tries to present a theological and philosophical account of justice, and the second attempts to apply social justice through *al-Sharia*’s rule. In another word, Muttahari looks at justice from a secular perspective that provides us some rationale to understand religious obligations. Therefore, justice is not what religion declares, but religion declares what justice does.”⁵⁸ Qutb believes that justice is based on our notion of religious foundations. It is applicable only through following *al-Sharia*. It appears as the result of religious obligations, not as a criterion for religious doctrines and obligations.⁵⁹ In any case, both approaches reflect a firm linkage between faith and justice. In what follows, we shall survey the potential for further explorations.

1) *Pre-religious concept of justice*. The Quran focuses and reiterates the significance, necessity, value, and practice of justice without giving it any clear and special definition. Accordingly, justice is not an abstract idea from a religious source, but it is a criterion for evaluating religions. The Muslim definition of justice as “putting everything in its right place” states the above-mentioned points and implicates firstly a priority existence of “right” that recognizes and follows through justice; secondly, a priority “status” that realizes rights through justice. This pre-religious understanding of universal values like justice appeared in *Adliya*; it helps intellectuals to evaluate religious claims and rules based on justice. Also, it inspires people to constantly think of communication between new rational and pragmatic ideas. Furthermore, Islamic civilization, like other civilizations, develops through exchanging ideas with others and the fundamental concept of justice is no exception. Dealing with the notion of justice understood as a right to private property, as equal freedom and equal opportunity and welfare, as equal rights for self-determination and improvement, and, finally, as rule of law, is something destined to enrich the Muslim world. Let’s now consider some of those aspects:

2) In the Quran, there are several regulations related to justice. Although the Quran did not define the meaning of justice, it clearly mentions regulations that give us opportunity to look at justice from a religious perspective.

⁵⁸ Murtaza Muttahari, *Barrasiye Ejmali-e Mabaniye Iqtisad-e Islami* (Tehran: Hikmat, 1420), p. 14.

⁵⁹ Sayyid Qutb, *al-Adaalat al-Ijtima’iyyah fi al-Islam* (Beirut: Dar al-Shorouqh, 1995), pp. 20-24.

Additionally, these regulations lay a foundation for dialogue between revelation and reason, warning us of forgetting the balance between a pure proportionism and an equal distributionism. Neglecting these regulations can help impoverished and downtrodden people.⁶⁰ The Quran explicitly distinguishes between two kinds of differentiation and inequality among people: (A) the inherent inequality among people has its origin in the divine plan (4:34; 17:21). It is associated with God's order for care of society backed with His reward and punishment; (B) unnatural inequality is originated from human discrimination and oppression (28:5). It is our responsibility to try to remove it (34:32). Human responsibility takes different forms. However, Islam's special regulations serve in the following manner: (a) remind us of a comprehensive view of justice that might be neglected under the power of money, politics, and even everyday life; (b) makes a field for discussion among humans in search for understanding and some divine orders to enrich human life through discovering unfamiliar ideas; and (c) points out a connection existing between secular and sacred values and connects justice with other human values that lead to greater justice and fosters religious values such as kindness and benevolence.

3) *Ijtihad* or association between secular and sacred efforts. The Quranic advice "Command what is found in common custom" (7:99, also see 3:110 & 22:78) through using an Arabic word "*Urf*"⁶¹ – meaning the common values and customs – provides a foundation for Islamic jurisprudence to deduce the principle of customary manner or the authenticity of customariness. The significance of customs established the law school in Islamic culture especially among the followers of Imam Abu Hanifa (699-767). This school acknowledges five characteristics in human costum: it is the Islamic source of law, the frame for *al-Sharia*, leads *al-Sharia* to flexibility, is prior to *Nas* (the clear text of *al-Sharia*), conditions and determines *al-Sharia's* general rules.⁶² This system considers the deduction and the argument based on common sense, as it is said that *Urf* means the ongoing style or general established approach among people to do or avoid an action or a speech.⁶³ Concerning justice, a new *Ijtihad* by Ayatullah Yusef Saneii is trying to make an argument by adding one more verse of the Quran, "and we did not send any messenger

⁶⁰ The Quran uses term "who were deemed weak in the land" (Quran, 28:5) referring to socio-politico-economic circumstances create this class of people.

⁶¹ Regarding the Arabic root of word, Muslim exegetes mostly interpret *Urf* to "well-known goodnesses." It is said that Ghazzali was the first one to define *Urf* in Islamic jurisprudence saying that "common habits and *Urf*" established rationality in the souls and "nice hearts accept them" (see Qabil, *Qaedeh-e Adalat wa Nafy-e Zulm*, pp. 148-152).

⁶² Ali Jabbar Gulbaghi Masulah, *Dar Amadi bar Urf* (Qum: Daftar-e Tablighat: 1378).

⁶³ Qabil, *Qaedeh-e Adalat*, p. 155.

except with the language of his people” (14:4) to infer the following: first, in conflict between completely rational opinions and *Urf*, the latter is prioritized as is common in *al-Sharia*. Second, *Urf*'s understanding of justice is prioritized over the specific orders of *al-Sharia* in cases of conflict⁶⁴. However, the practical reasoning in Islamic law can provide an updated understanding of justice to confront the *status quo*.

4) The formation of new ideas. In the history of Islamic intellectualism, two dominant extremist interpretations, from opposite poles have threatened rationalism. Islamic Scripturalism is found in a variety of forms, including Salafism present among Sunni, Akhbari, and Shia.⁶⁵ Overall, one interpretive form reduces Islam to the outward meaning of scripture, and the other, Sufism, reduces Islam to its inward aspects and is an anti-rational approach.⁶⁶ The first enlarged and enriched the principle of justice through the objectives of *al-Sharia*, and the latter, favored *Ishq* (love) and intuition that elicits different readings. This same story is repeated nowadays by equating justice with outer and direct textual laws and also equating religious inspiration with mysticism. Accordingly, current Muslims, through these two methods, attempt to apply justice: (1) Scripturalism, in the radical form of Salafism, or in a moderate form in Shia that does not consider time and space implications. They both seek application of a very restricted concept of *al-Sharia* without thinking of the background, of adjustment, and goals. (2) new-Mutazilism is, in its principles of faith, rationalistic and in law, dependent on an updated *Ijtihad*. Practicing Islam in the global village is a matter of serious contemplation, the Islamic doctrine of justice requires new institution of *Ijtihad*. These three points can lay firm foundations for the desired *Ijtihad*: first the Islamic doctrine of *Takhtaih* (erroneousness) that recognizes the possibility of error in an Islamic verdict through the process of *Ijtihad*. Averroes (1126-1198) bravely expanded this idea on the main principles of faith, rather than limiting them to particular practices.⁶⁷ A second point that the updated *Ijtihad* must refer constantly to Islamic spirit and goals. Third, the institution cannot be satisfied only with the classical methods, approaches, and resources of *Fiqh*. Muhammad Iqbal (1877-1938) was a pioneer, calling for a modern *Ijtihad* that can be

⁶⁴ Qabil, *Qaedeh-e Adalat*, p. 177-265.

⁶⁵ I mean widely all Shia schools that limit to revealed theology and canon law. Historically, Akhbari refers to a Shia school of thought who rejects the use of reasoning in deriving religious laws limiting to the holy texts including the Quran and *al-Sunnah*. The singular form of Akhbar is Khabar (report) equals the holy report or *al-Hadiith*.

⁶⁶ This well-known poem of Rumi is completely clear in criticizing the rational approach: “The leg of the syllogisers is of wood; a wooden leg is very infirm.” Rumi, *The Mathnawi of Jalal ud-din Rumi*, 1:2128.

⁶⁷ Ibn Rushd, *Fasl al-Maqal* (Beirut: Markaz Derasat al-Wahdah al-Arabia, 1997), p. 107.

understood by a grand national assembly.⁶⁸ This means enriching the Islamic concept of justice in theory and practice and calls for cooperation of various perspectives in humanities and theology.⁶⁹ However, keeping the Islamic idea of justice active and inspiring necessitates using but not just grafting on the Western ideas to traditional Islamic laws. We are living in different times with lots of new discoveries. Updated *Ijtihad* is a human investigation standing on its own feet, looking at the sun, and trying to balance between the modern and the changeable side and the traditional and stable side.

5) Confrontation between Western and Muslim intellectualism. Although there is no doubt about the significant dialogue on justice taking place, and the need for co-responsibility among scholars to advance the idea of justice, there are still significant obstacles on both sides. Both seem caught in prisons of the past. Muslim intellectualism is hardly able to leave its colonial background, recently fired with anti-capitalism. There are lots of economic-political phenomena which cause hesitation about equal treatment in the global village. Both sides experience dichotomous approaches under Orientalism, and such dominant paradigms. This approach often prohibits Western culture from grasping the opportunities in Islam with regard to justice. The tendency is still to view Islam through a Christian lens or from a previous historical period. The reverse happens to Muslims. Both sides need to overcome these blocks, and examine each other's experiences, not only as one among other options, but as an obligation to advance the long human desire for justice, with the help of other cultures and traditions.

6) From justice to benevolence. The Quran mentions both justice and benevolence as virtues associated with each other (16:90). The social aspects of Islam also examine the difference between them. The first represents a starting point and the second the desire point or goal. There is a quotation of Imam Ali, the prophet Muhammad's son in law, who is well known for his generosity and benevolence in history, answering the question of preference between justice and generosity "Jood"⁷⁰ saying: "Justice puts everything in its place, and generosity distributes them in all directions. Justice is a general

⁶⁸ Muhammad Iqbal, *The Reconstruction of Religious Thought in Islam* (first published 1930, available at www.kms1.isn.ethz.ch), pp. 72-76.

⁶⁹ This is why I do not agree with Socialist Islam because it is concentrated on one value from one perspective. See Hassan Hanafi, *New Directions in Islamic Thought* (Washington D.C., Georgetown University: CIRIS, 2010).

⁷⁰ *Jood* or generosity is more specific than benevolence "*Ihsan*," although there are same in regard to justice. Generosity is more considered with giving money and goods, but benevolence covers the actions, services and behaviors as well (Murtaza Muttahari, *Bist Gofar* (available on www.motaheri.ir), p. 20).

rule and generosity is a special attribute.”⁷¹ The former is subject to public law and rule, and the latter is subject to personal choice and dignity. The first is the foundation of society, the second, the accomplishment of personal character. If there is no strong foundation, the complementary cannot keep the entity safe. Justice is a floor and benevolence is a roof.

7) Inspiring ideas. Finally, the comprehensive concept of justice in Islam encourages us to think of justice in a variety of surrounding problems including discrimination based on domestic or global traditions, the gap between classes, conflicts among human values like freedom, philanthropy and justice, industrialization of the culture, psychological and moral reactions, isolating people from their existential and ontological roots in considering justice, modernization of undeveloped countries and the investment of the first world in the third world countries that can be a potential for extremism. It demands a religious perspective to look at justice, if one wants to go deeply into basic human values. In other words, it inspires us to not limit justice to a utilitarian, conventional, libertarian, or simple equality approaches. Finally, one could say that the Islamic call for justice is both theoretical and practical; it is a human call for a common, global attempt to analyze and consider different aspects of justice and to try to apply them as well.

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⁷¹ Ali Ibn Abitalib, *Nahj al-Balaghah*, saying No. 437; Murtaza Muttahari, *Sairi dar Nahj al-Balaghah* (available at www.motaheri.ir), pp. 117-120.

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Part V

**Justice, Rights and Responsibility
in the Socio-Political and Economic Realm**



What Role Should China Play in Bringing About a Just World?

GILLAN BROCK

Over the past three decades, China's economic performance has been extraordinary.¹ Economic growth has averaged 10 percent per year. Approximately 500 million people no longer live in poverty. China is currently the world's largest exporter and manufacturer and is currently the second largest economy in the world. On its current trajectory, by 2030 China will be the world's largest economy.² Within the next 20 years, it is projected that China will become a high-income country.³ Its share of world trade should be twice as high as its current level.⁴ China is expected to remain the world's largest creditor. In several respects, China's social development over the same period has also been admirable and its projected social development over the next twenty years equally so. China now enjoys universalized compulsory primary education, significantly increased higher education levels, and by 2030 the number of college graduates is expected to be around 200 million.⁵ China has also considerably reduced the burdens that stem from infectious diseases.

Such developments and projected future developments are likely to give rise to a massive expansion of the global middle class which will probably result in huge increases in demand for housing and consumer items, such as automobiles.⁶ There will consequently be increasing pressure on global sup-

¹ For some of the empirical claims in the next few paragraphs I draw on the comprehensive report by the World Bank and Development Research Center of the State Council, the People's Republic of China (2012).

² *Ibid.*, p. 6.

³ *Ibid.*, Chapter 2.

⁴ *Ibid.*, Chapter 2.

⁵ *Ibid.*, p. 9. Also Barro and Lee (2010).

⁶ Kharas and Geertz (2010), also World Bank and Development Research Center of the State Council, the People's Republic of China (2012), p. 7.

plies of energy and natural resources (with the anticipated accelerated pace of climate change likely to exacerbate these pressures). Indeed, China's development has already taken a heavy toll on the environment, placing heavy demands on land, air, water, and other natural resources. China is currently also on course to remain as the world's largest emitter of carbon dioxide, and it is already the world's largest energy user.⁷ Many of these factors, along with others to be discussed in this paper, mean that China will have increased obligations in bringing about a more just world.

At a recent symposium in Beijing a team of Chinese and foreign academics were asked to consider the question, "What should China's role and position be in debates about the institutional order of the world and the priorities for humanity, looking a century ahead?"⁸ I reflect here on what I take to be a normatively similar question, namely: "What role should China play in moving to a more just world, focusing particularly on institutional reforms and what might be accomplished over the next 100 years or so?" And I consider how China could make progress in at least four key (and as I see them, related) domains: promoting fair trade, promoting sustainable development (which also enables all countries to enjoy reasonable opportunities for development), protecting core global public goods, and reducing corruption. These policy goals imply that further targets should be in view, such as concern for the alleviation of global poverty. I also argue that, in many cases, assuming these responsibilities aligns with important national interests. While these are clearly not the only areas in which China can and should play an important role, as I will argue, China has important and enhanced responsibilities concerning this cluster of issues, and making the case in these domains will be a sufficiently challenging task for a paper such as this.

