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ETHICAL INTERFACE

**Literature, Economics,
Politics, and Religions**

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**Literature, Economics,
Politics, and Religion**

**Editor
Jose Nandhikkara**

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*Ethical Interface:
Literature, Economics, Politics, and Religion*

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EDITORIAL

Wittgenstein famously concluded his *Lecture on Ethics*:

My whole tendency and, I believe, the tendency of all men who ever tried to write or talk Ethics or Religion was to run against the boundaries of language. This running against the walls of our cage is perfectly, absolutely hopeless. Ethics so far as it springs from the desire to say something about the ultimate meaning of life, the absolute good, the absolute valuable, can be no science. What it says does not add to our knowledge in any sense. But it is a document of a tendency in the human mind which I personally cannot help respecting deeply and I would not for my life ridicule it (LE 12).

As I present *Ethical Interface: Literature, Economics, Politics, and Religion*, I am deeply aware of the fundamental nature of ethics, its filigree pattern and its resistance to systematic and theoretical articulations. Ethics is fundamental not because of any epistemic or phenomenological property, but by virtue of the place it occupies in human life. As something fundamental, one should resist temptations to explain it or to reduce it to something else for which a philosophical or scientific point of view is capable of providing an answer.

Ethics is species specific to human beings: All human beings are ethical; only human beings are ethical and to the extent that human beings are ethical, they are fully human beings. As ethical beings, homo ethicus distinguishes between what is the case and what ought to be the case. They have a

reflective awareness of good and bad, right and wrong, just and unjust, etc. Though they may disagree on what is good and what is bad in many a situation, they agree that good is to be done and evil is to be avoided. Ethics is fundamental to all of the judgements and practices that constitute the stream of life. Like our forms of life, and it has a very complicated filigree pattern. Ethics is a way of judging life and a way of life.

Ethical Interface: Literature, Economics, Politics, and Religion is the fruit of the research workshops jointly organised by the Centre for the Study of World Religions (CSWR), Dharmaram Vidya Kshetram, Bangalore, and Globethics.net India to examine critically and creatively the interrelations between ethics and other branches of important aspects of human life: literature, economics, politics, and religion. The nineteen articles, presented in four parts – Literature and Ethics, Economics and Ethics, politics and Ethics, and Religions and Ethics – show clearly the *Ethical Interface of Literature, Economics, Politics, and Religion* as a fundamental aspect of any significant aspect of human life. This relationship is mutual and internal and fundamental to the form of life. There is no gap between ethics and other aspects of human life. Ethics is so fundamental to human life that human beings could be rightly called *Homo Ethicus*.

Many in the academia consider that Literature, Economics and Politics are not directly related with ethical concerns; they are value free. The contributions in this work would show that these branches of human life are closely related with Ethics and they are impoverished conceptually and practically, if they are separated from Ethics. Literature, Economics, Politics and Religion without Ethics are perilous to humanity. Historically and conceptually they were intertwined and attempts to separate them is only an academic myopia. A living human being is not just a bundle of perceptions, thoughts or judgements

but is an individual actively and critically engaging in varying relations with God, community and world. These relations have a constitutive ethical dimension.

Literature and Ethics

Oscar Wilde claimed that “[t]he sphere of art and the sphere of ethics are absolutely distinct and separate,” while Wittgenstein categorically affirmed that “ethics and aesthetics are one and the same.” Literature and ethics have exhibited strong ties throughout human history and literature is regularly used for moral instruction. Although literature and ethics have different methods, strategies, and goals, they both are part of human lives and the history of literature is also a history of ethical codes as they are inscribed within the wider cultural context.

Functionality is the paradigm of Homeric ethics as it investigates what makes a good farmer, king or sailor; the ethics of the city-state, on the other hand, is concerned with what makes one a good person, good citizen, and ultimately what makes a good society. The Aristotelian dogmatic-didactic school used literary texts as an educational instrument while Platonic formalist-aesthetic school went against the inclusion of external interests, including ethics, in the domain of literature. The contemporary society though refuses to be told how to live its life, in fact, is told how to live its life much more than any previous generation by advertisements, media, markets, and social networking sites. Ethical considerations of texts are informed by the society and history in which they were produced and they, in turn, influence forms of life in the society. Often as the society changes so does its ethical practices. Hence, a critical and creative engagement between literature and ethics is a necessary and meaningful venture.

Economics and Ethics

Economics and Ethics are fundamental to human life and wellbeing and they are so intertwined in many ways that one cannot discuss one without some direct or indirect reference to the other. Most significant human practices have both economical and ethical dimensions and there are many lively interactions between normative economics and moral philosophy. Though ethical concerns may not be the primary focus of economic theories they are inescapable for economic praxis; on the other hand, in a market driven world, ethics must also pay attention to economics.

Whether the successful conduct of businesses and economy can and ought to adhere to ethical standards and support the social good is especially significant in the light of the recent economic turbulences. Are organizations designed purely as profit making mechanisms that cannot afford to consider ethical principles as they have to survive under conditions of harsh competition or can adherence to ethical principles actually be beneficial to economic success?

Economics deals with the theory and management of economies or economic systems. Ethics regulates the actions and manners of people in society. So, if you have good ethics, you will have good economics; conversely, if you have good economics you will have good ethics. This idea, however, does not seem to be working in the contemporary world, forcing us to question what is good economics that would pay attention to ethics. When the world's economic wealth is growing impressively, the scandal of inequalities, corruption, new forms of poverty and exploitations are on the increase. Human rights are often violated; multinationals pose threats to local industries and initiatives; international aid is used irresponsibly for selfish motives. *Homo ethicus* cannot remain insensitive to the

inequalities that persist in the world of *Homo economicus*. It is becoming increasingly important to bridge the two worlds.

Politics and Ethics

Politics is an essential aspect of human life – essential in building, governing, and developing societies and communities based on rules; it includes both theory and practice of legislating and executing rule of law for common good. In practice, politics refers to achieving, exercising and maintaining positions of power. Citizens, political leaders, parliamentarians, government executives, the judiciary, the media, business, nongovernmental organisations, and religious and educational institutions are involved in this complex fact of life and ethics is fundamental to all stakeholders in politics. Though personal morality may differ from political morality there cannot be any political decision without morality.

Traditionally, it was argued that the use of political power was only right if it was exercised by a ruler whose personal moral character was strictly virtuous; in this sense, Plato placed rule by a philosopher king as the ideal. Machiavelli and Chanakya, however, focused more on the acquisition and maintenance of power by a ruler rather than on the ethics of the ruler for, according to them, goodness does not ensure power and the good person has no more authority by virtue of being good; end justifies means. Political leaders may be required to commit acts that would be wrong if done by citizens; it is also required, however, that leaders meet higher standards than the ordinary citizens, who are increasingly disillusioned with their leaders and their ideologies whether they be religious or secular.

The relation between politics and ethics is a contested zone in the regular life of a polity, both in terms of the ethics of office and the ethics of policy. Individual citizens also battle out the

relationship between their own sense of ethics and political duties imposed on them by the state sometimes based on a different set of ethics in their everyday life. Though political ethics extends from rulers to citizens, it differs from the ethics of associations and businesses and the personal ethics of rulers. Personal and political ethics are distinct but closely interrelated. Important concerns of politics like justice, liberty, rights and duties, etc., are closely linked to the question of ethics.

People are losing faith in politics and ethics in politics appears to be a contradiction as more and more people are drawn to politics as an arena of investment to cater to their selfish interests rather than for serving common good. Though there is a profound scepticism regarding ethics in politics there is a thirst for ethics in politics: ethics can make a difference in politics.

Religion and Ethics

Ethics, Creed and Cult are constitutive of all religions; there is no religion without rules for moral behaviour. More importantly human beings are fundamentally ethical beings so much so that they are called *homo ethicus*. *Homo ethicus* is also intimately related to *homo religiosus* in the stream of life. Traditionally religions were the custodians of Ethics and moral instructions were included in the scriptures and handed down through tradition. Life and words of the founders of religious paths are normative for believers for deciding what is good, right and just. The cultic celebrations are also occasions for ethical instructions. For many believers it is religion that directs their ethical decisions and they would assert that religion is necessary and sufficient to live ethically. The religions also generally take into account how the traditional ethical teaching can be interpreted

and updated for solving complex moral problems in the modern world.

With the arrival of modernity, secularism and liberal democracy many consider religion to be a liability than a contributor for the harmony of life; they prefer and promote secular ethics. It takes different forms: anti-religious, a-religious and ethics beyond religions. Pointing to the dangers of religions as shown in wars, terrorism, communal violence, etc. some take the form of anti-religious in ethical matters. For example, communism looked at religion as enemy of the revolution and proposed a communist ethics. Socialist and humanist ideologies also point to the drawbacks of organized religions and argue for a separation of state and church and relegated religion into the public sphere. According to them religion is more part of the problem rather than solution and may be tolerated only in the private sphere. In developing countries like India, where vast majority of people belong to one of the religions, ethical values are not maintained as much as in developed nations, where religions have less importance. Therefore the academia and political and social scientists prefer secular ethics or ethics without religion in the public sphere. They argue that human beings have come of age and need to go beyond religions. With the help of logic and reason, they are capable of deriving normative principles of behaviour without recourse to the sacred. The core values of human life – truth, love, justice, etc. – do not necessarily need a religious back up, it was argued. The moral dimension of human life, according to secular ethics, does not derive from religion but from human needs to cooperate and live in community with each other. Ethical values are fashioned and evolved by natural selection and adaptation, not handed down by God. They argue for a social ethics which makes no

recourse to religion and can be equally acceptable to those with faith and those without – an ethics beyond religion.

It puzzles, however, the academia especially in the west that overwhelming majority of the people still belong to one or other religious tradition. In fact, there is a 'Return of Religion' in many parts of the developed world and a reaffirmation of religion in developing countries. A secularized morality does not seem to be able to answer convincingly, 'Why should I be moral?' Science, for all the benefits it has brought to our world, has not helped us to make sense of our lives. In spite of the scientific advancements problems of life continue to haunt people. Religion and ethics are important to find meaning in life and they are interdependent. Religions could be effective agents for promotion and protection of human rights and social harmony it is argued. Religion has helped millions of people in the past, helps millions today and will continue to help millions in the future.

The project of *Ethical Interface: Literature, Economics, Politics, and Religion* would not have realised without the insight and initiative of Prof Dr Saju Chackalackal CMI, Director of Globethics.net India and the President of Dharmaram Vidya Kshetram. I place on record the financial assistance for the project from Goblethic.net (Geneva) for the workshops and for its publication. I gratefully acknowledge the services of M. M. Padmakumar, Gerard Rassendren, and Arvind Radhakrishnan in successfully organizing the workshops on "Literature and Ethics," "Economics and Ethics," "Politics and Ethics," and "Religion and Ethics," respectively. It is my wish and prayer that this work will inspire scholars and experts of Literature, Economics, Politics, and Religion to pay closer attention to the *Ethical Interface*.

LITERATURE AND ETHICS

SECULAR ETHIC AND PITFALLS OF V. S. NAIPAUL'S NON-FICTION

Etienne Rassendren♦

1. Introduction

So what then are the inter-relations between literature, ethics and the secular in contemporary cultural practice? And how does V. S. Naipaul's non-fiction fail in terms of the secular-ethic, proposed by the inter-relations between the literary, the secular and the ethical? Any response to the above questions will depend on a) the way one conceptualizes the literary, the ethical and the secular and b) reading Naipaul in and through the matrix of the secular-ethic as cultural practice. Hence what I propose to do in this article is to divide the debates into three parts: the first will discuss the varied conceptions of the literary and its tensions with the secular and the ethical; the second will demonstrate by exposition as evidence – not by argument but by narrative – the pitfalls of Naipaul's writing with regard to the secular-ethic; and the third will argue by way of conclusion that Naipaul's writing is ideologically islamophobic bearing distortions of history, based on an overwhelming anti-Islamic discourse, which then makes his writing unjust and anti-secular. My argument rests in the first and third parts, while the second will bear the evidence of the same. My

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♦First published in *Journal of Dharma* 38, 1 (2013), 39-56.

method here combines Michel Foucault's exposition of discursive power and Antonio Gramsci's explanation of hegemonic violence. My reading of Naipaul as a result will be "contrapuntal"¹ in nature, and will expose Naipaul's ideological pitfalls and biases as an explanation of his Islamophobia.

2. The Literary, the Secular and the Ethical

Literature through time has had a rather tentative, if uneasy relation with both the secular and the ethical. Today, the field is in dialectical relations with questions of free speech. While many suggest that all societies must permit free expression of views and ideas, including hate speech, others claim that free speech must constrain irresponsible and instigating discourse through processes of self-censorship. The controversies that surrounded the Salman Rushdie affair demonstrate how the self-censorship perspective, though dissenting with the Islamic fatwa, acknowledged the failure of judicious choice in Rushdie's writing.