In the next section I survey some of the factors that generate increased obligations to help initiate and implement a variety of reforms to international institutions, policies, and practices. Section 3 sketches some focal points for concern in the domain of trade. The analysis of what we should focus on in aiming to promote fair trade arrangements leads us to discuss sustainable development, climate change agreements, mechanisms to protect the global commons, the need to ensure reasonable opportunities for development, and the importance of accountable governance. Section 4 explores how China could harness some strengths to address challenges related to sustainable development, especially by pursuing policy options within China. Section 5

⁷ *Ibid.*, p. 14. China is not the world's greatest energy user on a per capita basis, however, as the United States consumes about five times more energy than China.

⁸ This symposium was organized by Thomas Pogge and held on the campus of Renmin University. I am grateful to the organizers for facilitating such a stimulating intellectual event and to the participants for their helpful comments on this paper.

broadens the focus to consider protecting global public goods, and the role of taxation in particular, in sustaining these. Concerns about accountability and corruption plague a number of international (and national) activities. Section 6 considers some under-appreciated harms consequent on corruption, before surveying ways in which we might tackle corruption and associated harms. Mechanisms to promote transparency and civic participation have an important role to play in promoting accountability and I will illustrate this with examples of reforms that are likely to result in considerable progress. In this essay, then, I argue that China should have several important focal points for concern that derive from strong interests and responsibilities around trade, only some of which can be sketched in this paper.

Why China Should Play an Important Role in Bringing About a More Just World

There are a number of factors that suggest China should take on a reasonably large share of burdens associated with moving to a more just world. In this section I collect these justifying factors. My claim is that *the conjunction* of these four considerations is sufficient to yield responsibilities to play a leading role in moving towards a more just world. In later sections we discuss how China might discharge these responsibilities in particular domains. We begin with the weakest consideration, but a small consideration nonetheless.

Benefit: China has benefited spectacularly from globalization. China has been a major beneficiary of open trade policies that have enabled and sustained huge demand for Chinese products. Of course, China is not the only country that has benefited from globalization, but a considerable part of China's phenomenal success is attributable to large gains from integration. China is now the world's second-largest import market and it is also its fastest-growing.⁹ While China's strong demands for raw materials, advanced machinery, and other factors of production have benefited many developed and developing countries alike, it is nonetheless the case that China has seen spectacular gains from integration.¹⁰

Capacity: China's enhanced capacities over the last few decades have been enormously impressive as well. It is currently the world's second-largest economy and the world's largest exporter. China is also the world's largest creditor. It has the highest foreign exchange reserves in the world. China provides a huge amount of sovereign debt financing for the United States and European countries. Such is the size and significance of the Chinese

⁹ Ibid., p. 60.

¹⁰ Ibid.

economy, that its domestic policies have a significant impact on the global economy. China's foreign investment in developing countries is playing an increasingly important role in development.¹¹

Interdependence and Mutual Reliance: As some of the discussion already canvassed in (i) and (ii) suggests, China is situated in a heavily integrated world that has become interdependent and mutually reliant. China needs the rest of the world to stay strong. But it seems there is mutual dependence between China and the world economy that is likely to increase further over the years ahead. In general, there is a large amount of interdependence and mutual reliance that is likely to remain a significant feature of the global economy for some time.

Contribution: China is, and will remain, a major factor in contributing to some of the world's key problems (consider, notably, environmental degradation and climate change, though others are also discussed below). More importantly, China has great potential to make significant contributions to addressing these as well. (Although this latter consideration blends into "capacity" – factor (ii) identified above – there is some merit in talking about actual contribution to the problem and potential contribution to the solution as a distinct topic, because the actual and potential features can sometimes be brought into balance nicely.)

China's enormous and expanding middle class will result in increased global demand for the goods and services of more affluent lifestyles, and this is likely to exacerbate dangerous climate change. As I also discuss in Section 4, China is likely to be a major contributor to solving these problems as well. China enjoys an increasingly educated labor force with a large and expanding number of university graduates (expected to be around 200 million by 2030).¹² Such skill levels are likely to be a major force for global innovation.

The conjunction of factors (i)-(iv) yield an important set of responsibilities. Factors (ii) and (iv) are especially pertinent with (i) and (iii) playing a more minor role in the justification. The conjunction of these factors (i)-(iv) points to special responsibilities in a range of particular domains, such as trade and climate change which I highlight here (though clearly there are many others that also derive from similar considerations). For instance, China will need to consider how it can contribute to an international trade regime that is fair, in other words (and as I go on to discuss), one that distributes the gains and risks or burdens of trade more evenly, and aims at sustainable development while allowing all to enjoy reasonable opportunities for development. We move on to discuss some of the more particular domains in Sections 3-6.

¹¹ Ibid.

¹² Ibid., p. 9. Also Barro and Lee (2010).

Trade

China benefited greatly from entering the World Trade Organization and is a key stakeholder in existing global trading arrangements. As one of the greatest beneficiaries of globalization and global trade arrangements, China has an interest in ensuring that such arrangements are enduring and robust, and the best way to secure these goals is for such arrangements to be fair.¹³ In moving towards trading arrangements that are fair there are a number of intermediate (sometimes overlapping) goals that should become the target of concern and should serve as focal points for even-handed policy, including the ones I list as follows: 1) We need to ensure that the *risks and costs* associated with increased globalization are more equitably shared. (For instance, greater interdependence can make local economies more vulnerable to shocks and result in other costs that are not absorbed by the beneficiaries of trade.) 2) We need to ensure the *benefits and gains* of international trade are more equitably shared. 3) We need to promote sustainable development. Failure to do so does not distribute benefits and burdens equitably across generations, especially when it severely compromises future generations' abilities to meet their needs. 4) We need to enable all countries to enjoy reasonable opportunities for development, and should be mindful of the ways in which trade can thwart or assist with this goal. Ensuring there are reasonable opportunities for development entails that tackling high levels of absolute poverty should also be included as a policy focal point. 5) We need to protect the public goods and other factors on which fair trade relies for its success. Often underappreciated is the role of an environment conducive to accountability in *enduring* arrangements, including in regimes of trade. A global governance regime that promotes accountability could considerably enhance prospects for enduring systems of fair trade. And attending to local institutional reforms is also necessary to address this concern.

Much of what is covered in this paper is related to working towards these policy sub-goals. In fact, China has interests that coincide with many policy objectives that should become the focus of fairer trade arrangements. China clearly has an interest in staying competitive but it also has an interest in sustainable development and protecting global public goods. (As the largest user of world resources and emitter of carbon, China has an interest in the latter so that the carrying capacity of the earth is not massively exceeded, thereby jeopardizing its citizens' well-being and abilities to live well, and well

¹³ Even if this convergence were not the case, China has responsibilities to ensure trade arrangements are fair, in virtue of the combination of the four factors surveyed in the previous section.

into the future). China can achieve these twin goals by securing the agreement and compliance of all states with reformed rules for the global order that aim to protect global public goods and promote sustainable development. For instance, to ensure sustainable growth can continue, China has interests in a global climate change agreement that is robust, fair, and effective. And to protect its competitiveness, China has an interest in ensuring all states agree to comply with these treaties. China has already recognized the importance of reducing carbon dioxide emissions and included this as a target in its 12th Five Year Plan. A global climate agreement could ensure domestic actions are likely to be more effective, while not compromising China's competitiveness. So, as just one priority that derives from the policy targets outlined above, China has an important interest in promoting a fair climate agreement.

To move now to some of the other policy objectives listed above, as the largest creditor in the world, China has an interest in a reasonably stable international financial and monetary system, and one that is well-regulated. China will continue to have important interests in many other factors related to trade, such as the maintenance of other global public goods and a global governance regime that promotes equity and accountability. Many of these interests are similarly promoted through international measures.

Given the size of the Chinese economy, China is an essential partner in the protection of global public goods. Many global problems simply cannot be solved without China's involvement. However, China's future prosperity relies on meaningful global collective action in protecting access to key global public goods. Chinese interests and those of the international community seem here to converge importantly.¹⁴

We move on to consider these component aspects in more detail, starting with sustainable development issues.

How to Discharge Global Responsibilities and Solve National Problems at the Same Time?

Sustainable development should be a high priority for China for several reasons, including that it will promote national interests. I identify five such interests next. First, new technological opportunities make such development a potential driver of economic growth.¹⁵ Sustainable development could create new commercial opportunities and stimulate innovations in technology, thus helping to make China competitive in various new industries. Alternative

¹⁴ Of course simply pointing to an interest is not yet to claim that there is a sufficiently pressing reason for that interest to outweigh all others.

¹⁵ *Ibid.*, p. 39.

energy industries such as solar, wind, and wave energy will need specialized equipment to be manufactured on a vast scale. The electric vehicle industry is also likely to require enormous new equipment manufacture. A range of low-carbon technologies is likely to fuel a manufacturing boom. Promoting research and development of innovative products and services that will serve human needs well into the foreseeable future is likely to be an important source of growth. China could also become a leading provider of services related to these new technologies, supplying ecosystem and carbon asset management services.¹⁶ China already has impressive achievements in these areas including being a world leader in hydroelectric generation. It is already the world's largest manufacturer of solar panels.¹⁷ And China's increasingly educated workforce will provide an abundant source of innovation in this area.

Second, sustainable development would also improve the quality of China's current economic growth. For example, less carbon-intensive production and use of fossil fuels can be expected to reduce health losses from air and water pollution. As the population ages and becomes more urbanized, the costs of illnesses that stem from pollution are expected to rise.¹⁸

Third, as China is the largest energy user in the world and the largest emitter of carbon dioxide, it is a key player in efforts to promote sustainable development, especially concerning the impacts of anticipated climate change. As noted, national interest aligns reasonably well here with working out durable solutions to climate change, so mitigating the likely effects of climate change for its citizens should be a national priority. For instance, many of its citizens are highly vulnerable to the effects of rising sea levels. Furthermore, China has made large public investments in ports and other infrastructure that are vulnerable to extreme climate events.¹⁹

Fourth, like many other countries, energy independence is an important national goal. China is increasingly dependent on imported energy.²⁰ By 2030 China may become the world's largest importer of oil, and it is anticipated it will need to import 75 percent of its oil.²¹ It is also expected that by 2030, 50 percent of its natural gas will need to be imported.²² However, China has large wind, solar, biogas, and shale gas resources and with further innova-

¹⁶ *Ibid.*, p. 40.

¹⁷ *Ibid.*

¹⁸ *Ibid.*, p. 39.

¹⁹ *Ibid.*, p. 43.

²⁰ *Ibid.*, p. 39.

²¹ *Ibid.*

²² *Ibid.*

tion in such resources could potentially improve energy security.²³ Further research and development in these areas could yield important gains.

Fifth, another aspect of sustainable development is promoting the more efficient use of land which might assist with urban sprawl and congestion, significant issues around some of the cities.

In bringing about desirable changes, government could adopt a number of measures. It could require environmental standards to be met by those with whom it conducts its own business. As the government has roughly RMB 1 trillion in procurement each year, this policy could prove influential.²⁴ Another place to focus policy attention is to ensure that market prices of goods and services reflect the true cost of production and consumption to society. Notably, resource use should include appropriate taxes. Examples would include considering adjusting the prices of resources such as oil or coal to include the social and environmental costs associated with their use. Influential work on this issue has been done by Thomas Pogge about twenty years ago.²⁵ He has proposed a Global Resources Dividend that operates as a tax on resource use. His proposals are especially worthy of further consideration. Taxation can be used as an effective policy instrument in other areas as well.²⁶ An obvious suggestion is to increase taxes on motor vehicles and parking. Property taxes might also support policy goals such as encouraging the more efficient use of land and therefore such taxes are also worthy of further consideration.²⁷ Taxation could also help support other important goods and we turn to such ideas in the next section.

The Role Taxation Can Play

In the previous section I considered the role China could play in promoting sustainable development, by focusing on initiatives and developments it should pursue *within* China, but which have global implications and would make important contributions to international efforts to develop sustainably. In this section I focus on a different aspect of promoting sustainable development, namely protecting some of the global public goods on which trade relies and I consider some more *international* initiatives that it should con-

²³ Ibid., p. 40.

²⁴ Ibid., p. 43.

²⁵ Pogge (2008).

²⁶ I should note that the taxes just argued for do not preclude also introducing carbon trading systems or any other mechanisms for trying to control emissions and other excessive resource use.

²⁷ This could have the added benefit of reducing dependence on funds from land acquisition (ibid., p. 58).

sider supporting. There are a number of global public goods that enable and facilitate trade and without which it could not flourish. Examples include: peace, social and political stability, stability of the international and financial monetary system, effective law enforcement, populations that enjoy adequate health, and an environment that continues to be reasonably life-sustaining.²⁸ Reforms to our global taxation arrangements can play an important role in protecting these global public goods. In this section we discuss just *some* of these.

Recommendations for various global taxes have a fairly long history and there are some already in effect (as discussed below).²⁹ Several kinds of global taxes have been proposed including carbon taxes, currency transaction taxes, financial transaction taxes, air-ticket taxes, immigration taxes, taxes on arms trading, e-mail taxes, and taxes on the sale of luxury goods.³⁰ Global taxation could be an important tool in shaping policy and raising revenue to address significant global justice problems, especially those posed by inadequate resourcing for global public goods and poverty elimination. Taxes on carbon emissions might be one important policy response to threats posed by climate change. Taxes on speculative currency trading could reduce instability, especially in developing countries, and promote beneficial development. Taxes on airline tickets currently support global efforts to reduce global burdens of disease, such as malaria, HIV/AIDS, and tuberculosis. And recent events that triggered the global recession of 2009 have generated increasing public support for the permissibility of more financial transaction taxes, as we see with the “Robin Hood Tax” proposals.³¹ Here I discuss very briefly only two global taxation options: first, the air-ticket tax and, second, currency transaction taxes. Many other taxes deserve further consideration, including carbon taxes, taxes on the international arms trade, taxes on trade in other sectors, property taxes, and as signalled in the last section, taxes on resource use.

Clearly, in the scope of such a paper, I cannot do justice to all the details that would need to be considered in determining which, if any, proposals deserve further development into policy for which we should advocate. However, I will note that when working out tax details, we need to deploy at least two sets of criteria, one focused on normative desirability and the other focused on feasibility considerations.