I wish to historicize at this juncture the arrival of enlightenment and modernity in the 19th century as the cultural location that marks a paradigm shift in the tension between the literary and the ethical on the one hand and the secular and the religious on the other. Literature in the period of European enlightenment was perceived as universal and retained the idea of moral force as against the free expression of interests and intentions. Literature though replacing the moral teaching of religious theology because of the onset of the secular as idea

¹Geeta Chowdry, "Edward Said and Contrapuntal Reading: Implications for Critical Interventions in International Relations," *Millennium: Journal of International Studies* 36, 1 (2007), 101-116.

and practice, was no longer mimetic in the Aristotelian sense; and when holding the mirror up to nature could neither identify nor purge the errors of society; by contrast it formed the instrument, the signpost, and the ethical underpinning by which the social fabric would be guided into humanist culture. Thus the humanist ideal, equal and fair, formed the ethical core of the literary and the literature of enlightenment projected values of humanism, namely reason, rights and individuality as the moral substance of literary thought and action.

The enlightenment was, however, accompanied by the arrogance of capital and colony. The Eurocentricism of colonial nations, particularly that of England, India’s ex-colonial power, imposed an humanistic ethic onto an assumedly uncivilized society in India through the institution of English literary studies. Such an imposition altered the nature of the moral high ground of literary humanism. What was liberatory in its idealism became in practice an instrument of imperial hegemony and power in the Gramscian sense, for literature was structured as an institution in order to subjugate rather than liberate. What was perceived as the achievement of universal morality ended up being an act of colonial repression. Hence the so-called literary ethic turned into an immoral, anti-people pretext that subjugated a free people. However as a complex cultural back-loop it provided marginalized and subjugated people the instruments of anti-colonial resistance and cultural and social transformation.

In the anti-colonial period much literature was mixed up with the religious as even oppositional Indian-English texts against colony were predominantly inflected by Hindu ideas. This local language and anti-colonial English resistance literature was highly sanskritized, sometimes deeply anti-dalit and gruesomely anti-minority. Bankim Chandra Chatterjee’s

“Anandamath” (1882), a deeply anti-secular novel, stands as an example. It clearly targeted Islam, rather than Britain, and called for a Hindu nationalism, based on what Etienne Balibar called a single “fictive ethnicity.”¹ But the emerging Indian nation in its birth was profoundly mixed in character; and as Said posits, its peoples were but “[H]uman agglomerations,”² loosely stitched together with imagined histories and cultures, but “mixed”³ as cultural communities. No single race or history or character could define India as nation. In fact no nation, today in the world could do so either. All nations are in fact multiple, as the UN remarks, in its nation-defining documents;⁴ which propose therefore redefinitions of the literary, the ethical and the secular in the current context. Consequently one revisits these terms in their origin to conceptualize for this article the prism of reading for Naipaul’s writing.

There is no more anything like literature at all. Instead what is called literature is but social practice, a whole way of seeing the world,⁵ a representation of experience, a terrain of meaning-production. Hence literature as representation carries either a productive social consciousness or a failed ideology. Hence as social practice, literary texts are either underpinned

¹Etienne Balibar, “Racism and Nationalism” in *Race, Nations, Classes: Ambiguous Identities*, ed. Etienne Balibar and Immanuel Wallerstein, London: Verso, 1994, 49.

²Edward Said, “An Ideology of Difference” in *The Politics of Dispossession: The Struggle for Palestinian Self-Determination 1969-1994*, London: Vintage, 1995, 81.

³Said, “An Ideology of Difference,” 81.

⁴Said, “An Ideology of Difference,” 81.

⁵R. Williams, *The Long Revolution*, New York: Encore Editions, 1985, 55.

by the secular consciousness or religious ideology; which is why one emphasises that the secular, could not dislodge religion from the social system completely. Belief and its differing practices functioned variously within social spheres and inflected literary representations. Literature turned into being the handmaiden of cultural hegemony; and it invoked custom and ritual and recast religious values and practices as cultural forms. Revisit here, any early Indian-English text and, notice, such recasting of religious values easily. Be it, Tagore’s “Gitanjali” (1910), deeply inflected by Hindu Bhakti traditions or U. R. Ananthamurthy’s “Samskara” (1965) – a critique of caste ideologies, no doubt, but only an insider-critique and perceived as modernist India’s literary texts – they nevertheless take recourse in Hindu traditions, as if Hinduism marks Indianness in the 1900’s. In the British imperium yet, almost parallel to our Indian-English experience, the highly Victorian ideal of Universal humanism, which was rather a skewed Protestant Christian morality and a bourgeois ethic, chose to become orientalist, both in what it chose to study or translate in India. Such practice was aimed at confining literary texts as only an instrument of civilizational power. Hence it valorised almost irresponsibly other literary texts as inferior to theirs, thus creating an unethical contrast between its own representation in the literary and others elsewhere. With the arrival of post-modernity and later cultural studies, things changed. The literary was but a field in which reading constituted meanings and hence all meanings thereby emerging were inflected by the ideology of either the dominant centre or the silenced margins. Besides, the literary could exist only as an inter-site,¹ a cultural and linguistic space from which

¹Aniket Jaaware, *Simplifications: An Introduction to Structuralism and*

multiple meanings, differing ethics and equally varied self-perceptions, emanate. Thus to mark in the ethical and the secular within the literary is a deliberate effort; to ignore them as insignificant and insufficient would be failure; as the former may produce a social practice of equality and justice, while the latter, a severe fascist right-wing oppression.

The innumerable¹ nature of our communities as nations today necessitates a plural orientation to the *secular* which may have to be written into the literary assiduously. Since nations and their societies are plural, only the plural as secular is workable both as literary representation and as cultural practice. Consequently, *cultural syncretism* becomes the productive paradigm for literary texts as social practice in the current context. This implies that religio-cultural ideas are not abrogated, but are given equal and fair representation within a particular literary text.

The secular has been defined as a) the abrogation of all the religious expression from every public activity (Post-Christian Europe and Canada), b) *sarva-dhrama-samabhavana*, the play and celebration of all religious communitarian activities in the public sphere (India in particular) and c) the incorporation of religious principles as secular values (nations in Eastern Europe and the Americas). But these perspectives are to be read in relation with far deeper questions of identity, community and nationality and should not notoriously gloss over social custom and hierarchy. Since Literature as social practice is integral to identity formation, the meaning of the

Post-Structuralism, New Delhi: Orient Longman, 2001.

¹Sudipta Kaviraj, "The Imaginary Institution of India" in *Subaltern Studies: Writings on South Asian History and Society*, ed., Partha Chatterjee and Gyanendra Pandey, New Delhi: OUP, 1993, 40-68.

secular in literary texts depends entirely on its contemporary social function. In the Indian context, the abrogation of all faiths cannot be carried out as the underlying consciousness of any literary text because of India’s multi-religious tendency and its rather belief-based culture; a celebratory plural ambivalence, within the inter-site of the literary and the social can project plural identity formations within literature as social practice; it can provide *minority-reassurance*, integral to the social function of secularism in cultural politics¹ today. Hence the projection of a syncretic culture and the assurance of minorities would form the ethic by which literary texts shall represent its consciousness.

The ethical then in literature is drawn from the dialectics between two associated Greek concepts, namely *ethos* and *ethnos*, the former meaning character and aspiration of a *people* and the latter, the *race or nation*.² The ethical is different from the ethnic as, if nation is emphasized more than people, the ethic and the ethnic – that is the spirit and beliefs of a people and the nature and structure of community respectively – will remain in conflict with each other. While *ethos* implies consent of a people to their norm of social contract and morality, *ethnos* concerns questions of ancestry, origin and history, which could turn anti-moral and unequal. Hence the notion of ethics is “the science of morals”³ and emerges out of a dynamic, constantly re-inventing, resolution between *ethos* and *ethnos*.

¹Anuradha Dingwaney and Sunder Rajan, “Introduction” in *The Crisis of Secularism in India*, eds., Anuradha Dingwaney, Sunder Rajan, and Rajeswari New Delhi: Permanent Black, 2007, 1-42.

²Christopher Miller, “Theories of Africans: The Question of Literary Anthropology,” *Critical Inquiry* 13, 1 (1986), 120-139.

³Miller, “Theories of Africans,” 120-139.

Cultures develop norms and prohibitions that include reason and rights as invaluable social ethics freed from religious complicity as well. Jawaharlal Nehru,¹ in particular, interpreted this paradigm for the Indian context, when promoting the scientific temper in thought and action. The celebration of varied beliefs, with a preferential assurance to minorities, rather than a brute mobilizations of majorities,² written into the production of a cultural norm of equal consent constitutes the secular ethic in Literature. Thus the secular ethic in literature rests on three major aspects: a) the enfranchisement of the minorities,³ through wide-ranging literary texts as social representation, b) the projection of a social consciousness through the literary that insists on the inescapability of 'difference'⁴ and above all c) the quest for 'good faith,'⁵ which means the equal and distributed representation of the marginalized and the minority in literary texts. It is precisely from this matrix of literature and the secular-ethic that I wish to read and engage with Naipaul's Non-fiction in order to explain its pitfalls.

3. V. S. Naipaul: A Brief Profile

V. S. Naipaul, born in Trinidad of Indian parentage, received the Nobel Prize for literature in 2001, almost serendipitously

¹Sunil Khilnani, "Nehru's Faith" in Dingwaney and Rajan, eds., *The Crisis of Secularism in India*, 89-103.

²Partha Chatterjee, "The Contradictions of Secularism" in *The Crisis of Secularism in India*, 155.

³Dingwaney and Rajan, "Introduction," 2-4.

⁴Said, "An Ideology of Difference," 81.

⁵Chinua Achebe, "An Image of Africa: Racism in Conrad's 'Heart of Darkness,'" *Massachusetts Review* 18 (1977), 782-794.

soon after 9/11, with the Nobel citation praising him for “his analysis of the Islamic world.”¹ While Naipaul illuminates the complexity of living between homeland and migrancy in his fiction, he is notorious for his “islamophobic assumptions”² in his Non-fiction. His narratives mourn “a wounded civilization,” namely “Hindu India,” destroyed, as it were, by medieval Islamic invasion.³ Naipaul carries a vastly faulty view of history which is further clouded by his equally facile perspective of Islam as a religion and culture of aggression and violence.⁴ His literary vision, if any, as social practice lacks a secular-ethic, for while it claims to be objective and equal, is “fraught with serious misunderstandings”⁵ about Islam. But Naipaul wills this misunderstanding, distorting history in order to install this bias as narrative truth and fails to correct it, providing no space for an alternative representation of Islam. Yet Naipaul has received praise for his “moral integrity,” “fearless truth-telling” and “new levels of understanding Islam.”⁶ Perhaps this is so because it is symmetrical with an overwhelming anti-Islamic rhetoric all over the Euro-American world. For example, Ninan Koshy in his *The War on Terror: Re-ordering the World* explores the infamous Huntington thesis, quoting the following: “the clash of civilization will dominate

¹William Dalrymple, “Trapped in the Ruins,” *The Guardian*, 20 March 2004, 4.

²Dalrymple, “Trapped in the Ruins,” 4.

³Dalrymple, “Trapped in the Ruins,” 4.

⁴Dalrymple, “Trapped in the Ruins,” 4.

⁵Al-Quaderi Golam Gaus and Habibullah Md “Travels in Absurdity: Islam and V. S. Naipaul” *Journal of Postcolonial Cultures and Societies* 3, 1 (2001), 23.

⁶Al-Quaderi, “Travels in Absurdity,” 22.

global politics. The fault lines between civilizations will be the battle lines between nations... Contemporary global politics is the age of Muslim wars... The Age of Muslim wars had come home to America..." Koshy shows through his book how the conceptions of Islam and terrorism were sparked by the hegemony of Huntington's view across Europe and America. Huntington repeatedly articulated it through 2000 and 2003 in articles in *Newsweek* and other public fora,¹ and his work is influential in shaping the American policy on the Middle East. It silenced paradoxically even the most vocal radical Islamic critique against Islamic fanaticism and absolutism² because such critique faulted American hegemony as well. This might sound like naiveté but is true. As Said points out: "much dominant anti-Islamic discourse was unnuanced and was based on "downright ignorance." It turned a "horrendous pathologically motivated suicide attack ... into a proof of Huntington's theses."³ Bernard Lewis, another famous orientalist thinker, also echoed this perspective of Islam as violent and filled with rage.⁴ Naipaul, I argue, belongs to this long line of islamophobes, largely because, despite his reductive tendency, he won praise from mainstream ones. Thus, the politics of ideology in literature with its many serious failings and consequences does affect writing about peoples and places. Such cultural politics in literature as social practice

¹Huntington quoted in Ninan Koshy, *September Eleven: The War on Terror: Reordering the World*, New Delhi: Leftword Books, 2003, 21-22.

²Koshy, *September Eleven*, 23.

³Edward Said, "The Clash of Ignorance," *The Nation* 2 October 2001, 1. <www.thenation.com/article/clash-ignorance> (9 March 2013).

⁴Said, "The Clash of Ignorance," 1.

is what constitutes an anti-Islamic cultural geography; Naipaul’s non-fiction, which attempts to configure Islam, its people and its places, is one such cultural geography.

4. Naipaul’s Darkness: His View of Islam in India

I begin my evidence here with Naipaul’s earliest non-fictional account about India in his *An Area of Darkness* (1964). India is his own experience of “darkness.” It “extended to the land”... “though for a little way around” offered some “light”¹ after all. His India remains a vague background that makes him culturally Hindu, without beliefs but with strong caste attitudes, that include food taboos,² ritualistic adherences and a mortal dislike and fear of Muslims.³ In an interview with Taru Tejpal in 1999, Naipaul speaks about India with a culture of “a defeated people.” Its “period of darkness,”⁴ namely Muslim conquest, was not about Islamic “arriving”⁵ but historical devastation. He argues, “They [Muslims] speak of the triumph of the faith, the destruction of idols and temples, the loot, the carting away of the local people as slaves, so cheap and numerous that they were being sold for a few rupees.”⁶ Naipaul’s overt socialized distrust for Muslims as represented in his non-fiction links to his public opinion in Tarun Tejpal’s interview about Islam and its conquerors provides proofs of a skewed fear of Islam and its people.

¹V. S. Naipaul, *An Area of Darkness*, London: Picador, 1964, 27.

²Naipaul, *An Area of Darkness*, 28.

³Naipaul, *An Area of Darkness*, 28.

⁴Tarun Tejpal, “Christian Didn’t Damage India Like Islam: Interview with V. S. Naipaul,” *Outlook India* (15 Nov 1999), 1-5.

⁵Tejpal, “Interview with V. S. Naipaul,” 1-5.

⁶Tejpal, “Interview with V. S. Naipaul,” 1-5.

The image of the Muslim developed through *An Area of Darkness* projects an ideological, loathing for everything Islamic, that India and its history could offer. It is Hindu India's diasporic socialization in Trinidad that marks the dominant perception that "... Muslims were somewhat more different than others. They were not to be trusted; they would always do you down..."¹ Within the book, however, Naipaul provides no reason except the melodrama of customary Hindu upbringing² for sensing such a threat. His quest for his India, organizes in memory more 'the pleasing piece of theatre' of caste, in 'the thread ceremony of the new born' and the 'garb of a Hindu-mendicant scholar' with all its caste-fervour than any studied knowledge of Hindu thought or history. Notice how Naipaul's own cultural loss in migration inaugurates his representation of the writer's self in his quest for India's ancient cultural history.

This narrative of mourning bearing much cultural baggage of Indian-Hindu social divisions leads to the perceptions that all Islamic people are a "threat."³ They cause fear and corrupt Hindu culture. Naipaul's views on Islam through his text are deeply marked by his fear of Islamic food⁴ and depended on a highly ritualized caste-order that expressed itself through food taboos, if not through religious belief: "food was one thing and caste was the other."⁵ For Naipaul, although caste in Trinidad was imperceptible, caste later began to represent "latent

¹Naipaul, *An Area of Darkness*, 28.

²Naipaul, *An Area of Darkness*, 29.

³Naipaul, *An Area of Darkness*, 28.

⁴Naipaul, *An Area of Darkness*, 29.

⁵Naipaul, *An Area of Darkness*, 31.

qualities,”¹ which in time became “attractive and touching.”² The fear of Islam was determined by difference in custom, not by belief, which indirectly fed and fostered his prejudices about the ‘other,’ namely the Muslim. This anxiety over Islam and his loss of India are dependent on the functioning of caste practices, without religious belief, thus making his fear cultural, not religious, as customary practices mark the difference.

Another aspect of his anti-Islamic prejudice concerns his configuring and refiguring Islamic people in India. Kashmiri Muslims, for Naipaul, preserve an empty, inane laziness,³ punctuated by momentary lapses into sexual indulgences of Muslim dancing girls for sale.⁴ That apart, they seem to represent a cruelty that to him is abhorrent. Notice his damning criticism of his guide and companion, as a cruel and bloodthirsty jihadi: “... his history only began with his conquerors; in spite of travel and degrees he remained a medieval convert, forever engaged in the holy war.”⁵

His next depiction is of places as Islamic spaces. “Kashmir was coolness and colour... it was dust in sunlight,” filled with small hills and large mountains, unceremoniously opening to the “disorder in the bazaar” and smelling of “months-old dirt and human excrement.”⁶ This description is juxtaposed with frightful characterizations of Islamic men with “ferocious beards,” praying and blessing before going away to Mecca. This juxtaposition is pathetic fallacy that Naipaul performs, in his

¹Naipaul, *An Area of Darkness*, 32.

²Naipaul, *An Area of Darkness*, 33.

³Naipaul, *An Area of Darkness*, 132.

⁴Naipaul, *An Area of Darkness*, 131.

⁵Naipaul, *An Area of Darkness*, 158.

⁶Naipaul, *An Area of Darkness*, 114-115.

non-fiction which imposes upon the natural world an eeriness that bears the writer's subjectivity. Then there is the reference to the Pandava fort in the ruins at Srinagar¹ juxtaposed rather efficiently in advance with refiguring converted Islamic people as lacking memory of Hindu ancestry,² as represented by his Islamic attendant and companion.

Naipaul then shifts to depicting Northern India as a civilization destroyed by Islamic conquest; "mosque over temple: ruin on ruin" suggesting the destiny of ancient but vulnerable³ Hindu India. He then makes his most rabid indictment of the Taj Mahal: "... a building wastefully without function; it is only a despot's monument to a woman, not of India, who bore a child every year for fifteen years."⁴

Accompanied by reflections on Mogul 'plunder,' 'personal despotism' and 'oppressive' rule, Naipaul's resentment of Islamic invasion apparently reduces Islamic art, architecture, even the romance and its rulers into cultural stereotypes of violence. While Islamic conquest was real to the Hindu Kingdoms of Medieval India, the destruction of temples and their replacement with mosques were often political choices not religious ones. They were often done to quell revolt; much destruction was caused by neighbouring unruly Hindu rulers as well. Besides, the dialogue between religions did alter the way both Hindu and Islamic rulers viewed themselves. As rulers, some Hindu kings called themselves 'sultans' and

¹Naipaul, *An Area of Darkness*, 175.

²Naipaul, *An Area of Darkness*, 158.

³Naipaul, *An Area of Darkness*, 255.

⁴Naipaul, *An Area of Darkness*, 258.

appeared in exotically Islamized attire in public; much art too thrived in a kind of Islamic-Hindu syncretism.¹

Naipaul’s unjustified confusion with history thus displaces subjective prejudice as objective history and such distortions act as premises for Naipaul’s stereotypes of Islamic people in India. Re-writing history is essential but it cannot employ ideological distortions to foster communal intolerance. Shahid Amin, the Subaltern studies historian, discusses such re-writing in his “On Re-telling the Muslim Conquest of North India.”² He writes about warrior-saints particularly Ghazi Miya, the nephew of the plunderer, Mohamed Ghazini. Unlike his uncle, Ghazi Miya is celebrated as a saviour of cowherds against the plundering by their own Hindu king, Raja Sohal Deo, a cruel ruler who destroyed the Yadava tribal community. In the deep districts near Benares, this Miya is a highly adored Sufi Sant to whom all go to pray for succour and salvation.³ Such re-writing while never condoning Islamic conquest provides alternative views of syncretic Indian history. Naipaul’s writing does not contribute to such understanding of history.

5. Naipaul’s Wounding of Civilization

Naipaul returns to India in the 1970’s during the political unrest in the emergency. He calls this time in his *India: A Wounded Civilization* “the depth of an Indian tragedy.”⁴ It is an

¹See, Dalrymple, “Trapped,” *The Guardian* 20 March 2004, 4.

²Shahid Amin, “On Retelling the Muslim Conquest of North India,” in *History and the Present*, eds., Chatterjee Partha and Ghosh Anjan, New Delhi: Permanent Black, 2006, 24-44.

³Amin, “On Retelling the Muslim Conquest of North India,” 37.

⁴V. S. Naipaul, *India: A Wounded Civilization*, London: Picador, 1979, 126.

India of “decadent Gandhianism” that hungers for political power, with a “censored press” and “secret arrests.”¹ Neither the political activist nor the government differs from each other in their ideological orientations. He debunks the marriage between Marxism and Gandhianism,² proposed and mobilized by Jaya Prakash Narayan, as his hope lies in “an India essentially returned to itself: a vision of Ramraj.”³ With a critique of Gandhi, Naipaul’s tongue-in-cheek commentary, ironical and mournful,⁴ transforms his anti-Islamic discourses into analytical history, when he compares his representation of Ramraj with that of India’s Islamic cultural history: “And India is again at the periphery of this new Arabian world ... when the new religion of Islam spread in all directions and the Arabs ... overran the Indian kingdom of Sind ... India has shrunk since the Arab incursion.”⁵

For Naipaul, then the failure of Ramraj is determined by the Islamic conquest of the medieval period. For him, that failure in Indian history culminates in the 1970’s tyranny of the emergency. Indeed for him, “Five hundred years after the Arab conquest of Sind Moslem rule was established in Delhi as the rule of foreigners, people apart; and foreign rule – Moslem for the first five hundred years, British for the last 150 – ended in Delhi only in 1947.”⁶ Yet India remained truly vulnerable, despite the euphoria of the early Indian Republic. But soon the hunger for power by Indian patriots destroyed the hope of Ramraj, which then ended

¹Naipaul, *India: A Wounded Civilization*, 127-128

²Naipaul, *India: A Wounded Civilization*, 134-135.

³Naipaul, *India: A Wounded Civilization*, 136.

⁴Naipaul, *India: A Wounded Civilization*, 139.

⁵V. S. Naipaul, “Foreword” in *India: A Wounded Civilization*, ix.

⁶Naipaul, “Foreword,” ix-x.

in despotic rule in the emergency. He writes: “...independence meant more than going away of the British; that the India to which Independence came was a land of far older defeat” – referring to Islamic conquest – and that the emergency was a “chilling sense of a new dissolution” – suggesting that the civilization’s defeat culminated in the emergency.¹

What makes this representation erratic is the premise of his claim, namely that “Indian history telescopes easily,”² into one long night of conquest. To telescope Indian history would be anti-historical, as short-changing complexity would invite distortions. As the narrative progresses, Naipaul suggests that India as a modern nation has become too weak to resist or overcome the conquest of Islam. To him, India seems trapped in the feudal Islamic past and within the malaise of Islam today. Somehow all Islamic people are squalid, simply surplus and regressive – to summarise his “Foreword” to this book.³

6. Ramraj: Naipual’s Fascination

To Naipaul, Ramraj is a powerful cultural-political alternative to such a malaise. He returns to India with greater vigour in *India: A Million Mutinies Now*, the third book in his trilogy. Naipaul now praises Ramaraj’s current alienating ideological project, now integral to right-wing Hindutva discourses when he argues: “to be ruled by Ram’s law is to know bliss.”⁴ No small wonder then that Naipaul visits the BJP offices and

¹Naipaul, “Foreword,” x.

²Naipaul, “Foreword,” x.

³Naipaul, “Foreword,” x.

⁴V. S. Naipaul, *India: A Million Mutinies Now*, London: Vintage, 1991, 181.

valorises the destruction of the mosque at Ayodhya.¹ He calls it a “passion.”²

But worse still is his propensity to draw artificial cultural boundaries between the so-called North and South India. As in his earlier works, Naipaul positions the Vijayanagara Empire of the South against a more decadent, inescapably luxurious and highly violent Delhi Sultanate. The southern empire remains in his imagination the last bastion of Hindu rule, which fought marauding Muslim conquerors that presumably destroyed Hindu civilization. But Naipaul’s imagination, as Dalrymple suggests, is orientalist, informed by imperial Britain, than by enabling historical research.³ Recent studies, Dalrymple argues, indicate that Vijayanagara was actually “Islamicised” and its Hindu kings borrowed much statecraft from Islamic rulers. According to Dalrymple,

Far from being the stagnant, backward-looking bastion of Hindu resistance imagined by Naipaul, Vijayanagar had in fact developed in all sorts of unexpected ways, adapting many of the administrative, tax collecting and military methods of the Muslim sultanates that surrounded it – notably stirrups, horse-shoes, horse armour and a new type of saddle, all of which allowed Vijayanagar to put into the field an army of horse archers who could hold at bay the Delhi Sultanate, then the most powerful force in India.⁴

Dalrymple’s argument rests on what the historian Wagoner cites in his work and echoes the perspectives Shahid Amin refers to about Hindu-Islamic hybridity. It is because Naipaul

¹Dalrymple, “Trapped,” 4.

²Dalrymple, “Trapped,” 4.

³Dalrymple, “Trapped.”⁴

⁴Dalrymple, “Trapped.”⁴

telescopes history, erases some of its uncertainties and rejects recording nuances, that his narrative becomes tautological. Naipaul’s history falsifies much and lacks credibility. It is his tautology that makes his writing Islamophobic, failing to provide equal and fair representation to Islam and Hinduism, thus faulting in the realization of a secular ethic.

8. Naipaul’s Believers

Naipaul’s Islamophobia becomes untenable, even absolutely ridiculous, when he writes about South Asia and West Asia. True, much of South Asia and West Asia, particularly Iran, Indonesia and Pakistan are apparent theocracies or semi-theocratic democracies. Notice how he describes conversion as the reason for such violent nations: “People develop fantasies about who and what they are; and in the Islam of converted countries there is an element of neurosis and nihilism. These countries can be easy set on the boil.”¹ He knows that these conversions could be perceived as “crossover from old beliefs.” He is sympathetic to Christianity but not Islam as the continued crossing over is “extra drama ... like a cultural big bang,”² implying its violence and radical change-over. Naipaul however appears to love Christian nations, as he says so with no nihilistic faulting here in his discourse.³ When Naipaul pillories the Asian nations, he has clearly shifted his episteme,

¹V. S. Naipaul, *Beyond Belief: Excursions among the Converted Peoples*, New Delhi: Penguin Books, 1998, 1.