Briefly, in my view, a tax is normatively desirable at least on those occasions when it meets the following, sometimes partially overlapping, desid-

²⁸ The last two are at least (arguably) necessary to achieve some of the other public goods on the list, if the reader does not think they are *bona fide* public goods themselves.

²⁹ See, for instance Brock (2009), Chapter 5.

³⁰ For more on this topic see Brock (2009), Chapter 5, and Brock (2008).

³¹ The Robin Hood Tax, 2010.

erata: (N1) the tax complements or promotes important social, political, and economic objectives, (N2) it is compassionate in that it takes account of the capacity to pay and does not disproportionately burden those whose position makes it particularly difficult for them to bear more of the cost than others far better positioned (i.e., it is not regressive), (N3) it is competitive, that is to say it does not importantly undermine appropriate and non-destructive competition or prevent activities communities should otherwise encourage, and (N4) is one that is competently collected, administered, and disbursed.

Various considerations bear on a tax's feasibility. These include: (F1) *Support*: (i) there is good public support for the tax, at least among groups well positioned to influence implementation decisions, and/or (ii) there is strong backing from influential figures well placed to make progress in advancing tax proposals; (F2) *Administrative ease*: the tax can be collected easily, which can ensure administrative simplicity (and also good compliance); (F3) *Precedent*: how many other similar kinds of tax proposals have already met with success, showing that similar taxes work reasonably well in other domains; and, relatedly, (F4) *Institutional assistance*: The availability of already existing, or partially existing, institutional mechanisms that could facilitate compliance or enforcement. While none of (F1)-(F4) is strictly necessary for a tax to be considered feasible, when all of (F1)-(F4) obtain, my claim is that in at least those cases, the tax can be considered feasible.

Here I discuss very briefly two kinds of taxes that I think meet these criteria well: the air-ticket tax and currency conversion taxes.

Air-ticket Tax

The air-ticket tax may represent one of the most successful examples to date of a global tax levied with the intention of raising funds for addressing poverty. At present the largest air-ticket tax initiative is that run by UNITAID. Since November 2008, seven countries have implemented a small compulsory airline tax under this scheme: Chile, Cote d'Ivoire, France, Madagascar, Mauritius, Niger and the Republic of Korea. Norway gives part of its emissions tax, while other member countries have chosen to implement voluntary airline taxes. UNITAID also accepts contributions from states and institutions that wish to give lump-sum payments.³² The funds raised are used to finance medicines required to assist poor countries struggling with the burdens of diseases such as malaria, AIDS, and tuberculosis. To date, the project has been quite successful, raising almost \$1 billion and commencing projects

³² Gumbel (2009).

in 94 countries.³³ Data provided by UNITAID show the concrete effect even a small tax can have: the €4 tax levied on international flights out of France, for instance, funds treatment for one HIV positive child.³⁴ The achievements of the project are further reflected in the powerful supporters it has attracted, including the WHO, the Clinton Foundation, and the Global Fund.

However, there is scope for further expansion. While UNITAID has proved the viability of the air-ticket tax model, it has not to date attracted widespread international cooperation. A 2010 statement by the organization shows that increasing the number of participating countries is a key goal. This could be achieved by various institutional design innovations, such as making it a requirement that states implement this tax as a condition of belonging to the International Civil Aviation Organization (the UN body tasked with oversight of international air transport). Alternatively, it could be made a condition of membership to the WHO that states agree to implement the air-ticket tax. (There is also reason to believe that the tax could be substantially increased. A study on consumer willingness to pay for an additional airline tax found that the average willingness to pay was very high- €20.³⁵ It is notable, however that consumers stated they only supported such a program on the grounds that it was mandatory. This suggests voluntary “opt-in” schemes are less likely to succeed.)

Currency Transaction Tax

Originally proposed by James Tobin in the 1970s, this initiative would impose a miniscule tax on every currency trade (at least on contemporary proposals in the order of around 0.01%). The central benefits of such a tax are twofold. First, a currency transaction tax could bring greater stability to the financial system. It is estimated that well over half (on some reliable estimates, 80%) of the \$4 trillion in currency transactions that occur every day are speculative and as such are potentially destabilizing to local economies.³⁶ Local currencies can devalue rapidly, causing major financial crises such as occurred in East Asia in 1997-8, Brazil in 1999 and Argentina in 2001, as millions of people suddenly find themselves unemployed and their economies in turmoil. Tobin’s original idea was premised on the suggestion that a small tax on currency trades would reduce speculation and promote more long-term investing, thereby preventing such crises.³⁷ Secondly, such a tax has

³³ UNITAID (2009).

³⁴ Ibid.

³⁵ Brouwer (2008).

³⁶ Global Policy Forum, 2011.

³⁷ Tobin (1974).

the potential to raise immense sums that could be targeted towards global poverty programs. Because the foreign exchange market is the largest in the world (in 2009 it was at least \$900 trillion) a tax on this market has the potential to raise vast sums.³⁸ While estimates vary according to the size of the tax and the methodology used, most serious studies have predicted revenue of approximately 30-100 billion.³⁹

The currency transaction tax could be practically and politically workable. Currency deals already carry an administrative charge in the main currency exchange countries, so the administrative feasibility of such a tax is already plain. Because foreign exchange markets tend to be concentrated, a currency transaction tax can be effective even if it is imposed only in a limited number of states. In Europe, for example, 97% of all such trades occur in either the UK or Germany, so taxes in other states would not be necessary.⁴⁰ Politically, the tax has considerable support not just from NGOs but also from politicians. In September 2010, 60 nations, including Britain, Japan, and France jointly proposed a currency transaction tax before the UN.⁴¹ Since the financial crisis, the concept of such taxes appears to have gained popularity with the general public, as the “Robin Hood Tax” campaign suggests.

Opponents of a currency transaction tax raise two main objections. First, it is argued that banks will simply alter their systems to avoid the tax. While this is possible, particularly if the tax is imposed in only a few countries, there are a number of factors that suggest this objection should not be given undue weight. First, one of the goals would be to get a binding agreement that all countries would impose the tax from some target date.⁴² Second, the taxes proposed are remarkably low – a small fraction of one percent. Further, there are notable benefits from conducting transactions in established commercial centers. For example, London is widely accepted as holding a “time zone advantage” over other financial centres. In addition, the extreme concentration of financial markets suggests the presence of positive network externalities.⁴³ Third, there are important costs associated with choosing less secure alternative routes. Financial and foreign exchange settlement systems such as SWIFT currently assist in the coordination of many millions of trades

³⁸ Task Force on Financial Integrity and Economic Development et al. (2010).

³⁹ Schmidt (2008); Baker, Pollin, McArthur & Sherman (2009); Baker (2008).

⁴⁰ Schulmeister (2009).

⁴¹ Irish (2010).

⁴² Jim Brunsten, “EU to present financial-transaction tax proposal on Feb 14th” available at <http://www.bloomberg.com/news/2013-02-01/eu-to-present-financial-transaction-tax-proposal-on-feb-14.html>. This would be to introduce a financial transaction tax, which would be broader than a currency transaction tax. Making such an agreement conditional on belonging to (say) the WTO would also effectively secure such a goal.

⁴³ Schulmeister (2009).

each day.⁴⁴ If a currency transaction tax were incorporated into these services, traders would have little choice but to pay the tax. Any alternative route would be both “difficult and unprofitable.”⁴⁵ Fourth, the UK “stamp duty” imposed on stock transactions, shows that even moderate taxes do not necessarily deter trade in ways that those who have an interest in resisting change might claim. Despite the relatively high rate of that tax – 0.5% – London continues to operate as a major financial centre, especially in stock transactions.⁴⁶

The second most frequently mentioned objection is that banks will not be able to afford the tax, resulting in costs being unfairly passed on to consumers.⁴⁷ But this argument should not be given undue weight either. An important aspect of a currency transaction tax is its potential to raise revenues that can be used for development purposes (for instance, to allow all to enjoy reasonable opportunities for beneficial development). For this reason we should not be too concerned about whether revenue is sourced from the profits of banks or from the incomes of their (developed world) consumers (who, by global standards, are still highly advantaged). Though this concern about passing costs on to consumers is frequently raised within developed countries, such as the United Kingdom, adopting a more global perspective, its force should not derail the proposals, since even if these tiny costs are passed on to consumers, it is not unreasonable for bank customers, especially in middle and high income countries, to assist with revenue collection for public goods protection and to assist the severely disadvantaged of developing countries in these tiny ways.

The argument for a currency transaction tax has only been intensified by recent data that suggests the current economic crisis has had a disproportionate impact on the developing world, and one might think this is especially unfair as they bear least responsibilities for the crisis.⁴⁸ As a direct result of the crisis, it is estimated that an extra 120 million people will be living on less than \$2 a day in 2010. Further, the World Bank has conservatively estimated that the crisis will cause an additional 30-50 thousand infant deaths in sub-Saharan Africa alone.⁴⁹

All the innovative proposals in the world will not be effective unless there are sufficiently accountable processes governing collection and disbursement of the revenue raised. We need to promote trust in the collection and disbursement of these taxes, through skillful institutional design and other measures.

⁴⁴ SWIFT (2011).

⁴⁵ Schmidt (2008).

⁴⁶ Schulmeister (2009).

⁴⁷ Dolphin (2010).

⁴⁸ Task Force on Financial Integrity and Economic Development (2010)

⁴⁹ Ibid.

I have elsewhere sketched why I believe that we can design sufficiently accountable processes for collection and disbursement of taxes.⁵⁰ Rather than rehearse those ideas here, I want to use my remaining space to tackle a general form of the worry and one which is likely to be thought to handicap many progressive policy initiatives.⁵¹ This brings us to the final issue I want to discuss here and that is the corrosive effect of corruption and how we can begin to make progress in combating it.

Corruption

Corruption plays a huge role in undermining beneficial development and undermines several of the goals I listed in Section 3 as important foci for policy development, including the goal of enabling all countries to enjoy reasonable opportunities for development. In section 6.1 we first consider some of the harm corruption causes. Section 6.2 addresses some generally effective ways to tackle it. Section 6.3 discusses in a more detailed way one good initiative that all countries, including China, should support in the quest to combat corruption.

Some Important Harm Consequent on Corruption

There is an under-appreciated connection between corruption and people being unable to meet their basic needs. Consider, for instance, that lack of clean water is one of the greatest obstacles to well-being in developing countries, with about 12000 people dying every day from water and sanitation-related causes. There are also close linkages between access to safe water and levels of educational attainment.⁵² However, there is widespread recognition that the problem of supplying clean water is not a technical problem – it is not a question of lack of technical expertise in supplying pumps, clean water equipment, dams, and the like, or indeed, sometimes, even a question of a lack of a natural supply of clean water. The major problems are related rather to dysfunction in the structures or processes of institutions that manage water supply.⁵³ There are many ways in which dysfunction in the management of water resources compromises people’s abilities to meet their basic needs and further, how in the struggle over the use of those resources, there is much scope for graft, corruption, systems of patronage and clientelist poli-

⁵⁰ Brock (2009), Chapter 5.

⁵¹ We could also make better use of other accountability promoting devices such as transparency portals.

⁵² Transparency International (2008).

⁵³ Ibid.

tics to play a destructive role which can also compromise citizens' abilities to survive. Bribery and corruption infect all parts of the water delivery process from the awarding of contracts for dams, pipelines, or wells, to the maintenance of water delivery equipment and other ongoing processes for ensuring people receive reasonably-priced, clean water. And the kinds of corruption include all forms as well, from grand corruption to more petty forms. Corruption, in short, plays an important role in blocking attempts to remedy global deprivation.⁵⁴ I have highlighted some of the harms corruption facilitates concerning the under-fulfillment of human needs, so we have seen some ways in which corruption results in losses for human development. There are other notable harms that deserve mention. In low-income countries, corruption can "lower economic growth, impede economic development, and undermine political legitimacy, consequences that in turn exacerbate poverty and political instability."⁵⁵ In so far as people come to view institutions as corrupt, this can have far-reaching consequences for people's willingness to trust that they do and will operate fairly. This crucial loss of social capital permeates other domains and has the potential to undermine societal functioning in highly damaging ways including in destabilizing the state.

*Combating Corruption: Examples of Initiatives
and Reforms China Could Support*

A number of strategies are common in aiming to combat corruption. Some of the more frequently deployed preventative strategies include promoting ethical behavior through codes of practice, regulatory frameworks, specification of proper processes for recruitment and promotion, independent auditing, tendering and contracting, mechanisms for whistle-blowing, and other forms of citizen participation. In many cases China will have considerable leverage with governments of developing countries. China could have a huge impact on beneficial development through making anti-corruption efforts a core priority. China could help promote honest processes concerning procurement and resources sales, as it is an important agent in these domains in particular.⁵⁶ So, to be more specific, China could change current practices by putting pressure on governments to insist that all bidders for major public contracts sign "no-bribery pledges" (also sometimes called "integrity pacts"), such that

⁵⁴ Ibid.

⁵⁵ Elliott (1997), p. 1.

⁵⁶ Tackling aspects of corruption associated with grand corruption is only one part of the problem. The petty forms of corruption are likely to have a significant impact on the lives of the poor as well. One hope is that in addressing grand forms of corruption this will have an effect on petty corruption, as some of the mechanisms will be in place for holding accountable many more agents who currently act with impunity.

everyone is on notice that officials and politicians will not accept bribes, and participants in the bidding or execution process will not offer any either. Such pledges have had good results.⁵⁷ Expectations of proper conduct can be promoted by clear statements of intent along with credible commitments to report corrupt pressures with a wide range of mechanisms available for reporting corruption in appropriate ways, along with proper monitoring.⁵⁸

China has a strong interest in showing leadership on these issues. Chinese organizations typically do not need to resort to uncompetitive behavior and are strong contenders to be awarded relevant contracts on merit. They have the experience, resourcing, and other relevant advantages to deliver on contracts without needing to secure them by underhand means. Indeed, rivals engaging in corruption and bribery undermine their prospects. So here national interest converges well with promoting more equitable policies.⁵⁹

China could also insist on other measures including open tenders, such that whenever the results of tender processes are to be determined, bids are opened in public with bid prices read aloud and publicly recorded. Insisting that procurement processes include monitoring by independent quality controllers who are required to inspect delivered goods and check the quality of work performed, would provide a much-needed measure for ensuring that promised goods and services are actually delivered. Without such monitoring, a cloud of suspicion hangs over too much disbursement of public funds including development assistance. Another common and effective strategy is to try to empower the most vulnerable in marginalized communities so they have more input into decision-making and monitoring systems, for instance, through involving them in processes concerning access to water, giving them key responsibilities for evaluating performance, and allowing them channels for airing complaints. The efficacy of these suggestions in tackling corruption is well-documented by Transparency International, a leading organization dedicated to the fight against corruption in all countries.⁶⁰ Researchers from Transparency International note that two key strategies are central in the fight against corruption: transparency and civic participation. The Global Corruption Report of 2008 gives a succinct summary:

Increased participation has been documented throughout the Global Corruption Report 2008 as a mechanism for reducing undue influence and capture of the sector. Participation by marginalized groups in water budgeting and policy

⁵⁷ Transparency International (2006).

⁵⁸ Rose-Ackerman (1999).

⁵⁹ China also has a number of legal obligations concerning corruption. For instance, it is bound by the United Nations Convention Against Corruption, and various regional agreements contain articles specifying the obligations of signatories to prevent and punish abuse.

⁶⁰ Transparency International (2008).

development can provide a means for adding a pro-poor focus to spending. Community involvement in selecting the site of rural wells and managing irrigation systems helps to make certain that small landholders are not last in line when it comes to accessing water. Civil society participation in auditing, water pollution mapping and performance monitoring of water utilities creates important additional checks and balances. Transparency and participation build the very trust and confidence that accountable water governance demands and civil society plays a critical role in turning information and opportunities for participation into effective public oversight.⁶¹

How else could China help create an environment conducive to more accountability? While there are a number of outstanding ideas on this topic, I have space to deal with just one worthwhile initiative in the next section.

*A Worthwhile Initiative Aimed at Curbing Corruption That Promotes
More Accountability and Transparency in Resource Sales*

As signaled in Section 3, in promoting fair trade China needs to assist in enabling all developing countries to have reasonable opportunities for developing in sustainable and beneficial ways. In many cases, the revenue that poor, developing countries could obtain from resource sales would be more than enough to finance what is needed for the state to be effective in promoting beneficial development, that is to say, if the revenue were actually received and appropriately disbursed. Assisting countries in receiving such revenue seems especially important. Non-transparent processes for resource sales have enabled massive corruption and theft of resources, the proceeds of which could have been used to build effective states capable of securing core goods and services necessary for development.

The problem of corruption in the sale of resources is large. McPerson (2009) makes the following estimates of losses from corruption in Africa: \$1 billion a year has been stolen from the Angolan people since 1996; one third of Democratic Republic of Congo's oil revenue is not shown in the country's budget; and despite \$7 billion in annual oil profits, 60% of Guinea's population live on less than \$1 per day.⁶² Corrupt resource sales harm more than just the economy. For instance, corruption is strongly linked to severe restrictions on political and civil rights.⁶³ Governments (and individuals within governments) who stand to gain from corrupt deals are apt to take extreme measures to retain their position.

⁶¹ For more see for instance, TI's Business Principles for Countering Bribery, available at www.transparency.org/global_priorities/private_sector/business_principles, p. xxviii.

⁶² McPerson (2009).

⁶³ Ibid.

In addressing problems concerning resource sales that are not transparent, citizens (especially of developing countries) could be considerably assisted in keeping their governments accountable through international measures that promote transparency and accountability, such as the Extractive Industries Transparency Initiative (EITI).⁶⁴ Approximately 3.5 billion people live in countries rich in resources.⁶⁵ Yet all too often many poor citizens do not benefit from the extraction of their natural resources. The EITI promotes transparency of revenue flows at the local level. According to the initiative, companies disclose their tax and royalty payments for resources to governments, and governments disclose what they receive in payments. The tax and royalty payments are then independently verified and made public in a process overseen by several key stakeholders, including representatives from governments, companies, and civil society. This initiative facilitates consensus-building development, helps create trust, stability, coherence, good governance, and confidence in judicious revenue collection and disbursement. The initiative provides mechanisms for relevant information gathering, such that citizens and the private sector in those countries can help improve governance. Poor citizens in resource-rich, developing countries could be considerably assisted were participation in the EITI mandatory and this could be insisted upon by linking it to desirable opportunities, such as being involved in contracting agreements with the Chinese government.

The EITI is an example of an initiative that is likely to help promote beneficial development, in helping to build trust, improved governance, and in making more revenue available for delivery of key goods and services. In these sorts of ways citizens of resource-rich countries could be assisted in keeping their governments accountable (which could also plausibly assist in orienting international institutions towards more accountability). In closing this section it may be worth remarking that it would seem that many of the recommendations concerning best practice in combating corruption abroad could be implemented domestically to good effect. Indeed, to avoid hypocrisy in being a global leader that assists in combating corruption abroad, but falls short at home, it may be important to introduce such measures.

Conclusion

In this paper I argued that China has enhanced responsibilities in a number of related domains including fair trade, sustainable development,

⁶⁴ Other excellent ideas include reforming the International Resource Privilege and the International Borrowing Privilege, both of which also facilitate corruption. See, for instance, Pogge (2008).

⁶⁵ See the EITI website at <http://eiti.org>.

protecting global public goods, enabling reasonable opportunities for development, and tackling corruption. In many cases, assuming these responsibilities aligns with important national interests. After surveying some of the factors that generate increased obligations to help promote a variety of reforms to international institutions and practices, I focused on some particular responsibilities within each of the highlighted domains. China could harness its considerable strengths to address challenges related to trading arrangements that are fair and that help promote sustainable development. In addition, it ought to promote measures to protect global public goods that sustain trade, including the goods of peace, social, political, and financial stability, effective law enforcement, and populations that enjoy adequate health. Innovative taxation proposals could assist in all these cases. Concerns about accountability and corruption plague a number of international practices and failure to tackle these enormous issues will likely render many potentially excellent reforms ineffective. In tackling corruption a number of initiatives are worthy of further consideration including bringing pressure to bear where possible to make participation in EITI mandatory, changing procurement practices to include pledges to refrain from bribery or corruption, and promoting channels for citizen oversight. Were China to take up more responsibilities for improvements in all these areas it would be assuming an important role in helping to forge a less unjust world.

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Representative vs. Direct Democracy

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Democratic theorists have identified participation as a leading characteristic of an ideal democracy. In a direct democracy, participation takes the form of deliberation: a rational discussion where all members of a population debate laws directly (rather than indirectly through elected officials), and they all have an equal chance of having their views taken into account. Ancient Athens invented this form of government: the citizens, through the assembly, council of 500, and law courts, controlled the entire political process. This was possible because Athens had a population of roughly 20,000 male citizens. With a small population, the citizens were able to gather together and debate laws directly in large open spaces. Most democracies, in today's overpopulated world, take the form of representative democracies, where elected representatives debate and pass (all or most) laws. The representatives are regarded as proxy voters, chosen by the people to vote according to their wishes, desires and best interests. This, it appears, is the only way for democracy to function in an overpopulated world.

Some framers of the *us Constitution*, as well as signatories of the *Declaration of Independence*, believed representative democracy was superior to direct democracy, because they saw a danger in majorities forcing their will on minorities. For example, James Madison¹ wrote that:

A pure democracy can admit no cure for the mischiefs of faction. A common passion or interest will be felt by a majority, and there is nothing to check the inducements to sacrifice the weaker party. Hence it is, that democracies have ever been found incompatible with personal security or the rights of property; and have, in general, been as short in their lives as they have been violent in their deaths.

And Alexander Hamilton wrote that:

Experience has proved that no position is more false than this. The ancient democracies in which the people themselves deliberated never possessed one

¹ *Federalist*, No. 10 (1787).

good feature of government. Their very character was tyranny; their figure, deformity.²

But is a representative democracy [RD] a superior form of government? Contemporary defenders of direct democracy maintain that the internet has made the whole purpose of representative democracy obsolete. Back in the 1700s, when world populations began to increase exponentially, there was no internet, no telephones, not even telegraphs. Long-distance communication was simply impossible, so the people had a very practical need to send a representative to Parliament to represent their wishes. In the US, the idea of Congress was born. Today in the US, there are 100 Senators and 435 Representatives, making 535 the total number of members of the US Congress. (One house of Congress – the House of Representatives – provides representation proportional to each state’s population, whereas the other – the Senate – provides equal representation amongst the states – 2 from each of the 50 states.) But now, it seems, the internet has dispensed with our need for them. Instant communication is available to almost everyone. A new law being proposed in Washington could be instantly read, discussed, and voted on, by people all across America, thus removing the obstacle of bringing millions of people to one place to make decisions. Why, critics of RD maintain, do Americans need someone to represent them when they can all just read and vote on the bills themselves via the internet or some other instant-message medium? Following the literature, I will refer to this proposal as an electronic direct democracy.

In what follows, I will highlight some common objections that have been raised against RDS and try to show that an electronic direct democracy [EDD], where a nation votes collectively on an issue, does not do a better job of handling most of the critical objections, when large numbers are involved in the political process.

RD Does Not Enable Meaningful Participation

RD Thwarts Deliberation among Citizens. Empirical evidence from dozens of studies shows that deliberation leads to better decision making. But the only form of participation citizens have in an RD is to punish politicians retrospectively, by voting them out of office, after years of being stuck with them running our lives. Critics maintain that this once-every-couple-years five-minute-act of choosing from a handful of people who we never meet and cannot get to know in any substantial way is not meaningful participation, and therefore does not constitute a ‘democracy’ in any proper sense of the

² Rosemarie Zagari, *The Politics of Size: Representation in the United States, 1776-1850* (Ithaca: Cornell University, 2010), p. 97.

word. It is not a 'government by the people, of the people and for the people', but a tyranny in disguise.

RD Fosters Irresponsibility and Thoughtlessness in Citizens. Critics of RD maintain, moreover, that it is elitist or condescending, because it assumes that citizens are not capable of making intelligent choices, but instead must delegate them to some elite group. By fostering a "Don't think about the most important issues in your life, let us do your thinking for you" attitude in citizens, it discourages creative thinking, causes people to lose interest in those issues, and dehumanizes them, for it is issues involving how to live that should concern us most as human beings.

Does EDD fare any better? Supporters of EDD maintain that, by enabling everyone to participate in every decision, EDD creates a strong incentive for citizens to educate and inform themselves about the important issues of the day. Since the difficult business of law-making forces them to learn how to make tough choices and compromises, citizens who participate in such decision-making will quickly abandon their simplistic prejudices and assumptions.³ Since many government decisions involve major moral dilemmas, they will develop a more nuanced moral understanding and more thoughtful personal conduct.⁴ Participation can thus help them to reach a higher state of moral maturity.⁵ In addition, the possibility of active participation would make them less dismissive of political activity, and they will know that if they do not participate on an issue, they will have no right to complain about it since they voluntarily ceded that participation.

Active participation may very well have these virtuous results; however, when millions of voters are involved, it is hardly likely that they can become aware of the best arguments out there. Moreover, it is difficult to see how a meaningful debate can get going in this case. It appears all that would change under an EDD is that people would decide to vote yes or no on regular referendums. This binary choice is hardly intellectually stimulating, and can lead to poor-quality snap decisions.

RD Gives Rise to Under-Representation

The higher the population of a RD, the greater the gap between citizens and their political leaders. In the US, for example, with a population of close to 315 million, the people are almost entirely isolated from their representatives. Article I of the Constitution of the United States describes the House of Representatives, and says that "The number of Representatives shall not exceed

³ <http://idebate.org/debatabase/debates/philosophy/house-supports-more-participatory-democracy>.

⁴ *Ibid.*

⁵ This idea is explored in greater detail in Mansbridge (1995).

one for every thirty thousand'. This Article was written into the Constitution because it was felt imperative that citizens get to know and meet with their elected officials, and discuss their problems with them. Yet today, there are already 717,000 persons per member of the U.S. House of Representatives, and that figure is growing exponentially. The result is that citizens are under-represented, in at least two ways. On the one hand, citizens become alienated from their representatives, since it is impossible, in an overpopulated region (with millions of people with a diversity of interests, ideas, temperaments, and beliefs), for a representative to get to know and talk with everyone he represents. Moreover, the political struggle that results in the victory of a candidate with, say, 51% of the votes, leads to non-representation of the remaining 49%, since they are forced to be ruled by a representative they did not vote for. This can amount to millions of people who are left without a voice in the most critical decisions affecting their lives.

At the birth of the American Republic, James Madison argued that 'the government ought to possess...the mind or sense of the people at large. The legislature ought to be the most exact transcript of the whole society'. And John Adams argued that government 'should be an exact portrait, in miniature, of the people at large, as it should think, feel, reason, and act like them'. But this can hardly be the case when 49% of the public is not represented. Such a government is 'not a miniature portrait, but a distorted image from a funhouse mirror, with some elements grotesquely exaggerated and others shrunk to invisibility' (Glutton, 2009).

Montesquieu expressed some of the problems of large Republics as follows:

It is natural for a republic to have only a small territory; otherwise it cannot long subsist. In an extensive republic there are men of large fortunes, and consequently of less moderation; there are trusts too considerable to be placed in any single subject; he has interests of his own; he soon begins to think that he may be happy and glorious, by oppressing his fellow-citizens; and that he may raise himself to grandeur on the ruins of his country. In an extensive republic the public good is sacrificed to a thousand private views; it is subordinate to exceptions, and depends on accidents. In a small one, the interest of the public is more obvious, better understood, and more within the reach of every citizen; abuses have less extent, and, of course, are less protected.⁶

Does EDD Fare Any Better? In an EDD, the problem of accessing representatives surfaces in a new way. When millions of voters are involved in the political process, how can they possibly get to know each other, or the best arguments that are produced for or against a position? Moreover, if, e.g., 51% of the population votes for a certain policy, the remaining 49% will still be

⁶ Charles de Secondat, Baron de Montesquieu, *Spirit of Laws*, Bk. 8, Ch. 16.

forced to be ruled by a policy that they did not vote for, but which has been imposed upon them by the majority. This can lead to millions of unhappy voters.