²Naipaul, *Beyond Belief: Excursions among the Converted Peoples*, 2-3.

³Naipaul, *Beyond Belief: Excursions among the Converted Peoples*, 2.

from his radical anti-imperial stance to an imperialized one, re-enacting Huntington's "clash of civilization."¹

In *Among the Believers* (1981) Naipaul's central argument suggests that Islamic communities have woken from "medieval culture" to the prospect of "oil and money" and to a "great new civilization" that they both "reject and depend on."² Since much critique has prevailed over *Among the Believers*, suffices it here to argue that Naipaul's perspectives are ethno-centric, making Islam out to be anti-modern, violent and dehumanizing. As we move into *Beyond Belief* (1995) these attitudes are whetted further. Ten years after his initial visit to these regions, Naipaul re-installs his Islamophobic vision as he provides unsubstantiated "opinions," while re-figuring himself as a world-citizen, travelling the world, writing about peoples and transcribing their voices.³ He claims these are "narratives," where only people speak, not the writer. Yet hiding behind literary conventions, he cheats readers with a false sense of objectivity, while he historicizes Islamic people through his jaundiced and prejudiced intellectual prism. The "Prologue" to his narrative explains: "This is a book about people. It is not a book of opinions." But consider a few lines later the interpretation: "A convert's world view alters... He rejects his own;" he becomes, whether he likes it or not, a part of the Arab

¹Akeel Bilgrmai, "Occidentalism, the Very Idea: An Essay on the Enlightenment and Enchantment," *Economic and Political Weekly* 41, 33 (19-25 August 2006), 3591-3603.

²Edward Said, *Reflections in Exile and Other Literary and Cultural Essays*, New Delhi: Penguin Books 2011, 114.

³Wendy O'Shea Meddour, "Gothic Horror and Muslim Madness: in V. S. Naipaul's *Beyond Belief: Excursions among the Converted Peoples*," *American Journal of Islamic Social Sciences* 21, 1 (2005), 59.

story.”¹ This is opinion, indeed and is determined by the teleology of anxiety, where the end justifies the claim. South East Asia may have Islamized but have they Arabized? Hence it is his internal “anxiety,” bordering on “disgust” over highly modernized Islamic people, that prefers vulgar moralizing to cultural complexity, condemning Indonesian Muslims as un-Islamic.²

Beyond Belief (1995) begins in Indonesia in Naipaul’s encounter with ‘Imaduddin,’ former exile, and political dissident, now a leading scientist for the new technology mission in Indonesia. This scientist visualizes a modern and self-sufficient Indonesia. Naipaul wrangles with the quiet ability of the man to conjoin Islam with modernity. And after mushy parsimonious narrative, the final Islamophobic insight appears: “The ambition was stupendous: to complete the Islamic take-over of this part of the world, and to take the islands to their destiny as the leader of Islamic revival in the twenty-first century.”³

O’Shea Meddour argues that Naipaul’s Gothic horror mode is responsible for his reactionary behaviour.⁴ But it is Naipaul’s intense desire to condemn Islam itself that shows up. True, despots and their cohorts are megalomaniac, but to suggest that all Islam can only produce despotism is blatantly irresponsible. It is precisely such subtle but intentional misrepresentations, veiled, clever attacks on a people and a religion that produces what Achebe calls the lack of good faith.⁵ There are enough

¹Naipaul, *Beyond Belief: Excursions among the Converted Peoples*, 1.

²O’Shea Meddour, “Gothic Horror and Muslim Madness,” 59.

³Naipaul, *Beyond Belief: Excursions among the Converted Peoples*, 24.

⁴O’Shea Meddour, “Gothic Horror and Muslim Madness,” 62.

⁵Chiuna Achebe, “An Image of Africa: Racism in Conrad’s ‘Heart of Darkness,’” *Massachusetts Review*, 18 (1977), 782-794.

sustained critiques of Indonesian tyrannies to prove that power-hungry military men can destroy otherwise truly democratic states or nations. But Naipaul's claims are different; he merely displaces his crude views of Islamic conquest in India onto Indonesian peoples and their society.

His horror over Islam and his tautological intent, squaring all to one source and in this case, the violence of Islam, narrates the gendered struggles for a free press that a woman's magazine endures. Naipaul's main narrative rarely exposes his uncritical arrogance. It is the narrative slippage, the marginal generalization, often tucked away, that features his anti-Islamic prejudice.

Things were now more clouded; traditionalism and pragmatism had different associations. The changes that had come to the limited colonial society after twenty years of independence ... had made a woman's magazine possible... But now religion, the stresses of the half-converted country, and the great new wealth, had given an unexpectedly backward twist to things.¹

His conviction that converted peoples are more backward than others mars the narrative potential of a travel writer. All this civilizational rhetoric is explained by his mourning of colonialism, Muslim invasion and the fall of Hindu India: "So while Islam was arrested in the west, in the east it was spreading over the cultural-religious remains of greater India. India has been ravaged by centuries of Muslim invasion..."² Naipaul extends his argument about Muslim Conquest by referring to Java earlier as the "last Hindu empire"³ and the conversion of "Kali Jaga." The Hindu empire fell in 1478; the

¹Naipaul, *Beyond Belief: Excursions among the Converted Peoples*, 108.

²Naipaul, *Beyond Belief: Excursions among the Converted Peoples*, 140.

³Naipaul, *Beyond Belief*, 139.

greater India, he refers to, is “put out.”¹ He then associates Kali Jaga with the “Hindu-Jain saint, Gomateshwara.”² Notice the conflations between Hinduism, Islam and Jainism here and the telescoping of history again.

With Iran, the narrative becomes different and it appears sober, but deteriorates beyond redemption when he describes Mohurram “Shia mourning month as “the blood month.”³ The violence returns with debilitating candour, when Khalkhalli is described. Revolution is “blood and punishment”⁴ and that becomes symbolically Iran and Khalkhalli: “In fact, that double idea of blood, fitted the revolutionary Iran: with all his Iranian graces, his scientific education and his social ambitions, he had his own dream of blood. His hero was Stalin.”⁵ Islam and the Islamic are imaged as barbaric, despite modernity and science inflecting Iran and its culture.

But his re-figuring Pakistan beats all. First the distortions: he claims that Pakistan was “a criminal enterprise” as when Hindus and Sikhs, rich and wealthy, left at partition, old “debts were wiped out;” “fortunes were made or added overnight;” the new state merely plundered its way into existence.⁶ His telescoping history condemns Pakistan for re-writing British law. “Islamic appendages,” “political manipulation,” anti-women laws, “Koranic punishments,” “public floggings” – all suggests a “backward-looking” ethnicity and national culture,⁷

¹Naipaul, *Beyond Belief*, 140.

²Naipaul, *Beyond Belief*, 140.

³Naipaul, *Beyond Belief*, 208.

⁴Naipaul, *Beyond Belief*, 214.

⁵Naipaul, *Beyond Belief*, 214.

⁶Naipaul, *Beyond Belief*, 267.

⁷Naipaul, *Beyond Belief*, 268.

“tribal,” “feudal” and “half-slave” in parts.¹ And then the indictment of Mohammed Iqbal for his idea of Pakistan:

The case of Pakistan was made ... in 1930 by a poet Mohammed Iqbal. Iqbal came from a recently converted Hindu family ... only someone who felt himself a new convert could have spoken as he did...What Iqbal is saying is that Muslims can live only with Muslims ... it would have implied that the good world the one to be striven after was purely a tribal world ... every tribe in his corner.²

The bias over recently converted peoples returns. But Iqbal’s parents were Kashmiri pundits, apparently living in an ambivalent dialogue with Islamic peoples. Syncretism thrived in 19th century Kashmir. Besides, Iqbal produced a convergence between modern philosophy and Islamic reconstruction. He proposed a theory of self, so far absent in Islamic philosophy.³ Yet Naipaul would conclude, by re-installing his anti-Islamic prejudice as history: “In its short life, Iqbal’s religious state, still half-serf still profoundly uneducated, mangling history ... undoing the polity ... has shown itself dedicated only to the idea of a cultural desert here...”⁴ Thus, for Naipaul, Pakistan’s contribution to the world remains inchoate, nothing more than a decertified blotch of contemporary modernity.

¹Naipaul, *Beyond Belief*, 268.

²Naipaul, *Beyond Belief*, 269.

³For details, see Muhammad Iqbal, *The Development of Metaphysics in Persia* London: Luzac and Company, 1908.

⁴Naipaul, *Beyond Belief*, 381.

9. Conclusion

In my view, Naipaul’s effort in his non-fiction is to write or rewrite cultural histories about people and places that he encounters through their narratives of experience. He employs a wide variety of modes that apparently are exceptional. These are but facades and chiefly so, when he uses the Gothic in his non-fiction related to Islam as a means to unfolding horror and angst as the surrealist painters and the early Victorian and later stream of consciousness novelist do. As stated earlier, O’Shea Meddour remarks that Naipaul’s reactionary behaviour, the Gothic component, includes having “unpleasant physical reactions,” when he notices Imaduddin’s crowded table with symbols of modernity, the laptop, and the Koran and its commentaries at once.¹ Naipaul continues to perform acts of displacement, moments of pathetic fallacy, in his writing; he transports his anxieties onto the context and constitutes the atmosphere as “oppressive.”² This outright fear becomes the literary convention that turns Islamophobic, for it is continuous with his claims in *Among The Believers* (1981), where he interprets Islamic nations as suffering from the paranoia of contradictions, of desiring modernity and rejecting it at once.

This tendency in Naipaul’s writing is driven by his episteme, which is his biased way of seeing the world. This episteme is marked by a limited “vision,”³ as Al-Quaderi and Habibullah suggest. These critics mark among other things a)

¹O’Shea Meddour, “Gothic Horror,” 60.

²O’Shea Meddour, “Gothic Horror,” 60.

²Akeel Bilgrmai, “Occidentalism, the Very Idea: An Essay on the Enlightenment and Enchantment,” *Economic and Political Weekly* 41, 33 (19-25 August 2006), 3591-3603.

³Al-Quaderi, Gaus and Habibullah, Md “Travels,” 23.

the “lack of integrity,” characterised by “random categorisation” and “totalizing assumptions”¹ and b) his “obsession with Islam”² inflected dramatically by his “empathetic identification with” Hindutva ideology³ and his confusion between his “nativist and non-nativist”⁴ location as a writer. This mode of reading people and communities, places and spaces as an apparent objective agent, as outside the object of reading and as appropriating the “language of real life”⁵ embeds plentiful lack of historical knowledge as Dalrymple, Said, Wagoner, Amin and many other critics of both Islamophobia and post-coloniality show by their discourse. His totalisations, his generalisations, his tropology emphasise a cultural stereotyping, profoundly breeding a right-wing identity-politics which is enclosed by its non-egalitarian approach and purpose. What fails as secular-ethic in Naipaul’s writing is his inability to represent difference with good faith, thus blunting and destroying what could otherwise have been a truly alternative view of cultural history.

¹Al-Quaderi, Gaus and Habibullah, Md “Travels,” 23.

²Al-Quaderi, Gaus and Habibullah, Md “Travels,” 25.

³Al-Quaderi, Gaus and Habibullah, Md “Travels,” 26.

⁴Al-Quaderi, Gaus and Habibullah, Md “Travels,” 24.

⁵Karl Marx, “The German Ideology” in *Critical Theory Since Plato*, ed., Hazard Adams, London/New York: Harcourt Brace Jovanovich Inc, 1971, 632.

THE DHARMA OF KĀMA

Kāmasūtra's Morality of Integrated Puruṣārtha

Vikas N. Prabhu♦

1. Introduction

Sexuality has been one of the biggest human preoccupations, hence the usage of several sexual analogies to understand the world around us. For instance, ancient cults believed rain to be the seminal seed of the heavens, and the Earth's seasonal cycles were compared with menstruation in women.¹ Sexuality has commanded a significant share in the human discourse of every century, either in the eagerness to explore it, or through fervent attempts to define it, or in the struggles to suppress or sublimate it. If the beginnings of literature in the West saw sexuality embellished in erotic themes of Homer, Hesiod and Ovid, the ancients of the East were no less enthusiastic in their amorous dispositions.

Taoism, a major influence on the Chinese views on sex, subtly integrates ethics with sexuality,² by underlining that

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¹Clifford Bishop, *Sex and Spirit*, London: Duncan Baird Publishers, 1996, 16.

²Taoism believes the human body contains *yin* and *yang* essences; *yin* predominating in the female and *yang* in the male, and

sexual coition is an act of complementary participation, with a harmonizing intent, and not one where each partner aims for his or her sexual emancipation alone. The ancient *tāntric* texts cannot be fully grasped without a perspective of sexuality. Worshipping the phallus, not just as an image of the male ego but a representation of earth's potency itself,¹ is a popular cult practised by Śaivaite sects that trace its lineage to the *tantras*. In the Rgveda, *parāhatā*, a word for tilling the earth, is explained with connotations insinuating a sexual longing in the wetness of moist earth.² The Aṭṭharvaveda contains spells to selectively secure or destroy one's virility.³ In the Chāṇḍogya Upaniṣad the sexual act is compared to a sacred sacrifice. The Śatapata Brāhmaṇa correlates the construction of the sacrificial altar with heterosexual union; the altar as the woman and the fire as her male counterpart and the overall rite as an embrace of the two; and the kindling of the sacred fire using friction-sticks as coition between eternal lovers.⁴ Scriptural sexuality reflected in social life as well – the Vedic Indians embodied a sexual openness in their social attitude. Sexual life in Vedic India was predominantly heterosexual, yet other so called perversions

intercourse brings about a balance, consequently leading towards a peaceful life; see Vern L. Bullough, *Sexual Variance in Society and History*, Chicago: The University of Chicago Press, 1976, 282.