RD Pressures Citizens and Representatives to Conform to Party Platforms

Voters often find that none of the candidates (usually two) amongst whom they must choose, or none of those who stand a realistic chance of being elected, fully represent their own views *across* a set of issues, or are perfectly aligned with their views on any given issue. They are thereby often left with the unenviable choice of not voting, and thus forfeiting their democratic right, or voting for “the lesser of two evils,” and thus legitimizing a candidate who does not truly represent them. For example, in the US, we only really have two main parties: the Democrats and the Republicans. There are others, but most people don’t vote for them because they feel that it would be a wasted vote. (Although there were (and are) dozens of political parties, after the 1850s, the American political system quickly evolved into a two-party system, with the dominant political parties being the Democrats and the Republicans.) So with only two main parties, citizens must vote for one or the other. But what if a person agrees with the Democratic candidate on some issues, and the Republican candidate on others? Or what if the position of the citizen is somehow different altogether? Then they have no one to represent them, and thus cannot participate even indirectly in the political process. Limiting the choice of candidates has other unfavorable consequences on the psychology of the voter. When people grow up in a system with *limited* choices, they tend to align themselves with all the positions of the candidate they voted for, or the party the candidate belongs to. They may do this because they feel the need to be consistent, or they may feel uncomfortable supporting a politician that they didn’t agree with on several issues. So to avoid discomfort, they convince themselves that they agree with that politician on all of them.⁷ This has the adverse effect of stifling intellectual honesty and creative decision making.

Brian Glutton (2009) usefully points out several other shortcomings with a two-party system.

A Multiparty System Is More Intelligent Than a Two-Party System. “A legislative assembly is supposed to be, among other things, a sort of collective brain for society (*pace* Ayn Rand). But a two-party system distorts its habits of thinking by reducing everything to two alternatives. In fact, there are almost

⁷ <http://interissueforum.wordpress.com/2011/04/29/the-package-vote-problem-in-representative-democracy7>.

always many more than two sides to every question. An individual who realizes this, and who always looks at a problem from all sides and considers all the possibilities before making a decision, is much wiser than a person who habitually reduces any question or problem to just two alternatives. And so it is in a parliament or congress. A legislature composed of several different blocs with very different ways of thinking is a much more intelligent 'collective brain' than a two-party legislature, even if the average intelligence of its individual members is not one point higher."

A Multiparty System Widens the Range of Policy Options. A two-party system tends to freeze out certain points of view and render certain things off-limits to discussion on the grounds that they are "obviously" unthinkable, or politically impossible.

For instance, legalizing marijuana. A lot of Americans smoke marijuana regularly and occasionally get into trouble with the law for it. Marijuana offenders make up a large part of our state and federal prison populations. But how much discussion does this issue get where it counts?

In a two-party congress: A: "I'd like to introduce a bill to legalize marijuana. How do you think I should go about it?" B: "You're joking, right?" In a multi-party congress: A: "I'd like to introduce a bill to legalize marijuana. How do you think I should go about it?" B: "Well, the Libertarians will back it for sure, you don't even have to ask. Ditto with the Greens. The Constitution Party will be dead against it. So will the America First Party, and probably the Populist Party – it's a moral issue to all of them. The Republicans – well, they'll at least be open to the idea – in fact, the tobacco companies will jump at the chance to branch into a new product; but there'll be a lot of negotiation on terms and details and age limits. The Social Democrats will be for it if the new marijuana industry is adequately regulated and taxed (...). No guarantees, but it's got a shot if you push it hard enough (...)."

A Multiparty System Is More Entertaining Than a Two-Party System. "This should be obvious – wouldn't people pay more attention to politics if more different points of view were in play? Even if there were a few more charismatic extremists in it? I'm sure most of you would shudder at the thought of David Duke or Louis Farrakhan getting seats in Congress – but if they did, wouldn't that be a fascinating spectacle? Imagine Duke and Farrakhan standing up on the House floor to debate each other head-to-head!... Heck, people might actually start watching C-Span!"

A Multiparty System Produces More Coherent and Meaningful Messages. "Campaign rhetoric nowadays tends to be, well, vague. Sometimes you can hear a politician give a speech beginning to end without learning anything about his or her politics. Political ads are as imagistic and meaningless as the consultants can make them. I think one reason for all this is that, in a

two-party system, a politician can succeed only by winning support of a voting majority. If you want to get elected to Congress, you don't dare say anything which might alienate 50%+1 of the voters in your district, even if it's something you think urgently needs to be said. You make your messages innocuous and ambiguous enough to have appeal to as broad a swath of the electorate as possible, and always make the swing voters in the middle your principal target zone. ... As a voter, wouldn't you rather listen to campaign ads and speeches that really say something? Even if a lot of them make your blood boil?"

The pressure to conform to their political party is not only felt by voters but also by the representatives themselves, and has the same unwelcome effects on their psychology. Political parties are an outgrowth of representative democracy. However, such parties mean that individual representatives must compromise their own values and those of the electorate, in order to fall in line with the party platform. A representative usually does what his/her constituency wishes; failure to comply with party platforms may make one unpopular or even cost him his job.

Does EDD Fare Any Better? Though the problem of voting along party lines does not emerge in an [EDD], a related problem rears its head. Groupthink is a pervasive phenomenon, which can affect not only small but large populations. *Groupthink* happens when pressure for unanimity within a highly cohesive group overwhelms its members' desire or ability to appraise the situation realistically and consider alternative courses of action.⁸ The desire for the comfort and confidence that comes from mutual agreement and approval leads members of the group to close their eyes to negative information, to ignore warnings that the group may be mistaken, and to discount outside ideas that might contradict the thinking or the decisions of the group.⁹ Even if there are no parties that voters must choose from, the tendency to align themselves with groups remains. Groups form at the workplace, on chat sites, with close circles of friends, etc. All of us belong to a number of groups. In a classic experiment, social psychologist Solomon Asch¹⁰ demonstrated that, even if members of a group are not explicitly pressured to conform, they form a tendency to self-censor thoughts that go against the group's ideas and rationalize away conflicting evidence. In Asch's experiment, when respondents were asked why they behaved this way, some said they didn't want to seem different, even though they continued to believe their judgments were correct. Others said that although their perceptions seemed correct, the

⁸ Based on Shaw & Barry, pp. 19-20.

⁹ Ibid.

¹⁰ Asch (1955, p. 31-35).

majority couldn't be wrong. Still others said that they were not even aware that they had caved in to group pressure. From these results it is evident that groupthink can lead to irrational, sometimes disastrous decisions, which an [EDD] must condone.

Representatives Are Not So Representative

Representatives Are Disproportionately Drawn from Privileged Classes. RD often produces un-representative leaders (a small band of political elite). Professional politicians are disproportionately drawn from privileged classes and are often ignorant of the effects their policies have on ordinary people, as are the civil servants who advise them.¹¹ For example, a 2010 report showed that approximately half [261 to be exact] of the members of us Congress are millionaires. As many as 55 members had an average calculated wealth of 10 million or more in 2009. And the median wealth of a House member stood at \$765,010, while the median wealth for a senator was nearly \$2.38 million.¹² When lawmakers are rolling in that kind of cash, how can they possibly represent the interests of the people, of which 99% earn far less?

Representatives Are Prone to Corruption. Because elected officials often represent hundreds of thousands and even millions of people, and only they can vote federal laws in and out of existence, they hold a tremendous amount of concentrated power. The higher the population, the greater the degree of concentrated power. In the US, for example, a mere 535 members of the US Congress control the lives of 315 million Americans. This concentration of power poses a genuine threat to democracy, for, though it can be used to benefit the people, it can also, if placed in the wrong hands, be used to harm them. Corporations love RDs because they enable them to tap into this concentration of power. By making exorbitant donations to campaigns, they are able to get candidates elected who will pass (or vote down) bills that favor their interests, but *are detrimental to the interests of, or contrary to the will of, the people*. For example: 1) An overwhelming majority of Americans opposed the bailout of Financial Institutions in 2008. The same majority felt that government was looking out for bankers rather than taxpayers, and that crimes on Wall Street should not go unpunished. Yet government ignored the will of the people. 2) An overwhelming majority of Americans in 2010 supported the 'Public Option' in healthcare – a government sponsored health care plan like *Medicare* (that people over 65 receive) that would compete with private insurance companies. Most also thought that the government would

¹¹ <http://idebate.org/debatabase/debates/philosophy/house-supports-more-participatory-democracy>.

¹² CBS News Report (online: http://www.cbsnews.com/8301-503544_162-20023147-503544.html237).

do a better job than private industry at keeping down costs. Yet government ignored the will of the people. 3) Examples can also be drawn from local communities, especially on environmental issues, where fierce battles have been fought between local communities and non-local interest groups. Yet even local representatives have often ignored the will of the people they represent.

In all these cases, we can surmise that behind the scenes, it is lobbyists who are calling the shots. Elite influence is a systematic problem, and no matter what rules are introduced to curb their influence, they will always try to find a way around those rules to preserve their power. Citizens' political opinions are framed largely through the news media, and the media is largely controlled by corporations with political agendas. By using the media to distort a politician's platform, smear his character, expose scandals and personal failings, spread false rumors and other forms of propaganda, corporate elites are often able to overthrow candidates who will not serve their interests. Elections in a RD favor the corrupt, and corruption is not easily contained when prospects for personal gain are high. That's why the US Congress has developed the reputation for being a legislative auction house, where the highest bidder – the one who makes the greatest contribution to campaigns – is the one who will have his interests served. In these circumstances, how can a poor honest candidate possibly compete in a campaign? Often, it is only by succumbing to corruption: promising favors to powerful contributors. Bullying and buying out politicians is what lobbyists do best, and in this struggle for power, it is the elites who are often the winners. Thus, RD, critics maintain, is an inferior form of government because it merely pretends to represent the interests of the people, when in fact it serves and promotes the interests of a small band of elites whose goal it is to plunder and usurp the people.

Does EDD any Better? The concentration of power intrinsic to RD is the source of corruption. In an EDD, there is no concentration of power, hence less possibility for corruption. Given that decisions are made directly by the people, there is less scope for elites to manipulate the process by appealing to a politician's self-interest. However, the problem of media control of the public mind does not disappear. People with extreme views will tend to be strongly driven to impose their beliefs, whilst people with special interests will be prepared to go out and fight for them.¹³ Hence, the power of corporations over the public mind would not diminish. The general public tends not to care much about politics, and they rarely bother to do fact checks, hence they can be easily manipulated by various groups with their own agendas. Through the media, corporations could simply target policies directly rather than candidates. *Wherever the media is dealing with unthinking voters that*

¹³ <http://idebate.org/debatabase/debates/philosophy/house-supports-more-participatory-democracy>.

are swayed more by sound bites than by actual verbal content, it is likely to be just as effective. Hence, even an EDD leaves the door open for elites and organized interest groups who are highly active in campaigning to wield undue influence.

RD Gives Rise to Short Term Thinking

In a RD, successful politicians have to concentrate on being re-elected in the next round of elections; for instance, after a period of four years. This can result in a focus on short-term results which, while intended to prove politicians' effectiveness in their role, may be detrimental in the long term to the community they are there to serve.

Does EDD Fare any Better? The problem of short term thinking emerges in a new form in an EDD. Voters tend to be self-centered, looking after their self-interests, rather than the bigger picture of what needs doing. They often fail to think about the issues at hand in the long-term, either because they lack the technical or economic expertise to realize the long term consequences of certain proposals, or because they are unwilling to adopt any plan that entails some discomfort to them. Hence, in an EDD, voters run the risk of voting on policies that favor short term interests that may ultimately prove to be more harmful than beneficial. NIMBYISM ("Not in my back yard" thinking) is an example of this, where voters avoid making personal sacrifices in "their own back yard" even if the sacrifices advance the common good. This is a problem because there are many policies that are painful and unpopular in the short term but essential in the long run. For example, hardly anyone wants wind-turbines in their neighborhood, though they may be necessary to decrease carbon emissions.

Moreover, the broad base of voters in an EDD cannot be held accountable for any bad decisions they collectively make. Most social psychologists believe that an individual's sense of personal responsibility is inversely proportional to the number of participants involved in the episode. The greater the population in an EDD, the weaker the sense of responsibility for anything that goes wrong.

Representatives Often Lack the Knowledge Needed to Govern Well. Elected representatives are not necessarily the most intelligent, creative, or informed individuals. They are not necessarily able to properly identify the most important problems, or to come up with the best solutions. In the US, the only criterion that a candidate for president must meet is that he be a natural born citizen, a resident of the US for at least 14 years, and at least 35 years old. The only criterion that a candidate for the House must meet is that he be a resident of the US for at least 7 years and be at least 25 years old.

The only criterion that a candidate for the Senate must meet is that he be a resident of the US for at least 9 years and at least 30 years old. With so few requirements, it should not be surprising that members of Congress are often devoid of the kind of expertise – both technical and, if we follow Plato, moral – that is needed to govern well. For example, they often fail to understand how the banking system really works. They often approve or reject Bills without careful study or skeptical scrutiny, as indicated by the fact that they are often unable to answer questions by reporters concerning their content (a case in point is the Health Care Reform Bill). Why, then, one may wonder, are they any more qualified to vote on these Bills than ordinary citizens?

Does EDD Fare any Better? Critics maintain that this is an even bigger problem for an EDD. Many citizens are happy to shift the burden of decision-making to a small group of what should be well-informed leaders, because they simply do not have the time or the inclination to put in the high level of involvement direct democracy requires. (In Ancient Athens alone, where life was far less complex than it is today, citizens debated laws almost on a weekly basis.) The reason so many of us are comfortable delegating powers to politicians is that we want to have a say in government and still be free to get on with our lives.¹⁴ Think about it: how many people actually have time, on top of all the other things they have to do, to attend weekly meetings and committees, research technical policy details, and then go out and vote on issues on what is likely to be a weekly basis?¹⁵ EDD assumes that all people should be treated equally in terms of governing power. But should they? After all, they often vote according to what serves their private interests, not the public good. They often make poor quality spur-of-the-moment decisions, driven by emotions like anger, fear and hatred. And not only do most people lack the time, but also the expertise, to make sound decisions. Farmers, e.g., know next to nothing about health policy, doctors know next to nothing about farming, the general public knows very little about public policy (except that they hate high taxes and like their buses on time), and still less about economics. And even if they are intelligent and informed enough to understand an issue in isolation, they rarely understand the complex relationship it shares with other issues.¹⁶ To take a simple example, in 1978 Californians passed a law making it almost impossible to raise taxes, and in 1994 they passed the “Three Strikes Law” that tripled their prison population. Passing these laws had a draining effect on their economy: they just didn’t connect the fact that if they were going to lock up more people for life, they would need higher taxes.

¹⁴ <http://idebate.org/debatabase/debates/philosophy/house-supports-more-participatory-democracy>.

¹⁵ Ibid.

¹⁶ Ibid.

RD Gives Rise to Gridlock

Often representatives – especially in 2-party systems – cannot achieve a consensus and wind up holding each other hostage or shutting down the government. In these cases, the compromises they come up with often fail to achieve any genuine changes.

For example, in Nov of 2010, a battle raged in US Congress over the expiration of the Bush tax cuts. Speaker of the House John Boehner and the Republican Party threatened to stop unemployment benefits to an estimated 2 million people [State employer taxes paid for the first 26 weeks; a federal program funded most of the benefits in weeks 27 to 99] unless the Bush tax cuts, which were set to expire on Dec 31 of 2010, were extended, not only to individuals making under \$200,000 (\$250,000 for joint filers), but to those making over \$200,000 (\$250,000 for joint filers) as well. Eventually, Republicans got their way for 2 years.

In more extreme cases where a compromise can't be reached, government can shut down until a compromise is reached and the President signs the Bill that is sent to him. During a shutdown, the government lacks the legal authority to spend money on non-essential services.¹⁷ Under a shutdown, most functions of government – from funding agencies to paying out small business or home loans and processing passport requests – grind to a halt. But some services, like Social Security, air traffic control and active military pay, continue to be funded. And, of course, Congress still gets paid (thanks to the 27th amendment to the Constitution ratified in 1992). Most of the 3.3 million government workers deemed “essential” – employees necessary to protect public health, safety or property – keep working. But more than 800,000 government employees could sit at home, according to a CNN analysis.

Government shutdowns can have adverse effects on the economy. How bad the effects are will depend, of course, on how long the shutdown lasts. The firm of Brian Kessler, economist with Moody's Analytics, estimated that a 3-4 week shutdown would cost the economy about \$55 billion.

Under the US Constitution, Congress must pass laws to spend money (i.e., fund the government). That is its key duty. If Congress can't agree on a spending bill – or if, as in the case of the Clinton-era shutdowns, the president vetoes it – the government does not have the legal authority to spend money. Republicans and Democrats couldn't agree on a spending bill as they

¹⁷ The facts in this discussion are based on a CNN News Report (online: <http://www.cnn.com/2013/09/30/politics/government-shutdown-up-to-speed/index.html>) and USA Today News Report (online: <http://www.usatoday.com/story/news/politics/2013/09/29/questions-and-answers-about-the-shutdown/2888419/>).

wrangled over Obamacare (Affordable Care Act). The Republican-controlled House had passed a spending bill that maintained spending levels but would not provide funding to implement Obamacare. The Democratic-controlled Senate insisted that the program had to be fully funded as Obamacare required all Americans to have health insurance. Republicans thought it would hurt employers and so amount to overreach by the federal government. Some Republicans also criticized the medical device tax that's part of Obamacare, saying that by imposing such a tax, it's basically sending jobs overseas. Democrats maintained that the law would expand access to health care and help rein in the rising costs of coverage. Obamacare also prevented those with pre-existing medical conditions from being denied health insurance. Senate Democrats who control the Senate consistently said that any changes to Obamacare would be a deal-killer, yet Republicans continued to insist on changes. So we came to a situation where government was shut down in its failure to function.

Does EDD Fare Any Better? This problem may be just as serious in an EDD if the votes are close enough and a majority vote is needed.

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Living Wages and Economic Justice: Whose Responsibility?

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The Concept of Living Wages and Some Challenges to It¹

For over a century, the concept of a *living wage* has been central to Catholic Social Thought (CST). The central function of the concept of a living wage has been to set a minimal benchmark for just, non-exploitative terms of labor. In this way, the idea of living wages is a rejection of what we might call the “pure contract” view of labor agreements, which was widespread in much of Europe and America in the 19th century. Writing in 1891, Leo XIII summarized the “pure contract” view as follows:

Wages, we are told, are fixed by free consent; and therefore, the employer when he pays what was agreed upon has done his part, and is not called upon for anything further. The only way, it is said, in which injustice could happen would be if the master refused to pay the whole of the wages, or the workman would not complete the work undertaken.²

Rejecting the pure contract view, Leo XIII insisted that there are certain substantive, minimal standards for fair terms of labor, including the standard of living wages:

Let it be granted, then, that, as a rule, workman and employer should make free agreements, and in particular should freely agree as to wages; nevertheless there is a dictate of nature more imperious and more ancient than any bargain between man and man, that the remuneration must be enough to support the wage earner in reasonable and frugal comfort. If through necessity or fear of a worse evil, the workman accepts harder conditions because an employer or contractor will give him no better, he is the victim of force and injustice.³

¹ Sections of this paper are taken from my essay “Labor Exploitation, Living Wages, and Global Justice: An Aristotelian Account,” forthcoming in the *Journal of Catholic Social Thought*.

² *Rerum Novarum*, sec. 34. In *Catholic Social Thought: The Documentary Heritage*, eds. David J. O’Brien and Thomas A. Shannon (Maryknoll, New York: Orbis, 1992), 31.

³ *Ibid.* Although Leo XIII does not use the phrase “living wages,” the concept is clearly present. In the years following *Rerum Novarum*, there has been a consistent affirmation of the concept

Writing 90 years later, John Paul II insisted that just wages are a benchmark not only for individual relations between workers and employers, but the whole socioeconomic system:

It should be noted that the justice of a socioeconomic system and, in each case, its just functioning, deserve in the final analysis to be evaluated by the way in which man's work is properly remunerated in the system... In every system, regardless of the fundamental relationships within it between capital and labor, wages, that is to say remuneration for work, are still a practice whereby the vast majority of people can have access to those goods which are intended for common use: both the goods of nature and manufactured goods. Both kinds of goods become accessible to the worker through the wage which he receives as remuneration for his work. Hence in every case a just wage is the concrete means of verifying the justice of the whole socioeconomic system and, in any case, of checking that it is functioning justly. It is not the only means of checking, but it is a particularly important one and in a sense the key means.⁴

Nowadays, demands for living wages are associated with those considered well to the left of center on the political spectrum. But this was not always so. For many radicals of the 19th and early 20th centuries, the problem was not low wages but the wage system itself. Thus Marx says in the Paris manuscripts of 1844 that a “*forcing-up of wages*” would be “nothing but *better payment for the slave*, and would not conquer either for the worker or for their labour their human status and dignity.”⁵ And in her autobiography *The Long Loneliness*, Dorothy Day notes leftist opposition to the wage system. Describing a protest march in Washington in the early 1930s, Day says: “The demands of the marchers were for social legislation, for unemployment insurance, for old-age pensions, for relief for mothers and children, for work. I remember seeing one banner on which was inscribed, “Work, not wages,” a mysterious slogan having to do with man's dignity, his ownership and responsibility for the means of production.”⁶ Later in her book, Day explains that her friend and fellow Catholic worker, Peter Maurin, approved of the slogan: “‘Work, not wages’. That was an I.W.W. slogan and a Communist slogan too, and Peter like it... Packed in that one tight little phrase is all the dynamite of revolution. Men wanted work more than they wanted bread, and they wanted to be responsible for their work, which meant ownership.”⁷ Seen in this context,

of living wages in the primary documents of CST. *Mater et Magistra* (sec. 71), *Pacem in Terris* (sec. 20), *Gaudium et Spes* (sec. 67), *Populorum Progressio* (sec. 59), *Laborem Exercens* (sec. 19), *Centesimus Annus* (sec. 8).

⁴ *Laborem Exercens*. A living wage is designed to identify a *minimal threshold* for just wage – but justice might require a more demanding standard than this minimum.

⁵ Marx, “Estranged Labour,” in *The Marx-Engels Reader*, 2nd edition. Ed. Robert Tucker (New York: Norton, 1978), 80.

⁶ Dorothy Day, *The Long Loneliness* (New York: Harper Collins, 1980), 166.

⁷ *Ibid.*, 226.

the idea of living wages appears as a *conservative* way of making peace with the industrial capitalist, wage-based order, in contrast to revolutionary calls to overturn it.⁸

More recently, the idea of living wages has fallen out of favor even with those who seek to tame the capitalist order, rather than oppose it outright. A prime example here is John Rawls, in *Theory of Justice*, Rawls argues that wages should be left to the market. However, Rawls recognizes that “There is with reason strong objection to the competitive determination of total income, since this ignores the claims of need and appropriate standard of life.” Rawls’ proposed strategy, then, is to allow wages to be set by the market, while embedding the labor market itself in a larger political economy that includes a branch of government responsible for *transfers*. The task of the transfer branch is to secure a guaranteed social minimum for all members of society. So while workers might not receive wages from their employers that are adequate for a decent life, other provisions of a social democracy make up for what is lacking in wages to enable the workers to meet their basic needs.⁹

Of course, a guaranteed social minimum such as Rawls’ envisioned has not really materialized in the United States in the decades since *Theory*. Moreover, hundreds of millions of workers in the *global economy* are part of economic networks that are not subsumed under a unified political order, so the whole idea of a “transfer branch” does apply in their case. The global labor market is simply not embedded in a unified political economy with transfers to guarantee a minimum for workers at risk of being exploited.¹⁰

For these reasons, it is perhaps not surprising that the idea of *living wages* continues to be important to those seeking a more just economy. For instance, in September of 2013, the city council of Washington D.C. passed the Large Retailer Accountability Act. *The Washington Post* explains that the Act:

would require retailers with corporate sales of \$1 billion or more and operating District stores of at least 75,000 square feet to pay their employees a “living wage” – no less than \$12.50 an hour in combined wages and benefits. The pro-

⁸ For a historical account of the movement for living wages in the United States, see Lawrence B. Gluckman *A Living Wage: American Workers and the Making of Consumer Society* (Ithaca, NY: Cornell University Press). For additional background on 19th century debates about wages, contracts, and labor; see Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation* (Cambridge, UK: Cambridge University Press).

⁹ John Rawls, *A Theory of Justice*, sec. 43, “Background Institutions for Distributive Justice,” esp. 274-277 (Cambridge, MA: Harvard University Press, 1971).

¹⁰ This is not to deny, of course, that there are political and economic structures that shape the global economy. Nor is it to deny that those structures can be evaluated according to standards of justice. For one very influential approach, see Thomas Pogge, *World Poverty and Human Rights*, 2nd edition (Cambridge, UK: Polity Press, 2008).

posal includes an exception for employers who collectively bargain with their employees, and existing employers have four years to come into compliance under the law. The city's existing minimum wage is \$8.25 an hour. The bill would raise the annual earnings of a full-time employee making the lowest legally permissible wage from about \$17,000 to \$26,000.¹¹

The Bill's primary target, it seems, is Walmart, who has announced plans to open as many six new stores in D.C. in the near future.

However, recent events in Washington D.C. illustrate not only the continued appeal of living wages, but also persistent challenges to the relevance of the concept. After being passed by the city council, the Large Retailer Accountability Act was vetoed by D.C. Mayor Vincent Gray. In an open letter explaining his veto, the Mayor began by saying, "I strongly believe that all District residents should earn a living wage." However, he went on to make a number of claims against the bill, including: "The bill is a job-killer, because nearly every large retailer now considering opening a store in the District has indicated that they will not come here or expand here if this bill becomes law. The Deputy Major for Planning and Economic Development has estimated that, should the bill take effect, it will cause the loss of *more than 4,000 District jobs in just the first few years alone.*"¹² The mayor's worry – that forcing companies to pay living wages will merely result in the loss of jobs – is closely related to a complaint against living wages that is often made by businesses themselves. The complaint is as follows: "If a firm elects to pay living wages, this firm will not remain competitive with firms that pay lower wages, so a firm that pays living wages cannot remain in business. But a firm can't be reasonably expected to adopt a practice that will put it out of business. And in any case if the firm goes under, the living wage jobs will disappear with it. So a firm cannot reasonably be expected to comply with the requirement to pay living wages." Call this the *demands-of-business objection* to living wages.

What the mayor's worry implies, and the demands-of-business objection makes explicit, is the idea that firms operate in circumstances of competition that *constrain* how they can reasonably and effectively compensate their workers. And these constraints (it is said) prohibit living wages. Thus we are left in a situation in which policy-makers and businesses alike can affirm the desirability of living wages, but the idea comes to seem impossible to implement. Living wages are not *practicable*: strategies based in the idea of living wages will not achieve desirable goals, or will do more harm than good. And it is unreasonable to demand of any firm in particular that they pay living

¹¹ washingtonpost.com. Sept. 12, 2013.

¹² Vincent Gray. Letter to Phil Mendelson, Chairman of the Council of the District of Columbia. Sept. 12, 2013.

wages: there is no one in particular who can be held *responsible* for paying living wages.

For those committed to the relevance of living wages in debates about justice, I think it is crucial to address this challenge – or set of challenges – that threatens to sideline the concept. This requires doing at least two things: 1) thinking clearly about the concept of *background conditions*, and 2) articulating a notion of *responsibility* that is appropriate to background conditions, and that allows us to answer the question: Who is responsible for protecting workers from less-than-living wage exploitation, and how is this responsibility discharged?

Living Wages, Background Conditions, and Responsibility

As developed in CST, the concept of living wages applies chiefly to a situation with the following features: 1) terms of labor are arrived at through bargaining between workers and employers in a labor market, 2) workers depend upon their wages for securing the means of life, 3) each worker has one principal source of employment.¹³ Unjust exploitation occurs when the following conditions also hold: 1) employers benefit from the labor of their workers, 2) employers drive such a *hard bargain* that workers are required to accept wages inadequate to secure basic flourishing, 3) it would be possible for different terms of employment to be somehow reached, such that this deprivation would not be required of the workers, 4) the employers refuse to offer these better terms, even though such terms would not require the employers to sacrifice their own means of flourishing.