¹Thomas Moore, *The Soul of Sex: Cultivating Life as an Act of Love*, New York: Harper Collins Publishers, 1998, 42.

²Ivo Fiser, *Indian Erotics of the Oldest Period*, Praha: Universita Karlova, 1967, reprint ed., New Delhi: Gaurav Publishing House, 1989, 44.

³B. Kuppaswamy, *Elements of Ancient Indian Psychology*, New Delhi: Vikas Publishing House, 1985, 237.

⁴Fiser, *Indian Erotics of the Oldest Period*, 109.

like homosexuality, sodomy, oral coition, etc., were also in practice. Incest was depicted as a matter of fact, especially portrayed through the mouthpiece of Vedic gods, while premarital intercourse was accepted and extra-marital relations were practised widely. Virginity does not seem to be mandated of women at the time of marriage.¹ It was in this melting pot of sexuality that Mallanāga Vātsyāyana lived to create the *Kāmasūtra*,² which, through a subtle integration of sexuality with moral values and traditional tenets, promptly serves to inculcate sexual maturity in its age.

2. Context of the *Kāmasūtra*

Vātsyāyana was not an Epicurean in any sense, yet he was no puritan either. While his hedonism was buoyed by humanistic inclinations, it was also weighed down by a diligence towards morally conducive conduct. He firmly situates his work in the socio-religious context of his times. Vātsyāyana lived in a society, the boundaries of whose sexual traditions were

¹For detailed discussion with examples see Fiser, *Indian Erotics of the Oldest Period*, 45-80; Also see Haran Chandra Chakladar, *Social Life in Ancient India: Study in Vātsyāyana’s Kāmasūtra*, New Delhi: Cosmo Publication, 1984, 4 and 177; For instances of incest amongst Vedic gods, see *Rgveda* X.10, *Rgveda* X.61.5.9 and *Rgveda* X.162.5

²The author uses Vātsyāyana, *The Complete Kāma Sūtra: The First Unabridged Modern Translation of the Classic Indian Text* by Vātsyāyana Including the Jayamangalā Commentary from the Sanskrit by Yashodhara and Extracts from the Hindi Commentary by Devadatta Shāstrā, trans. Alain Daniélou, Vermont: Inner Traditions India, 1994, as the main translation reference as well as the source for verse level quotations.

constantly are risk of being pushed by virtue of its diverse practices. He must have pondered the naked indulgence of the society into sexual matters which coupled with creativity and lustful hunger would unfailingly seek new frontiers of experience. His concern is laid out in his own words:

Passion feeds on varied practices. Variety fosters mutual attraction. [For instance] the courtesan is interesting to an erotic man due to her [various] talents...¹ passion knows no rules, nor place, nor time...² the fantasies a man invents under the effect of erotic excitation are not imaginable even in dreams...³ moral objections do not resist the mounting of passions.⁴

Hence he created the Kāmasūtra in an attempt to curb the inordinate ballooning of sexuality and to lead it towards harmonizing human nature, aimed at ensuring well-being of the society through a complementary integration of individual as well as societal prerogatives.

His vision is of a society that functions harmoniously without undue suppression – one that recognizes and pursues its ends while never losing the bearing on its limits. Vātsyāyana lived at a time when great cities with economic prosperity thrived across the Indian heartland,⁵ and hence, it became imperative to re-establish the ethical boundaries of communal living in accordance with the changing value systems. The Kāmasūtra by virtue of its systematic socio-

¹Vātsyāyana, *The Complete Kāma Sūtra*, 2.4.25, 135.

²Vātsyāyana, *The Complete Kāma Sūtra*, 2.3.2, 120.

³Vātsyāyana, *The Complete Kāma Sūtra*, 2.7.32, 166.

⁴Vātsyāyana, *The Complete Kāma Sūtra*, 5.1.44, 317.

⁵For details see Chakladar, *Social Life in Ancient India*, 148.

ethical directives endeavours to provide a firm base to a world of shifting moral grounds.

3. Sexual Insight with Ethical Outlook

The *Kāmasūtra* is a widely misinterpreted text, mainly owing to current marketing strategies, who, in their attempt at glorifying glamour and frenzy of sensual tumult, have ended up relegating the didactic image of *Kāmasūtra* into a mere sex-manual. It is a manual on sex, nevertheless, but not one of pornographic nature. The *Kāmasūtra* does not sensationalize sex anymore than a book on the culinary arts being seen as advocating gluttony. It is, in essence, a codification of the various sexual themes that have remained relevant in every society throughout the course of history. Vātsyāyana’s treatise, in effect, stands at the confluence of pleasure and morality, with a meticulous eye towards traditional compliance and scientific systematization.

Kāmasūtra is a book that looks upon sex as a necessary, yet not sufficient, condition in the life of the ideal *gr̥h̥stha*, focusing not so much on value appreciation of sexual matters as it does on guiding the householders’ mind towards a cautious, disciplined, and morally compliant experience of sexuality. For instance, in part I chapter II, Vātsyāyana mentions:

The development of the transcendent aspect of human love in the couple, together with mutual progress, is not possible for animals, birds, or insects. Men who do not understand the ultimate meaning of sexual pleasure behave like animals... Man’s nature is not only animal, and he may not follow his desires at will, like a beast. Man must keep his aims before him: virtue, material success, the begetting of sons, and the growth of his family... [Also,] animals and birds make no difference between

brother and sister, mother and father, etc., and their life as a couple is not for life.¹

Furthermore, Vātsyāyana chooses as his subject the individual exclusively involved in the social stream of life, namely the *nāgaraka*, the well-bred well-endowed householder citizen along with his familial counterpart – his one or many legitimate wives – and interludes with other participants in the social fabric like prostitutes, kings, ministers, messengers, maids, nurses, etc. Vātsyāyana's exclusive focus on the *ganikā* – the beautiful, intelligent, and well educated courtesan – and her professional quiddities, though raises questions on his compliance towards a moral and cultural framework, is nevertheless an important signifier towards his social and material aspirations. The extant of the *Kāmasūtra*, seen with the *nāgaraka* on the one side and the *ganikā* on the other provides it with a comprehensive baseline for its intended signification of *kāma* and *artha*. Furthermore, Vātsyāyana is categorical in excluding the pre- and post-*gr̥hstha* stages from the purview of his doctrines. According to him, “Old age must be dedicated to the practice of virtue and spiritual pursuit [*mokṣa*]... [and] celibacy is recommended during the period of study, for the acquiring of knowledge.”²

Hence, it can be seen that the *Kāmasūtra* attempts to focus exclusively upon societal beings for whom sexuality is an integral part of conducting their lives, and attempts to impress upon them the need to approach pleasure with the attitude of a connoisseur and not like a starving man who gives more importance to the quantity of food rather than its quality. In the words of Kochuthara one may, in this context, assert that the

¹Vātsyāyana, *The Complete Kāma Sūtra*, 1.2.17-20, 33-37.

²Vātsyāyana, *The Complete Kāma Sūtra*, 1.2.4-6, 26.

“*Kāmasūtra* is not a treatise on hedonistic sexual pleasure, but a treatise on culturing sexuality.”¹ The aspect of cultured approach is duly highlighted when Vātsyāyana categorically lays down,

One cannot give oneself over to pleasure without restrictions. One’s activities must be coordinated taking due account of the importance of virtue and material goods... The lewd man is vain. He undergoes humiliations, does not inspire trust, and attracts people’s scorn.²

Therein, for Vātsyāyana, lies the elevating of experiencing pleasure from an animal level to a human level, and as a moral consequence of which prevents one from giving oneself over to an exaggerated sexual life and hence saves the individual and his or her relations from getting destroyed.³ Balancing the pursuit of pleasure with moral abidance is the ideal conduct: “Wise men choose ways of acting that allow them to achieve the three aims of life without letting the pursuit of pleasure lead them to ruin.”⁴

4. Trivarga as the Integrated Puruṣārtha

Kāma, inasmuch as embodying the feeling of desire, can be viewed as the base of every intentional human drive. Desire, then, becomes a necessary presupposition to any and every end that is in the purview of human pursuit. In effect, even

¹Shaji George Kochuthara, “*Kāma* without Dharma? Understanding the Ethics of Pleasure in *Kāmasūtra*,” *Journal of Dharma* 34, 1 (January-March 2009), 69-95, 91.

²Vātsyāyana, *The Complete Kāma Sūtra*, 1.2.32-33, 42.

³Vātsyāyana, *The Complete Kāma Sūtra*, 1.2.34, 42.

⁴Vātsyāyana, *The Complete Kāma Sūtra*, 1.2.40, 44.

moral behaviour or its consequent liberation cannot manifest without first being preceded by a desire for them. Hindus, therefore, acknowledge *kāma* as one of the *trivargas* – the triumvirate of the ends of life – whose fulfilment leads one to *mokṣa*, the final *puruṣārtha* in both a literal and metaphysical sense. The greatest of authorities acknowledge the high pedestal of *kāma* – Manu subscribes to *kāma* as a *puruṣārtha* but subjugates it to dharma at all costs, while Kautilya places *artha* in an exalted status. The prudence of Vātsyāyana, though, sees it differently. In part I chapter II, he starts with an affirmation of the importance of *kāma*, while concurrently subsuming it in an integrated *trivarga* framework,

Sexuality is essential for the survival of man, just as food is necessary for bodily health, and on them depend both virtue and wealth... [However] one cannot give oneself over to pleasure without restrictions. One's activities must be coordinated taking due account of the importance of virtue and material goods... Whether one pursues the three aims, or two, or even one, the achievement of one of them must not be prejudicial to the other two.¹

He recognizes the interplay between the three *trivarga* components, with dharma, *artha* and *kāma* having an importance not of its own standing but with reference to successful and congenial realization of harmonious social order, towards which the *gṛhstha*, owing to his productive and regenerative responsibility, may be seen as a prime contributor. He avoids the fallacy of unilateral view, instead arrives at a balance of values that first, clearly delineates the role and significance of *kāma* with respect to dharma and *artha*, and second, places it in the perspective of a holistic *trivarga*. For

¹Vātsyāyana, *The Complete Kāma Sūtra*, 1.2.32-40, 42-44.

Vātsyāyana, the value of *kāma* is not one of subservience to other components in the *trivarga* but an interdependent relationship intertwined essentially with the values of *dharma* and *artha*. Hence, Vātsyāyana models *trivarga* as a compound *purusārtha* in itself, inhering from a mutual and shared signification of *dharma*, *artha* and *kāma*.

5. The Holistic Ethical Imperative

Vātsyāyana’s holistic emphasis on the *trivarga* is substantiated through his two-pronged approach, wherein he delves in depth over subjects that have a bearing on *kāma* as well as *artha*. At first, his detailed treatment on all modalities of the lifestyle of a *gr̥hstha* embodies a comprehensive treatment of *kāma*, insofar as the applicability of *kāma* upon the householder citizen is concerned. An entire chapter is dedicated to setting the right framework for a *gr̥hstha*’s life and living, in order to ensure a clean and congenial atmosphere that makes possible the mature experience of pleasure.¹ Parts III and IV of the *Kāmasūtra* methodically elucidate the process of acquiring a wife and ways to maintain conjugal understanding through the channel of sexuality. Part II is the heart of the discourse on *kāma* treating at great length allowances and restrictions regarding amorous advances, and quite apparently, is also the section responsible for lending it the sex-manual sobriquet. This part dealing with sexual postures, embraces, petting, caresses, blows, sighs, scratching, and the like, throws explicit prominence on the aspect of pleasure in sexual encounters. Furthermore, there existed an implicit connection of *kāma* with *gr̥hstha* stage as Spellman emphasizes through the allegory of Kāma, as the Hindu Eros, being associated with Vasantha, the

¹See Part I, Chapter 4 in Vātsyāyana, *The Complete Kāma Sūtra*.

spring wind deity.¹ Thus, the emphasis on *kāma* is duly treated in all facets of *gr̥hstha*'s sexuality – in the preconditions, mindset, communication, performance, expectation and coordination of sexual matters. Vātsyāyana, however, treats *artha* in the same vein as *kāma*. For him,

Artha signifies material goods, wealth. *Artha* consists of acquiring and increasing, within the limits of dharma, knowledge, land, gold, cattle, patrimony, crockery, furniture, friends, clothing, etc... It is from those that know their subject that one can decide the time for sowing or the methods for raising cattle.²

Artha even gains prominence over *kāma* in the context of prostitution and royalty, as Vātsyāyana says, “Money is the basis of royal power... It is the means of realizing the three aims of life, even in the case of prostitutes.”³ In part I chapter III, where the sixty-four arts are listed, Vātsyāyana lays down the purpose of being acquainted with the arts as,

[Women] divorcing their husbands, or if a misfortune should happen to him, they [can] go to another country and live comfortably... [and] A man who is expert in the arts, even though suffering a certain contempt, has success with women.⁴

Hence, through the interleaving of the goals of material prosperity and pleasure gratification, Vātsyāyana achieves the holistic approach of emphasizing on both *kāma* and *artha*.