In this situation, it is comparatively easy to support the charge of unjust exploitation. For in this arrangement, a benefit to the well-off (=employers) beyond what necessary for a flourishing life, is being allowed to trump the claims of need by the bad-off (=workers) whose basic flourishing is being seriously compromised. Thus the bad-off are being treated as if their basic flourishing does not have equal significance to the basic flourishing of the well-off. For if it did count equally, then the terms of the agreement should be altered so that the bad-off might also enjoy things necessary for basic

¹³ The third criteria might seem to exclude from consideration an important class of exploited workers – those who must have multiple sources of employment to make ends meet. At least, the concept of living wages might be helpful to describe the situation of such workers. For instance, often people must work multiple jobs because *none* of those jobs pays a living wage. Having said that, however, it still seems that describing the situation of workers with multiple jobs, or part-time workers, requires additional reflection. Among other things, it is likely that their situation is described as involving forms of injustice other than exploitation – e.g. marginalization.

flourishing –including living wages. By pressing for terms that do not treat the basic flourishing of the workers as equally significant to their own, the employers fail to show proper respect for their workers.

However, the demands-of-business objection claims that this is not really the situation in which workers and firms find themselves. For the objection supposes that offering better terms is not possible, insofar as it will make the firm uncompetitive and drive the firm out of business (at least in the long run). So while the arrangements may be exploitative, they are “forced” upon employers by the larger economic environment in which firms must operate.¹⁴

Thus the demands-of-business objection implies that there has been an erosion of the *background conditions* necessary to secure workers against being forced to accept objectionable terms of labor. In the scenario described by the demands-of-business objection, the exploited workers do not have *effective agency* over the bargaining process to secure terms that provide them with living wages. For if the workers did have effective agency, they would secure for themselves compensation adequate for basic flourishing. And in that case, a firm would not be able to out-compete other firms by paying less than living wages. Thus the demands-of-business objection thus supposes a situation in which 1) wages are fixed by bargaining, but 2) the circumstances of bargaining are *defective*, in view of the need to protect workers from less-than-living wage labor exploitation.

The fact that the background conditions for acceptable bargaining have been eroded is significant. For there is an element of truth in the demands-of-business objection. In circumstances where workers do not have effective agency over the bargaining process, a burden is placed on employers that *do* want to pay living wages – a firm’s efforts to respect the basic flourishing of workers may drive it out of business. And not only is this a burden on the firm, but it makes paying living wages a self-defeating effort, because if the firm fails, its workers will lose those jobs with living wages.

However, the lesson to be drawn is *not* that it is simply acceptable for employers to press for arrangements that compromise basic flourishing. Nor is the lesson that such lamentable situations are a hard fact of economic

¹⁴ Another response to the demands-of-business objection is to question the empirical claim in its first premise. Is it really true that global firms will be driven out of business by paying higher wages to their workers whose current compensation is inadequate for even basic flourishing? To cast a little doubt on the idea that markets are so competitive that there is no “wigggle room” to provide higher wages for the worst off workers, considering the following: For the US in 2011, the pay ratio of CEOs to typical workers was around 230:1. For details, see the information provided by the Economic Policy Institute: <http://www.epi.org/publication/ib331-ceo-pay-top-1-percent/>. For a helpful summary of data on income and wealth inequality in the US, see Joseph Stiglitz, *The Price of Inequality* (New York: Norton, 2012), especially chapter 1.

reality. Rather, what the objection reveals is that *if* terms of labor are to be determined by bargaining, there is need for mechanisms to maintain acceptable circumstances of bargaining. For only then can workers be protected against hard bargaining that denies them living wages. And once acceptable background conditions have been eroded, it will be difficult for the situation to be remedied by firms acting on their own, since efforts of individual firms to pay living wages will be rendered ineffectual by the circumstances. Thus the grain of truth in the demands-of-business objection is not that demands for living wages are unsupportable or economically naïve. Rather the point is that responding to these legitimate demands may require structural solutions beyond what is feasible for firms acting on their own, and public policy solutions beyond simply demanding that (some) firms pay closer-to-living wages.

More generally, the lesson is this: If we are concerned about living wages and exploitation, and if terms of labor are to be set through bargaining, then we must also be concerned about the *circumstances* of bargaining, and the background conditions of society that shape those circumstances. Exploitative labor agreements arise, paradigmatically, because the weaker parties cannot effectively influence the result of the bargaining process, and they have no better options. Thus if a process of bargaining is not to be liable to result in exploitation, the respective positions of the bargaining parties must be such that both parties have *effective agency* over the bargaining process, so that they are not forced to accept exploitative terms. Effective agency will usually require such things as: multiple options of potential bargaining partners, a non-monopolitistic initial distribution of resources and skills, and an understanding of the relative strength of one's own bargaining position. I will not attempt to give necessary and sufficient conditions for effective agency over the bargaining process. My point is simply that *if* we are concerned about living wages, and *if* terms of labor are fixed by bargaining, then we must also be concerned that the circumstances of bargaining provide each party a minimal level of control over the outcome. For only in such circumstances can the parties reliably protect themselves against exploitation.

Of course, securing acceptable circumstances of bargaining requires a higher-level of social and political structures that will shape the "free market." These higher-level structures are required *for the sake of economic justice*, since a situation of labor bargaining in which the parties lack effective agency is a situation in which the parties are not protected against exploitation, and it is thereby objectionable from the viewpoint of justice.

So that is my first point: that proponents of living wages must do a better job of connecting their claims to the concept of *background conditions*. Such a move is already present, in a small way, in some of the primary documents of CST. We find the basic idea, for instance, in *Centesimus Annus*. Com-

menting on *Rerum Novarum*, John Paul II reaffirms the right to living wages and he makes it clear that securing this right requires state regulation of the background conditions for bargaining over terms of labor:

There is certainly a legitimate sphere of autonomy in economic life which the state should not enter. The state, however, has the task of determining the juridical framework within which economic affairs are to be conducted, and thus of safeguarding the prerequisites of a free economy, which presumes a certain equality between the parties, such that one party would not be so powerful as practically to reduce the other to subservience.¹⁵

My second point is related to the first: If the concept of living wages requires more sophisticated thinking about justice in background conditions, it also requires a concept of *responsibility* that will address background conditions and enable us not to lose our way when it comes to the *who* and the *how* of responsibility for living wages. One promising candidate for such a concept is the “social-connection model” of responsibility developed by Iris Young in her book *Responsibility for Justice*. Young contrasts her social-connection model with the *liability* model of responsibility. The liability model focuses on a particular action and its unique relation to a harm caused. It “assigns responsibility to particular agents whose actions can be shown to be causally connected to the circumstances for which responsibility is sought.”¹⁶ In contrast, the social-connection model is 1) *Not isolating*. The goal is not to determine who did it, where that lets others off the hook for not doing it; 2) *Applied to background conditions*. It applies paradigmatically to problems in cases of rule-following rather than rule-breaking, 3) *More forward-looking than backward-looking*: “The point is not to compensate for the past, but for all who contribute to processes producing unjust outcomes to work to transform those processes.”¹⁷ 4) A kind of *shared responsibility*, and 5) *Discharged only through collective action*, whose target is social processes and institutions: “Our forward-looking responsibility consists in changing the institutions and processes so that their outcomes will be less unjust. No one of us can do this on our own.”¹⁸ For Young, this responsibility is *political* responsibility and fulfilling it requires *political* action, but in a broad sense:

Politics in this sense often includes government action, but it is not reducible to it... It is often true that the best or only way for social actors to organize collective action to redress injustice is by means of state institutions. However, we ought to view the coercive and bureaucratic institutions of government as mediated instruments for the coordinated action of those who share respon-

¹⁵ *Centesimus Annus*, sec. 15.

¹⁶ Iris Marion Young, *Responsibility for Justice* (Oxford, UK: Oxford University Press: 2011), 97.

¹⁷ *Ibid.*, 109.

¹⁸ *Ibid.*, 11.

sibility for structures, rather than as distinct actors independent of us... Those who share responsibility for structural injustice may also find ways of making social change, moreover, through collective action in civil society independent of or as a supplement to state policies and programs.¹⁹

Young does not think these two kinds of responsibility are in conflict. Rather, each is appropriate to different kinds of (in)justice. Whereas liability fits justice in criminal and tort law, social-connection is tailored to address instances of *structural injustice*. The defining feature of structural injustice is that there is an unjust outcome produced by the actions of many people, within institutional rules and according to established practices, but (typically) not intended by them or attributable to any person or group in particular. With cases of structural injustice, we cannot disentangle the processes and actions to say “who caused what,” since the causes of the outcomes are so complicated and intertwined. Moreover, people acting within the systems that generate unjust results might have no ill-will or (directly) blameworthy intentions. For these reasons, the liability model of responsibility is not applicable to structural injustice, but the social-connection model is.

Since the social-connection model explicitly focuses on background conditions, Young’s account seems a promising place to start for developing a theory of responsibility for living wages. In outline, the idea would be that there is a substantively unjust outcome – namely, a labor market in which workers’ are in a position of vulnerability to less-than-living wages. Responsibility for securing conditions to protect workers from such vulnerability belongs to *everyone* involved in the social processes that generate that outcome – including exploited workers. The *requirement* of that responsibility is *collective action* to produce *structural changes in background conditions* to protect workers from vulnerability to less-than-living wages.

Of course, this is only the basic idea, and it leaves open all the hard work of saying how best this can be done. In conclusion, I want to raise a few questions about how such collective, political responsibility should be understood.

To begin, it is clear that on Young’s model, action for living wages ought to be collective, rather than individual. But how collective is collective enough? Let us return to the case of Walmart. Suppose that I learn about Walmart’s low-wages, both in America and abroad. In the name of living wages, I might resolve: “I refuse to shop at Walmart, even if I must pay more elsewhere.” However well-intentioned this may be, it is clearly insufficient (perhaps even misguided) by the lights of Young’s theory. For altering my personal shopping habits does not amount to *collective action* with other people. Not only are there not enough people involved, but the action is not *communicative*

¹⁹ Ibid., 112.

in the right way; it is private and personal. Perhaps, then, a better course of action is supporting a wage law like the one proposed in D.C. This raises further questions: If I support the wage law, e.g. by voting and canvassing, is it then OK if I shop at Walmart, or must I *also* refuse to shop at Walmart? Does the answer to this question depend on my income? Is it OK if I choose to *work* at Walmart? Does the answer to that question depend on whether I have a well-compensated job in upper management or a job stocking the shelves for poverty wages?

In any case, it seems that even laws like the Large Retailer Accountability Act are not sufficient as collective actions, and possibly not “collective enough.” For as we have seen, there are challenges to such laws on grounds of practicability, and those challenges are based in structural factors “around” and “beyond” any particular law – including institutions and processes at the regional, state, national, and even global level. It is not hard to see how one can quickly climb the ladder of higher and higher orders of regulatory structures, in the search for the right *level* at which truly effective change must take place. Must collective action, then, take place only at the highest or most comprehensive levels? Perhaps that is the revolutionary idea: structures and background conditions are the problem, but that sort of problem must be solved all at once, not piecemeal. Discharging our responsibility, then, requires revolution, or something close to it. I am not sure what Young would say to this, or what we should say.

A second set of questions relates to whether or not *shared* responsibility is also *equal* responsibility. Of shared responsibility, Young writes:

Shared responsibility...is a personal responsibility for outcomes or the risks of harmful outcomes, produced by a group of persons. Each is personally responsible for the outcome in a partial way, since he or she alone does not produce the outcomes; the specific part that each plays in producing the outcome cannot be isolated and identified, however, and thus the responsibility is essentially shared.²⁰

Consider now a fact cited in *The Price of Inequality*, by Nobel Prize winning economist Joseph Stiglitz: “the six heirs to the Wal-Mart empire command wealth of \$69.7 billion, which is equivalent to the wealth of the entire bottom 30 percent of U.S. society.”²¹ Assuming that the Waltons have “played by the rules” and are not *liable* for *specific* injustices, it seems that they are, for Young, *responsible* for the injustice of living wages *in just the same way* as

²⁰ Young, 110

²¹ Joseph Stiglitz, *The Price of Inequality* (Norton: 2012), 8. I think we may safely assume that some, perhaps many, of the *employees* of Walmart fall into that bottom 30 percent.

those who stock the shelves at Walmart.²² This strikes me as an odd thing to say. Aren't those who are privileged by unjust structures *more* responsible for changing them, or responsible in a different way from those disadvantaged by the structures? In saying this, am I too attached to a liability model of injustice, and not thinking "structurally enough?" Or perhaps the Waltons are responsible in the same way, but what discharging that responsibility entails is different, in concrete terms, for the Waltons and the shelf-stocker. Something like this seems to be Young's idea, and she offers a few suggestions for "Parameters of Reasoning about Responsibility," including "power," "privilege," and "collective ability."²³

There is, of course, much more work to be done on these issues. (And I do not mean *merely academic* work). My goal here has simply been to identify some sources of resistance to living wages, and to suggest ways forward for overcoming this resistance.²⁴

²² In the case of the Wal-Mart corporation (setting aside the Waltons themselves) it would be wrong, in fact, to assume a lack of liability for specific injustices. On bribery, intimidation, and corruption in Wal-Mart's activities in Mexico, see the excellent reporting by David Barstow and Alejandra Xanic von Bertrab in their *New York Times* article "The Bribery Aisle: How Wal-Mart Got its Way in Mexico." Published 17 December 2012. Accessed at: http://www.nytimes.com/2012/12/18/business/walmart-bribes-teotihuacan.html?_r=0.

²³ Young, *Responsibility for Justice*, 142-151.

²⁴ In January 2014, months after this paper was written, Washington D.C.'s mayor Vincent Gray signed into a law a different bill providing for staggered increases to the city's minimum wage.