¹John W. Spellman, “Introduction” to *The Kama Sutra of Vatsyayana*, by Vatsyayana, trans. Richard F. Burton, New Delhi: Penguin Books India, 2009, 23.

²Vātsyāyana, *The Complete Kāma Sūtra*, 1.2.9-10, 28.

³Vātsyāyana, *The Complete Kāma Sūtra*, 1.2.15, 31.

⁴Vātsyāyana, *The Complete Kāma Sūtra*, 1.3.20-21, 56.

The thread of morality runs all through this integrated approach. For instance, while laying down the rules for the lifestyle and conduct of a *nāgaraka*, Vātsyāyana advocates the showing of kindness to one’s employees, respect towards one’s dependants and courtesy in social transactions.¹ Discussion on sexual advances and foreplay is accompanied by a clear caution to avoid indulgence and recklessness:

One must in all cases know when to stop if there is risk of mutilation or death... A countless number of people are imprudent and ignorant of the rules and, driven by passion in the ardour of their erotic practices, are unable to measure the consequences... the fantasies a man invents under the effect of erotic excitation are not imaginable even in dreams... like a speed-maddened horse, flying at a gallop and seeing neither holes nor ditches, two lovers blinded by desire and making furious love do not take account of the risks involved in their conduct.²

Men are advised to treat their female counterparts, whether she be the wife, lover, or a preferred courtesan, with fragility and a clear assessment of the partner’s endurance limits.

... in his sexual behaviour with a girl, an educated man takes into account his own strength and the fragility of the partner. He knows how to check the violence of his impulses, as well as the girl’s limitations of endurance.³

Thus, through his directive of a conscious and cautious approach towards passion and pleasure, Vātsyāyana weaves the thread of dharma through the integrated emphasis on *kāma* and *artha*, hence providing a cloak of righteous mentality that

¹Vātsyāyana, *The Complete Kāma Sūtra*, 1.4.36, 73.

²Vātsyāyana, *The Complete Kāma Sūtra*, 2.7.27-33, 166.

³Vātsyāyana, *The Complete Kāma Sūtra*, 2.7.34, 166.

societal beings, like the *nāgaraka*, can do, and eventually, in their effort towards righteous living, imbibe.

6. Morality as an Undertaking

Vātsyāyana does not wear the hat of a strategist, though the *Kāmasūtra* has a clear strategy of moral rectitude, neither does he put on the gown of an ontologist, though the *Kāmasūtra* stands upon an epistemological foundation of human values; instead, he plays the role of a social scientist and a conscientious moralist.

As a scientist, he is absolutely meticulous with the subject matter of every chapter, incorporating diligent classifications and categorizations. For instance, part II chapter 1 delves into the classification of male and female characteristics according to their sexual dimensions, ardour and tempo, part II chapters 2 through 7 give detailed elucidations of various amorous advances, and part II chapter 6 exclusively deals with different types of sexual postures. Every assortment seems almost exhaustive in itself. The comprehensiveness of his taxonomy is further validated through his citation of relevant authoritative references. The entire chapter I part 1 is dedicated to invocation of these references. For instance, the extant of the chapter on courtesans (part VI of *Kāmasūtra*) is claimed to be the scholarly work of Dattaka, who was an accepted authority on courtesan matters.¹ As a moralist he takes this data of scientific precision, and coats it into packets of practical directives, rolling it into the language of aphorisms.

¹For more on Dattaka's authority see A. M. Shastri, *India as Seen in the Kuttanimata of Damodara Gupta*, Varanasi: Motilal Banarsidass, 1996, 181.

This is done so that its target audience – the average householder – receives it without defiance and perplexity. The *gr̥hstha* is an individual managing several priorities and responsibilities. His life is not unidirectional. Unlike the stages of *br̥hmacarya*, whence focus is solely on culturing dharma, and *sannyāsa*, whence focus is on attaining *mokṣa* alone, the passions of a *gr̥hstha* are not singularly directed towards a single aim. The *puruṣārtha* for a *gr̥hstha* is the *trivarga* as a whole, as the one who does not devote his energies towards the fulfilment of all three – dharma, *artha*, and *kāma* – together risks misdirecting his socially productive capacity. Hence, having engaged his creative faculties in the balancing act of juggling individual goals with conjugal and social commitments, a *gr̥hstha* would, understandably so, be intellectually sapped and exhausted, and it would be much to his preference if he had to deal with simple manuals giving directives in elementary language, rather than dreary didactic professions. *Kāmasūtra*, in response to this need, avoids plain moral discourse and instead takes the holistic approach; one, where the moralist and social scientist work together to present morality not as a sermon rather as an undertaking – where the followers who duly perform their actions in accordance with directives (much like following a manual) become automatically ethical without involving any elaborate reasoning or deliberation on their part.

7. Materialist and Rationalist Blend

Vātsyāyana takes along both the materialist and rationalist perspectives in order to propagate his model of *kāma-dharma*. This stand is necessitated due to the very nature of *kāma* and *artha* being material fulfilments, and dharma, owing to its metaphysical nature, having a predominantly rational essence. The basic materialist tenet of the *Kāmasūtra*, as already seen

above, is in its advocacy towards the experience of *kāma* as well as in its acknowledgement of *artha* as the prerogatives of life. Acute materialist inclinations are evident in part I chapter 3 where, in reference to the sixty-four arts described by him, Vātsyāyana says:

[The women who] divorcing their husband, or if a misfortune should happen to him, they go to another country and live comfortably on their savings [earned through the knowledge of the arts]... a man who is expert in the arts, even though suffering a certain contempt, has success with women...¹

Thus suggesting the sixty four arts as several proficiencies that one should possess in order to display one's capacity at accomplishments, and which endows material benefit upon its practitioners.

As a rationalist, Vātsyāyana appeals to the average citizens' power of reason in order to uphold his phenomenological and epistemological presuppositions. For instance, the use of potter wheel argument to explain the waxing and waning of pleasure cycles in a woman.² Similarly rational arguments are employed in part I chapter 2 to justify the applicability of *trivarga puruṣārtha*. Vātsyāyana's robust argumentation could situate him in par with the *Naiyāikas*, who upheld a rationalist theory of knowledge. Vātsyāyana too believes theory as the basis of knowledge,³ and his moral edifice rests on an epistemological basis as it is the conscious intervention on the part of actors involved, and not merely

¹Vātsyāyana, *The Complete Kāma Sūtra*, 1.3.20-21, 56.

²Vātsyāyana, *The Complete Kāma Sūtra*, 2.1.20-21, 98.

³Vātsyāyana, *The Complete Kāma Sūtra*, 1.3.4-6, 48-49.

ritualistically mimicked behaviour, that differentiates human sex from mere animal sex.

Animal sex per se is not viewed abhorrently by Vātsyāyana, for in the chapter on sexual postures¹ he vividly suggests animal patterns for postures between human partners, concluding with the final recommendation that “sexual relations can be diversified by studying the movements of domestic and wild animals, as well as insects.”² It is well known that animals, including many from the primate species, display elaborate courting procedures and, hence, it cannot be stated with certainty that animals do not gain pleasure from their sexual acts. Yet, an inherent characteristic of confined receptivity is seen in the sexual instinct of animals, which Vātsyāyana lays down as,

Among animal species with a relatively low level of consciousness, the females, urged on by an unconscious instinct, behave according to their desire when the season arrives.³

As a proponent of the holistic *puruṣārtha*, Vātsyāyana had to embody many perspectives, which would uphold the relative importance of *trivarga* components with respect to each other. His attempt to weigh the *trivarga* components on an even scale forced him to wear many skins, and hence justifies the integrated approach of being a materialist and rationalist both at once.

¹See instances in part II chapter 6 in Vātsyāyana, *The Complete Kāma Sūtra*, 145-158.

²Vātsyāyana, *The Complete Kāma Sūtra*, 2.6.51, 157.

³Vātsyāyana, *The Complete Kāma Sūtra*, 1.2.20, 36.

8. Core Values of Sexuality and Moderation

Emphasis on core values of sexuality is the conduit through which Vātsyāyana brings together dharma, *artha* and *kāma* into the narrative of *Kāmasūtra*. This is a significant aspect in the value proposition of *trivarga*. The values of sexuality are invoked through emphases on family, love and a mature experience of sexual pleasure.

Family receives emphasis in its conjugal dimension, as that is precisely the domain of *kāma*. The onus of ensuring comfortable and congenial living quarters is placed on the husband, while the wife is made responsible to operationalize it in a sanctified manner and with dignity. On the husband's role, Vātsyāyana says,

Having completed his studies and acquired the means of livelihood by gifts received, conquest, trade, and work, or else by inheritance, or both and, having married, the *nāgaraka* must settle down in a refined manner... He must establish himself in a big city, a town, or even a large village, near the mountains, where a decent number of persons of good society are living... [his house must have] two separate apartments, [one] on a site near water, with trees and a garden and a separate place of work.¹

The wife, on her part, is advised to be an apostle of devotion and a stickler to organized conduct of household matters. She ought to be,

totally trusting, considering her husband as a god and completely devoted to him... she takes responsibility of the household... attends to cleaning the clothes, tidying the rooms, flower arrangements, cleaning the floor, being attractive to look at, performing the three daily rites of

¹Vātsyāyana, *The Complete Kāma Sūtra*, 1.4.1-3, 57.

offering to the gods and of worshipping them at their domestic shrine... [she behaves] suitably to her husband’s elderly parents, servants, his sisters...”¹

As the model of trust, she always seeks “her husband’s permission to attend marriage ceremonies... or to go to receptions or to temples... and it is only with his approval that she takes part in games.”²

Emphasis on the value of pleasure can be witnessed all through part II which contains detailed preparatory procedures recommended prior to sexual union. The stress on diversity of pre-coital techniques and variety in the practices of sexual foreplay as well as coital postures underline the importance of the pleasure dimension.

The emphasis on the value of love is a resultant of all prior emphasis and its implications. Two partners bonding effectively on the platform of intimacy contain, for Vātsyāyana, an unfailing aspect of love. In that intimate moment, “he speaks to her of the wonder of love, born at their first meeting, and of the pain felt in separating... [then] they embrace and exchange passionate kisses. United by their experience, their passion grows.”³ Towards the end of fifth chapter in part II, when amorous advances have been sufficiently recounted he, in the context of couples that practice those advances persistently, asserts, “when [these partners] continue having sexual relations, or [even] live chastely together, true love never decreases, even after a hundred years.”⁴ Furthermore, the best emphasis on love can be witnessed in the advocacy of

¹Vātsyāyana, *The Complete Kāma Sūtra*, 4.1.1-5, 277-278.

²Vātsyāyana, *The Complete Kāma Sūtra*, 4.1.15-16, 279-280.

³Vātsyāyana, *The Complete Kāma Sūtra*, 2.10.13, 202.

⁴Vātsyāyana, *The Complete Kāma Sūtra*, 2.5.43, 144.

the *gāndharva* marriage. Of the eight types of marriages recognized traditionally in his time, Vātsyāyana is antagonistic of all but *gāndharva*, as it is only *gāndharva* that involves wilful consent of both the man and his to-be-wife. In the chapter on union by marriage Vātsyāyana concludes,

In order of importance, the best marriage is the one in accordance with ethics... Love is the goal of the marriage union, and although the *gāndharva* marriage is not the most recommended, it remains the best... Marriage can bring many joys and sorrows. Because it is based on love, the *gāndharva* marriage is the best.¹

The stress on informed consent on the part of both partners is such that Vātsyāyana even places *gāndharva* above the traditionally superior *brāhma* form of marriage.²

In addition to the above emphases, Vātsyāyana's Aristotelian attitude of taking the middle path can be viewed as a buttress to his profession of holistic *puruṣārtha*. Vātsyāyana seems to be an advocate of establishing a contextual middle ground – a fair mean between extremes – as a reasonable moral directive. For instance, while focusing on the intricacies of sexual interplay between a male and female partner, he proposes a wilful mean in order to achieve a sexual union where the partners are consciously and wilfully involved, which for Vātsyāyana is the moral imperative to elevate the act from a mere animal level to a human level. To this effect, he says,

¹Vātsyāyana, *The Complete Kāma Sūtra*, 3.5.28-30, 269-270.

²For a discussion on *brāhma* and other forms of marriage, see the translator's notes for chapter III part 3 in Vātsyāyana, *The Complete Kāma Sūtra*, 217-228, and also concluding comments to chapter III part 5, 270-273.

If, out of excessive modesty, [the man] does not touch the girl, she, seeing his lack of initiative, will consider him an animal... If, on the contrary, he suddenly attacks the inexperienced girl, he will only manage to arouse fear and disgust, and she will become hostile to him.¹

Vātsyāyana approaches matters with the attitude of moderation. He instructs that “one must not go too far in the direction of the weft of woof. Success with girls is obtained by moderation,”² and by doing so, “the wise predict a sure success for a man of wit with moderate behaviour, who plays only reasonable games,”³ thus embodying an attitude that is key in fulfilling the vision of achieving a harmonious integration between components that may not be ideally complementary. In their respective extremities, each of *dharma*, *artha* and *kāma* can function in mutual exclusion of the rest. For instance, strict *dharma*, like the one enjoined for *sannyāsa*, relegates *artha* and *kāma* down to a sinful level. In order to achieve a fitting fulfilment of *gr̥hsthāśrama*, extreme indulgence in any of the *trivarga* components is not befitting, and it is only reasonable that a moderate mean between those extremes is diligently arrived at.