Conclusion



Justice and Responsibility in the Face of Global Inequality and Corruption

JOHN P. HOGAN

The linkage of justice and responsibility formed the background for the 2011 and 2013 editions of the International Seminar sponsored by the Council for Research in Values and Philosophy (RVP) and directed by professor João Vila-Chã, of the Pontifical Gregorian University in Rome. Scholars from around the world arrived in Washington DC with questions and reflections on the troubling aspects of the growing global inequality and its ensuing violence, as well as the promise, preciously held, in the willingness and responsibility to work for the common good of our planet. A listing of recent concerns can be at best, daunting, at worst paralyzing. Just one current example, global migration illustrates this point. On the one hand, Europe faces its largest refugee crisis since World War II; massive, unprecedented numbers of immigrants and refugees are flooding in. Yet, EU countries seem incapable of designing a united policy to deal with the crisis. On the other hand, the U.S., the land of immigrants, likewise lacks a coherent comprehensive immigration policy. This lack of responsibility, in the face of global migration, serves to fan the xenophobic fires of fear and even hatred of the “other.” In spite of some measurable progress in the sphere of development, and some modest but real gains in accomplishing the UN’s “millennium development goals,” bad policy, corruption, and war are driving millions of people to risk their lives and their children’s lives in search of a better and more secure way of life. Oppression, war, poverty, underdevelopment, and enormous economic inequality are the driving forces behind this mass migration.

Meanwhile, the inequality gap grows. About one percent of the world’s population dominates almost half of the wealth in the world. With opulence and wastefulness often next door to one another, more than two billion people languish in poverty, and approximately a billion people are dying from hunger.¹ By some estimates, in the U.S., a so-called country of opportunity, the

¹ Anthony Annett, “The Next Step: How *Laudato Si’* Extends Catholic Social Thought,” *America*, 142/13 (August 14, 2015), p. 19.

top one-tenth of one percent owns almost as much wealth as the bottom 90 percent. Almost 20 percent of children in the U.S. live in poverty; the number of poor African-American children is much higher. Daily, we seem to become a more plutocratic, oligarchic, and income-segregated country.

Here in the U.S., many other areas of public policy seem trapped under the weight of this inequality: recent racial unrest due to the killing of unarmed African-Americans by police; the massive incarceration of Black and Latino young males; the virtual control of national politics by big, anonymous donors; the suppression of unions and workers' rights; the ongoing well-financed campaigns against the Affordable Health Care Act; the failure to pass comprehensive immigration reform and sensible gun-control laws; and economic and racial gerrymandering in concert with the dramatic weakening of our Voting Rights laws. Add to this list climate change and environmental degradation, and the potential for global disaster looms large. Why the failure to face responsibility? Why the failures in national and global public policy? Many years ago, the philosopher-theologian, Bernard Lonergan offered clear insight into these "whys."

...the flight from understanding blocks the insights that concrete situations demand. There follow unintelligent policies and inept courses of action. The situation deteriorates to demand still further insights and, as they are blocked, policies become more unintelligent and action more inept. What is worse, the deteriorating situation seems to provide the uncritical, biased mind with factual evidence in which the bias is claimed to be verified. So in ever increasing measure intelligence comes to be regarded as irrelevant to practical living. Human activity settles down to a decadent routine, and initiative becomes the privilege of violence.²

Indeed, Lonergan was prophetic. His comments capture, almost perfectly, today's shortcomings concerning global and national social justice and public policy. The "flight" he described is not only from understanding but also from responsibility. In many ways it appears that participation in government and public policy – active citizenship – has been diminished. We have not yet absorbed the full impact of the digital world or social media. Too often, citizens give up or forget their rights and responsibilities. As a large part of the current election campaign in the U.S. appears to indicate, special interests and ideology trump the hard work of examining facts, seeking truth, and making responsible decisions. Partisanship beats out the common good. Too often, it seems, would-be voters would rather be entertained than informed.

As we can see in the present volume, the search for justice and responsibility can draw on much support from our philosophical and religious tra-

² Bernard J. F. Lonergan, *Insight: A Study of Human Intelligence* (New York: Philosophical Library, 1970), p. xiv.

ditions, both East and West. However, those traditions have constantly had to wrestle with the undermining corruption that erodes the common good. For example, culturally and historically, in ancient Egypt the pharaoh owned everything and everyone. All power descended from above and all were enslaved. However, what once may have been gifts expressing gratitude to the leader for benefits or permissions granted came to be exploitative requirements for any permit, in short, bribes. This same procedure has a long history, many cultural incarnations, and still flourishes. It is clear whether pharaoh, emperor, king, or dictator, absolute power in human hands, leads to corruption, and in the end to revolution.

Hence, for modern times this type of hierarchy has been eliminated; all are, in theory at least, equal, and authority is delegated to elected leaders. Nonetheless, modernity is still deeply marked by individualism and egoism that again leads to abuses of public power, that is, to corruption. Corruption then becomes incorporated into the structures of society. This saps the peoples' sense of justice and responsibility and the willingness to work for the common good. Thus, democracy is undermined.

The concepts of Justice and Social Justice, "where each person gets his/her due" have played prominent roles in the development of philosophy in the West, from Plato and Aristotle, Augustine, Thomas Aquinas, Locke, Rousseau, Kant, and down to the present. The recent tradition is perhaps most notably manifest in the huge legacy of John Rawls, and his numerous interpreters. Rawls' position of "justice as fairness (...) conveys the idea that the principles of justice are agreed to in an initial situation that is fair."³ His classic work returns to the tradition of the social contract of the seventeenth and eighteenth centuries. He posits an imaginary "focus group." If you bring together a group of free and rational persons with the task of forming a just and equal society, what principles would they choose to guide their basic political and social institutions? The group's agenda for this imaginary "original position" would be to establish principles for fairness and justice in order to govern a society. However, in Rawls' approach, a crucial element is his "veil of Ignorance." Participants in the group are kept ignorant of all personal, social, religious, and historical characteristics of each other. Nonetheless, the goal of the group is to distribute, fairly and equally, liberty, opportunity, and income. The only inequality tolerated would be that necessary to help the disadvantaged members of society. In spite of some real limits, this approach has proven a wellspring for American political theory as well as philosophy and social ethics.

³ John Rawls, *A Theory of Justice* (Cambridge: Belknap Press, 1971), p. 12.

While the discussions on justice in philosophy have been copious, systematic handling of responsibility has been much leaner; Levinas being the exception. Perhaps, in the U.S., at least, this is due, in part, to Rawls' influence. Although some philosophers have recently sought to make the connection between justice and responsibility, Rawls' approach might be a hindrance. The classical connection between justice and virtue might be obscured by his "veil of ignorance." Nonetheless, some recent efforts have taken up this task. Here I would mention just two that played significant roles in our discussions; Iris Marion Young and her "social connection model" that links justice and responsibility, while focusing on inequality in the U.S., and around the world, and François Raffoul, whose approach plays down the sovereign subject having control and power and concentrates on responsibility being about exposure to an event that comes from outside and calls out to us for response.⁴

The word responsibility is used in many different ways. We use it to say, "we are responsible," meaning the transcendental imperative of moral obligation. We use it to signal responsible choice, rather than arbitrary choice. A responsible choice means a choice made on good value judgments. It means the habitual willingness to do the good, to choose value and not self-satisfaction. Responsibility and freedom go together. In responsibility, we are not coerced. We freely and knowingly take the blame, the pain, the "cause" of our community, nation, and government. We respond to particular situations. We accept responsibility for ourselves, our families, our work, our environment, our communities, our government, our nation, our globe. We become citizens. "We are responsible for our leaders in democratic societies; we are responsible for the quality of public life, the decisions of governments taken in our name. We are responsible for the laws passed by our governments, the wars fought in our name, the policies implemented, the priorities that are in place."⁵

Justice is a much broader and foundational concept. It is usually described, in Western tradition, at least, as a situation, a state where each person is given and receives her due. However, that might sound like too static a definition. Perhaps better, justice might be grasped as the practical implementation of the principle of equality of every human person. "If every person is equal in principle then in principle there should be equal availability of

⁴ See, Iris Marion Young, *Responsibility for Justice* (Oxford: Oxford University Press, 2011) and François Raffoul, *The Origins of Responsibility* (Bloomington: Indiana University Press, 2010); see also: Judith Shklar, *The Faces of Injustice* (New Haven: Yale University Press, 1990) and Christopher Lake, *Equality and Responsibility* (Oxford: Oxford University Press, 2001).

⁵ Brian Cronin, *Value Ethics: A Lonerganian Perspective* (Nairobi: Consolata Institute of Philosophy, 2006), pp. 503-504.

education, reward for labor, medical services, involvement in the political process, involvement in economic institutions, involvement in the making of culture, values and truths of society.” The legal and political systems must be grounded in the obligation that allows and aids each person to become a full human person, with an inherent right to do so. “Cooperation is the basis of human society and not competing self-interests.”⁶

Justice and responsibility meet in what Bernard Lonergan called a transcendental imperative: “be responsible.” Responsibility is a spontaneous decision/action arrived at by careful thinking and understanding, and is based on a grasp of the facts in light of formative and transformative values. These include the moral values of the free person, living in relationships with others and working toward the promotion of better persons and a better society.⁷

Although published after the Seminar, a particularly good example of bringing into focus the linkage between justice and responsibility is Pope Francis’ encyclical letter, *Laudato Si’* (On Care for Our Common Home). The letter is much more than a message about environment and climate change. It is that, but also much more, and relates to the themes of justice and responsibility. The encyclical describes the intimate connection of land, labor, and lodging and emphasizes that it is the poor who suffer most from environmental degradation. “Today... we have to realize that a true ecological approach *always* becomes a social approach; it must integrate questions of justice in debates on the environment, so as to hear *both the cry of the earth and the cry of the poor*” (LS, 49 emphasis in text).

Here we limit ourselves to an examination of responsibility, as it emerges in the *Laudato Si’*. Pope Francis clearly sees the intimate relationship of environmental degradation, individualism, poverty, migration, racism, consumerism, urban blight and economic inequality. He calls for an “integral response,” both personal and structural, to these global questions. Pope Francis seems acutely aware of the gravity of the issues he is calling to the world’s attention. He seems equally aware of the potential opposition from leaders and members of his own church. The vision he lays out makes many uncomfortable, and indeed, makes harsh demands on all of us. He almost seems weary of the vague, idealistic calls for “global social justice.” When speaking of environmental degradation and economic inequality, he sounds frustrated with politicians who blame business leaders, and business leaders who blame politicians. Rather he calls us all to responsibility, in the deep sense of self-accusation. As theologian Clemens Sedmak points out, “Self-accusation is the key to breaking the impasse of mutual blaming, so common in ecological debates:

⁶ Cronin, p. 504.

⁷ See, Lonergan, *Insight*, pp. 272-273.

‘Politics and the economy tend to blame each other when it comes to poverty and environmental degradation’” (*LS*, 198).⁸

Integral response in *Laudato Si’* means personal, social and structural responsibility and is discussed under “human ecology” or “ecological conversion.” It links pollution, poverty, and inequality and calls us all to a sense of the common good and to responsibility for our common home. For Pope Francis, justice finds its realization in responsibility. We have lost this sense of responsibility to our brothers and sisters and to our common home. Whether dealing with the foreign debt of poor countries or climate change there are “differentiated responsibilities.”

We must continue to be aware that, regarding climate change, there are *differentiated responsibilities*. As the United States bishops have said, greater attention must be given to ‘the needs of the poor, the weak and the vulnerable, in a debate often dominated by more powerful interests’. We need to strengthen the conviction that we are one single human family. There are no frontiers or barriers, political or social, behind which we can hide, still less is there room for the globalization of indifference (*LS*, 52).

This loss of a sense of responsibility, especially in richer industrial nations, implies a lost sense of our own social, political, ethical, and religious roots.⁹

In the Pope’s analysis, the current crisis demands a profound ecological-economic conversion that, in turn, entails intellectual, social, cultural, aesthetic, ethical, and religious conversion. Pope Francis clearly realizes that it is a tall order but one that has to be responsibly faced. Creation is God’s gift to all of us; we are in it, not above it, and are responsible for its care. “What kind of world do we want to leave to those who come after us, to children who are now growing up?” (*LS*, 160). In spite of the overwhelming task before us, he does not give up hope. “Although the post-industrial period may well be remembered as one of the most irresponsible in history, nonetheless there is reason to hope that humanity at the dawn of the twenty-first century

⁸ Pope Francis, *Laudato Si’* (Washington, DC: USCCB, 2015). Hereafter, cited as (*LS*) with corresponding paragraph number. For the insight of “self-accusation,” I am indebted to Clemens Sedmak, Center for Social Concerns, University of Notre Dame, unpublished paper, “Traditional Concerns, New Language? Reflections on *Laudato Si’* presented to the Institute for Church Life, at Notre Dame, 9/3/15.

⁹ For a sample of the impact of Pope Francis on economic inequality and environmental issues see, Paul Weithman, “Piketty and the Pope: A Dialogue Begun,” *Theological Studies*, vol. 76, no. 3 (September 2015), 572-595 and Celia Deane-Drummond, “A Canticle for Planet Earth,” *Notre Dame Magazine*, (Autumn, 2015); see also, Pope Francis, *Evangelii Gaudium (The Joy of the Gospel)*, Boston: Pauline Books and Media, 2013; for a sample of the critiques of Pope Francis, especially on economic issues and the “idolatry of money,” see, William T. Cavanaugh, “Return of the Golden Calf: Economy, Idolatry, and Secularization since *Gaudium et Spes*,” *Theological Studies*, 76, no. 4, December 2015, 698-717.

will be remembered for having shouldered its grave responsibilities" (*LS*, 165). Francis, like Iris Marion Young, is not interested in the "blame-game." He is, however, interested in honest self-accusation that manifests itself in an integral response and action, and is extended beyond the personal to the social, structural, and institutional realms. Francis pursues the Ignatian method to the point that self-accusation becomes the transcendental imperative – be responsible! There can be no flight from the hard work of understanding – seeking truth, and responsibility – taking action. We all are responsible for the political and economic decisions, or lack of decisions, made by the political leaders and institutions that represent us.

As the reader can experience by him-herself, the essays collected in this volume indicate that many of the issues discussed during the 2011 and 2013 editions of the RVP International Seminar found common ground in the approaches of thinkers as diverse as Confucius, Levinas, Rawls, Young, and Pope Francis, among many others. The authors that made it into this book represent a large swath of our globe – urban centers and small villages, rich nations and poor nations. Yet within that global diversity and in the face of global problems, there was a convergence around justice and responsibility that was molded into dialogue by philosophical, religious, and cultural reflection.



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