9. Anomalies to the Holistic Approach

Though an esoteric reading of the *Kāmasūtra* reveals the subtle framework of holistic *trivarga* in its narrative, the author admits to certain instances that present a notorious, yet irrefutable, deviation to the holistic approach and, quite justifiably, cannot

¹Vātsyāyana, *The Complete Kāma Sūtra*, 3.2.33-34, 237.

²Vātsyāyana, *The Complete Kāma Sūtra*, 3.2.31, 236.

³Vātsyāyana, *The Complete Kāma Sūtra*, 1.4.39, 73.

be overlooked. This anomaly, according to the author's interpretation, happens in three cases.

Firstly, Vātsyāyana seems to overemphasize pleasure in his attempt to render *kāma* inalienable. For instance, virile behaviour in women is advocated when "the boy, wearied after his uninterrupted sexual exercises, seeks rest and is no longer dominated by passion,"¹ and by inverting the roles, "she is determined to unite him with the instrument that she is inserting into his anus, so that he gets the taste [rasa] for one pleasure [rata] after another..."² Secondly, Vātsyāyana seemingly in his nature as a realist propounds injunctions whose morality carries problematic shades. For instance, a man having many wives is instructed to "treat them [all] equally. He may not neglect some and put up with the short-comings of others,"³ thus highlighting a possible acceptance of polygamy by Vātsyāyana. To the man, he permits sexual relations with widows and courtesans, when done for the sake of pleasure alone,⁴ and to the women, he counsels marrying a man out of love for his money, and not for his qualities, appearances or abilities.⁵ Furthermore, a courtesan is instructed to look for gaining both money and pleasure from a man,⁶ insinuating that Vātsyāyana was in support of sensual and material exploitation. The entire part V describes procedures for gaining another man's wife, thus hinting at Vātsyāyana's advocacy towards licentiousness. Thirdly, Vātsyāyana seems to favour

¹Vātsyāyana, *The Complete Kāma Sūtra*, 2.8.1, 168.

²Vātsyāyana, *The Complete Kāma Sūtra*, 2.8.4, 169.

³Vātsyāyana, *The Complete Kāma Sūtra*, 4.2.67, 301.

⁴Vātsyāyana, *The Complete Kāma Sūtra*, 1.5.2, 75.

⁵Vātsyāyana, *The Complete Kāma Sūtra*, 3.4.49-53, 259.

⁶Vātsyāyana, *The Complete Kāma Sūtra*, 6.1.1-6, 391-392.

subjugation of female freedom to her male as well as family priorities, especially in his injunctions towards duties of the wife:

In her relations with her father-in-law and mother-in-law, [the wife] must be submissive and not contradict them... she must not get excited at amusements and games... never give anything without her husband’s knowledge... when her husband departs on a journey abroad, she removes the married woman’s marks and her jewels, dedicates herself to devotion, and looks after the house according to the rules established by her husband... she does not go to visit her own family, except in the case of sickness or for religious festivals, and always accompanied by someone of her husband’s family as witness to the purity of her trip.¹

The above instances alienate Vātsyāyana from his holistic sexual moral approach; drawing unto him a blanket of hedonistic, amorally realistic and anti-feministic personality. Yet, in defence of the author’s reading of the holistic *trivarga* message, it should be understood that a treatise on morality would be grossly incomplete if it stuck to idealistic situations and ignored the profligacy of everyday life. A frank admission of imbalances and transgressions prevalent in society could be viewed as a sincere attempt to create awareness, rather than the advocacy of it. The author speculates that varied western interpretations of the ancient text could have introduced splintering anomalies in its narrative, and conscientiously relegates its confirmation to further scholarly reading by audience of this passage.

¹Vātsyāyana, *The Complete Kāma Sūtra*, 4.1.37-45, 283-284.

10. Conclusion

Vātsyāyana's defence of *kāma*, insofar as he strives to highlight its necessary nature in fulfilment of the *puruṣārthas*, may lead one to hastily conclude that he stands at loggerheads with authorities that condone *kāma*, in its nature of sexual or sensual desire, for its unethical implications. It would be a gross misunderstanding to situate *Kāmasūtra* in opposition to moral treatises. Vātsyāyana's constant effort throughout *Kāmasūtra*, explicitly in the beginning and implicitly later on, is to assuage one's temperament towards pleasure (*kāma*) and its material ramifications (*artha*) in order to contain it in the subtle channel of moral boundaries (dharma). Vātsyāyana does not try to subvert morality for the sake of carnal pleasure, which is what calling it merely a sex manual makes it look like; rather he attempts to refocus morality in the perspective of societal life and reinstate it in the domain of everyday living. *Kāmasūtra* is the work of a moral teacher with a social mindset that upholds a set of cardinal virtues in the form of the *trivarga*; and in which, dharma, like Platonic justice, stands as the overarching virtue, governing the practicability of the other two virtues of communal life, *kāma* and *artha*. In this respect, *Kāmasūtra* is not merely a *sūtra* on *kāma* – a text that would solely focus on enhancing sexual pleasure – rather it is *kāma-dharma-śāstra*, in being a treatise that aims to achieve a subtle balance between enjoyment of sensual and material pleasure along moral lines.

Kāmasūtra manages to deftly achieve that delicate balance in its treatment of sexuality, through an esoteric and material emphasis on pleasure on the one side and its practise within moral boundaries on the other. Treatises on sexuality have often diverted from this endeavour, for instance, poetics like *Ratirahasya* and *Anaṅgaraṅga*, end up eulogizing and romanticising sexuality in its sensual experience with morality

taking a backseat, while moral discourses like the *Dharma Śāstrās* bear a puritanical mindset resorting to injunctions that bear the flavour of a Victorian inhibition towards sensual pleasure. *Kāmasūtra’s* morality is not prohibitive; rather it is participative and holistically inclined. Moreover, it is directed towards the societal beings who not only form the significant chunk of human population but also a section prone to moral detractions. Vātsyāyana’s outlook is definitive, insofar as he never loses sight of his moral direction, while his insight is systemic, in that he takes an all-inclusive view of sexuality in all its applicable scenarios and modalities.

In spite of the rich cultural expositions through discourses in historical machinery and the variety of experiences over centuries of human experience, we continue to witness ambivalence in the area of sexuality, insofar as our sexual attitudes are concerned. On the one hand are conservative societies that view sex as taboo, and hence table raging debates to curb and discipline sexual profanities and perversities, while on the other is the harsh reality of escalating sexual transgression and ever increasing hankering for sexual gratification through the avenue of pornography.¹ A similar picture of ambivalence can also be derived from Foucault’s dichotomous view of historical discourses in sexuality – seen sometimes as *ars erotica* and sometimes as *scientia sexualis*.²

¹For a brief discussion on statistics related to the prevalence of pornography and further links, see Saju Chackalackal, Editorial: “Sex and Religion: Contemporary Responses,” *Journal of Dharma* 34, 1 (January-March 2009), 3-18, 5.

²For detailed reading see Michel Foucault, *The History of Sexuality*, volume 1: *The Will to Knowledge*, trans. Robert Hurley. Victoria: Penguin Group (Australia), 2008, 57-69.

Sexuality is the avenue for humans to seek a pervading oneness in their own being along with a harmonizing unity with another. A spiritual experience of sexual pleasure is an avenue to reach the promised land of sexual (and seemingly spiritual) bliss. *Kāmasūtra's* emphasis on a systematic and ethical experience of sexual pleasure should be taken as a conduit to enhance and emancipate the sexuality in human beings, thus guiding its followers towards improving their self-image, insofar as it is influenced by sexuality, and in turn serving and preserving the fabric of an equitable and balanced society. It is in order to achieve this goal that *Kāmasūtra* was necessary for its times, as much as it is still relevant in the present day society.

ATTENDING TO THE PATIENT

Bioethics and Medical Literature

Maheshvari Naidu♦

1. Introduction

Robyn Bluhm's recent paper draws our attention to the critical reality that "neither bioethics nor the philosophy of medicine has paid much attention to the relationship between vulnerability and health or illness."¹ Robyn Blum states that "attending to vulnerability due to diminished health solves some problems in current accounts of health and disease and also allows us to better understand the ways in which health problems can change people's lives."² Her paper, together with the works³ of scholars such as Rogers, Mackenzie and Dodd indexes the fact that, within the context of illness and healing, the nature of vulnerability is relatively under researched. These

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¹Bluhm Robyn, "Vulnerability, Health and Illness," *International Journal of Feminist Approaches to Bioethics: Special Issue on Vulnerability*, 2012, 147-161, 147.

²Bluhm, "Vulnerability, Health and Illness," 147.

³Rogers Wendy, Mackenzie Catriona and Dodds Susan, "Why Bioethics Needs a Concept of Vulnerability," *International Journal of Feminist Approaches to Bioethics: Special Issue on Vulnerability*, 2012, 11-38, 11.

scholars add that by focussing on patients' vulnerability we are capable of illuminating the vital relationship between health and illness. For it is this very vulnerability, that is capable of granting us potentially profound insight into the social face of the illness and access to 'seeing' the person within the patient. I suggest that a medical 'blind spot' or 'ignoring' of patient vulnerability is not only embedded in the interaction between a large segment of health care workers and the patient, but is also insidiously present in much of the way that the medical literature is constructed. This proves to be 'circular' as the literature in turn is used as 'instructional' by the medical practitioners, who further structure their patient relationships along the lines of what the medical literature says.

This paper is meant to contribute to the intellectual conversation on the notion of vulnerability initiated by researchers like Robyn Bluhm. I do this by focusing on medical oncology literature. I relate Bluhm's arguments on vulnerability and philosophy of medicine to a discussion of bioethics in medical literature, and I argue that such a medical 'eliding' of 'patient-worth' in the literature is inherently unethical; it goes against the true duty of the medical practitioner, which is to take care of and attend to the person with the illness and not merely attend to the illness.

By drawing on an earlier study of mine with terminal cancer patients,¹ and the narrative insights from the qualitative interviews that emerged from the study, I engage theoretically with the argument that bioethics in medicine is not merely about ethical rules that govern how medical professionals

¹Naidu Maheshvari, "Performing Illness and Health: The Humanistic Value of Cancer Narratives," *Anthropology Southern Africa* 35, 3&4 (2012), 71-80.

ought to behave and enact their medical selves with the patient, but that it also extends to how the medical literature ought to be written for the interconnected community of medical students, practitioners and the patients. This is about recognising the patients’ vulnerability. We gain a measure of phenomenological insight into this vulnerability through narrative work and narrative inquiry with the patients, by permitting them to ‘tell’ us about their lived experiences with illness and health, and allowing these subjective insights and insider perspectives to shape aspects of medical literature.

2. Situating the Paper

In attempting to give us an idea of the phenomenological insight into the patient’s experience of illness, scholars describe extreme or terminal illness as loss of control over bodily functions, and as a “betrayal of the body,” the “increasing alienation from a body that an ill person experiences.”¹ The sociologist Nick Fox points out that health and illness are ‘phenomena,’ that are, ‘material’ and ‘experiential’² claiming that while diseases affect organs and cells, they also influence experience and identity. His contention, however, is that despite the elaboration of a social model of embodiment, many scholars and practitioners still saddle themselves with an “implicitly or explicitly biomedicalised body as the location of ‘health’ and ‘illness,’ and as the ontological unit of sociological

¹Carel Havi, *Illness: The Cry of the Flesh*, Stocksfield, UK: Acumen Publishing Limited, 2008, 20, cited in Bluhm, “Vulnerability, Health, and Illness,” 158.

²J. Fox Nick, “The Ill-Health Assemblage: Beyond the Body-with Organs,” *Health Sociology Review* 20, 4 (2011), 359-371, 359.

analysis.”¹ This assertion is one that I find myself sadly agreeing with. Perhaps this point is most poignantly illustrated within the context of terminal illness and death. To the physician, death and the process of dying happens to the body in measurable and quantifiable terms, while to the patient, dying-and-death is what happens to them emotionally and through the (experienced) materiality of the body.²

My ethnographic study³ was situated amongst a group of female cancer patients. This qualitative study attempted to ‘listen’ to the patients’ ‘stories’ about their experiences of vulnerability within the context of their illness. These individuals were the patients and not the doctors and were thus normatively positioned as the ‘hearers’ and not the ‘tellers’ in the medical discourse that would have begun to take shape around the medical consultation. These women, in most instances, were terminal cancer patients⁴ and to them cancer was semiotically and literally, about both death and dying. More importantly, and as the women shared, the illness was also about both the medical and social. This is the point of insertion for this particular paper as many of the issues that the women voiced in their narratives appeared to be ‘visibly

¹Fox, “The Ill-Health Assemblage,” 359.

²Naidu, “Performing Illness and Health,” 77.

³Naidu, “Performing Illness and Health,” 77.

⁴The reason for narrowing the gaze on cancer is because for a disease that has come to signify death, it is powerfully alive within and on the body of the patient in ways that are at once both visceral and visual, and it (the illness) brings out the most heartbreaking vulnerabilities in the patient where the body appears to let you down in the most taken for granted aspects, as patients begin to lose control over their bodily functions.

absent’ from the medical literature. They did not merely speak about their illness, but rather their ‘selves’ as being ill. In other words, there was a profound awareness of their changing selves, in the context of the cancer. Many voiced that the doctors saw them as merely patients, not people, and that they were written about as clinical patients, as opposed to ill people. Many women voiced profound experiences of pain, vulnerability and a sense of ‘disconnect’ and shared stories of bodies that they had lost control over. An ill and in that sense, abject body is a “messy, sick, and damaged body,”¹ says Julie Kristeva. This was especially true within the context of the cancer patients who shared stories of extreme bleeding, extreme hair loss and what they felt to be embarrassing loss of bodily control. Their narratives revealed that cancer caused experiences of “brutish suffering”² in the form of disorder, powerlessness and pain.³ The ‘abject’ body, because it may become unreliable or difficult to control, can compound the experience of alienation. These experiences also serve to create experiential and conceptual distance between the self and the

¹Kristeva Julia, *Powers of Horror: An Essay on Abjection*, New York: Columbia University Press, 1982, 2.

²Kristeva, *Powers of Horror*, 2.

³In my 2012 ethnographic study with the terminal cancer female patients, the informants, Rose and Mary’s cultural backgrounds and personal grooming habits indicated that they had been fastidious about hygiene. Thus bleeding and coughing up blood in the context of their illness was met with revulsion. They both spoke about deep feelings of dirt. in ways that transcended bodily dirt. It was dirt that they felt they could not wash off (be rid of), as it violated their coherent boundaries as women. Naidu, “Performing Illness and Health,” 74.

body. Pamela van de Riet¹ talks about these kinds of bodily bleeding as a kind of corporeal irruption which can alienate the self from the body. In these conditions, the body becomes disconnected and alien in very personal ways. Almost all the participants in my study, spoke about intense and profound feelings of disconnect from themselves. However, these stories rarely make it to the pages of a medical journal. These shared stories in turn give credence to the assertion that the biomedical model sculpts a particular understanding of the ill person that is reductionist at best, and that can perhaps be claimed as stripping much of the humanity off the patients.

3. Literature, Medical Literature and Ethics

The grand design of the biomedical model can thus be seen as reducing illness to a biological mechanism of cause and effect,² while the practice of medicine itself is broken down into smaller and smaller ‘medical bytes’ in the name of specialisations; the oncologists, the cardiologists, the radiologists, the surgeons and so on.³ All of this is further reflected in how the medical literature is constructed, and how the patient is viewed within medical health models and praxis. The surgeon deals with the tumour that has to be removed, while the oncologist deals with the tumour that has to be treated and shrunk with neoadjuvant chemotherapy, in preparation for the surgery, while the nurse administers the

¹Van der Riet Pamela, “The Sexual Embodiment of the Cancer Patient,” *Nursing Inquiry*, 5, 1998, 248-257, 495.

²Wong Nancy and King Tracey, “The Cultural Construction of Risk Understandings through Illness Narratives,” *Journal of Consumer Research*, 34, 5 (2008), 579-594, 581.

³Naidu, “Performing Illness and Health,” 71.

chemotherapy itself. Although multiple practitioners attend to the patient, it is actually no one attends to the ill person. The tumour has an attendant, as do various body parts when they begin to creak, crack and give way under the incredible strain of (toxic) chemotherapy and radiation. The oncologist will be called in more often as will the specialist physician, who is meant to deal with the complications that invariably and mercilessly arrive in the wake of the powerful drugs injected into the cancer patient. So the various body parts have their attendants, while quite often there is no one inside the medical profession, for the patient, as a person. Of course one understands that these multiple specialists bring multiple skills, and that no one single practitioner can be expected to be an expert in all the subspecialisations. However, this does little to console the ill persons who feel increasingly lost amongst the specialists, none of whom actually know them.

One is not suggesting that each medical specialist, the oncologist, the surgeon, the radiologist, etc. begin to spend extended time with each and every ill person. It is the quality of the time spent and the meaningfulness and mindfulness of the interaction that is vital. It is insights that could be gained by each of the various medical practitioners, through the medical literature, while they are being trained and throughout the duration of their practice, that now becomes critically important. If the medical literature is barren and bereft of the social face of the illness and of the actual vulnerabilities of the patients, there is very little that the practitioners are learning of the ill person, beyond merely the medical.

In many instances, and certainly in popular usage, the term ‘patient’ is fairly innocuous. However, within the context of medical literature, and this is what the participants of my earlier study were attempting to share with me, the term

moves beyond the denotative and connotes a de-‘facing’ and homogenising of the ill person into the clinical/medical patient.

While literature in its broad sense (and as a stand-alone word) refers to written works of creative and artistic dimensions, appending a qualifying term immediately in front of the term ‘literature,’ as in ‘anthropological literature’ or ‘sociological literature,’ or as in this case, ‘medical literature,’ changes the textual and connotative complexion of the term, and the term comes to now refer to more formally structured written works, and in many instances, disciplinary-based articulating texts. The paper thus comprehends ‘medical literature’ as it is commonly understood, that is, as referring to articles in journals, texts and books committed to the discipline of medicine. My concern here is the ‘ethics’ in medical literature, or the embedded values and sense of ‘right’ within the texts, in terms of the (wholly clinical) descriptions of illness and health, and especially medical literature that purports to describe the patients who are ill.

The British sociologist Nick Fox,¹ with an abiding interest in the politics of medicine and health, draws our gaze to the need for a reorganisation of the medical ‘care relationship,’ claiming that these are powerful sites for destabilising the normative status quo within the health fields. He asks for a reappraisal of issues of structure, identity and knowledge in medical sociology and points out that it has been complicit in the creation of particular constructions of ‘the patient’ and of ‘health’ and ‘illness’² within medical knowledge. All of this

¹J. Fox Nick, *Postmodernism, Sociology and Health*, Toronto: University of Toronto Press, 2004; *The Body*, Cambridge, UK: Polity, 2012.

²Fox, *The Body*, 6.

comes to be reflected within discourse and the medical literature, which of course is itself dictated by a bio-medical discourse and ‘understanding’ of the patient. Philip Tovey pointed out that we are in an “era in which ‘evidence-based medicine’ (EBM) is increasingly directing research and practice, and the randomised controlled trial remains dominant in the collation and definition of that evidence base”¹ which comes to be put forward in medical literature.

More recent social sciences accounts working within a wider social framework² have however agitated against such a positivistic stance, and have become acutely aware of the limitations of traditional medicine in comprehending the experience of the patient. While there is the need for purely clinical studies, written in a grammar of statistics and analytical vocabulary, there is equally, I argue, an urgent need for medical texts and literature that describe the lived experiences of the patients. As it stands at present, much of that kind of personal perspective is considered ‘popular’ literature and finds space on the shelves marked, ‘Autobiographies’ and ‘Illness Stories.’ While the patients read these, the practitioners tend to read the medical literature. This a bizarre disjunction. For gone are the days where we can naively assume that only the medically trained can, and

¹Tovey Philip, “Narrative and Knowledge Development in Medical Ethics,” *Journal of Medical Ethics* 24, 3 (1998), 176-181, 177.

²J. Twigg, “The Body in Social Policy: Mapping a Territory,” *Journal of Social Policy* 31, 3 (2002), 421-439; S. Harrison and C. Smith, “Trust and Moral Motivation: Redundant Resources in Health and Social Care?” *Policy and Politics* 32, 3 (2004), 371-86; Julia Twigg, *The Body in Health and Social Care*, Basingstoke: Palgrave Macmillan, 2006.

should, be reading the so called medical literature. The average person wishes to be informed of what is happening to them. Yet much of the medical literature serves to alienate this section of the audience and fails to come close to conveying the patient's sense of loss within the contexts of profound life threatening illnesses such as cancer and HIV/AIDS.

For many patients, the experience of modern hospital-based medicine "is a disjunctive one, involving not just pain but also dislocation, objectification and a denial of their sense of embodiment."¹ Traditional medicine and praxis construes and constructs the patient in positivistic or clinical terms within the medical literature. The circular path is more apparent when we realise that the inscriptional approach and practices offered by medical treatments, especially within disease like cancer, is itself underwritten by epidemiological and environmental impact studies, which forms part of the corpus of medical literature.

We are to be vigilant of the hegemonic ideologies of illness and body, in medical texts and praxis, through which we are obliged and compelled to enact illness and health. Poststructural approaches challenge fundamental canonised positions in social theory, and allow a destabilising and re-reading of central hegemonic ideas in medical health and the literature. Foucault's² critical analysis of the medical gaze and the disciplinary power of medicine, which he claimed as being exerted over individual bodies and the (medical) body politic, is a good example.

¹Twigg, *The Body in Health and Social Care*, 98.

²Foucault Michel, *The Birth of the Clinic: An Archaeology of Medical Perception*, New York: Vintage, 1975; *Discipline and Punish: The Birth of the Prison*, New York: Vintage, 1979.

4. Care Ethics within the Medical Literature

My position is that ethical perspectives are potentially able to exert a moral power in reshaping the ‘care relationship’ as reflected in medical texts, and articulated in medical practice. This may offer a counter to our contemporary commodity culture (which exists even within the medical world). For the ‘commoditization of health care’ within a market economy limits personal contact between doctor-patient, in the interest of efficiency.¹ While this may not be completely so in some health care clinics and hospitals, there is nevertheless a push for quicker turnover in the name of limited resources and placing patients on a triage. All of which further erodes into meaningful contact time (and care) between the patient and the medical practitioner.

Feminist theorists have used the term *care ethics* to describe a relational approach that does not rely on “rubrics of adjudication such as rules or consequences,”² in other words the so called consequences of affording patients ‘too much time’ (extra time taken to listen to the fears and questions of the patient that appear to extend beyond the medical). Working from both a philosophical and a critical feminist perspective, Maurice Hammington contextualises care ethics within the patient-medical practitioner dyad in a manner that makes sense to me. Hammington describes relational care ethic as

¹M. Cancian Francesca, “Paid Emotional Care: Organizational Forms that Encourage Nurturance” in *Care Work: Gender Labour and the Welfare State*, ed., Madonna Harrington Meyer, New York: Routledge, 2000, 136-48, 141 cited in Hamington Maurice, “Care Ethics and Corporeal Inquiry in Patient Relations,” *International Journal of Feminist Approaches to Bioethics* 5, 1 (2012), 52-69, 53.

²Hamington, “Care Ethics and Corporeal Inquiry,” 53.

being both “a practice and a value.”¹ The notion of ‘care’ conceptualised thus, combines a disposition of openness and connection to the ‘other,’ in this instance, the patient, and is argued as being able to foster empathy, understanding, and actions on their behalf (from the practitioner). Perhaps an even more powerful insight from Hamington is that ‘care’ is a relational approach to morality, born out of the ontological notion² that human beings are inherently connected. His point is that a common theme in this kind of care-ethics is that of a “heightened sense of attentiveness to the one cared for” as a kind of “engrossment” and “concentrated attunement to the other.”³ All of this is certainly not a new or a startlingly novel notion within many religious traditions, especially within the non-dualistic religious traditions. It is however, a ‘fresh’ perspective and less known within contemporary philosophy of medicine. It also offers exciting ethical possibilities within medicine that perhaps takes us back to what may have originally been meant regarding taking care of the patient, and encapsulated within the following quote: “The traditional understanding of beneficence, dating back to Hippocrates, is the idea that physicians have a duty to benefit the patient.”⁴

The codified Hippocratic Oath⁵ can perhaps be considered as the quintessential piece of medical literature. The Oath

¹Hamington, “Care Ethics and Corporeal Inquiry,” 54.

²Hamington, “Care Ethics and Corporeal Inquiry,” 54.

³Hamington, “Care Ethics and Corporeal Inquiry,” 55.

⁴Hamington, “Care Ethics and Corporeal Inquiry,” 62.

⁵Excerpts from the Hippocratic Oath: 1) That I will honour the Profession of Medicine, be just and generous to its members, and help sustain them in their service to humanity; 6) That I will lead my life and practice my art with integrity and honour, using my

opens with the newly qualified doctors pledging: “I do solemnly vow, to that which I value and hold most dear.” The oath itself comprises eleven pledges that the newly trained doctor commits to. Pledge No. 1 promises to honour the profession and refers to service to humanity, while pledge No. 8 talks about sacred trust and ‘keeping aloof’ from ‘wrong.’ Most revealingly, pledge No. 6 and No. 7 refers to the profession of medicine in compassionate and humanistic terms, and refers to medicine as both an art and a science! The young doctors close the pledge by swearing that “I make this vow freely and upon my honour.” Thus the humanistic values of care, honour and respect for both the profession and the patient, as simultaneously a value and a practice, is deeply embedded into the fabric of the oath. This is not to say that there are no nurses or doctors and other health care workers who currently practise their profession with honour and dedication. The point though is that, it is becoming increasingly difficult, within a biomedical model, for such a practitioner to fully honour his/her profession as Hippocrates meant – *as both an art and a science*.

It is of course not unusual to meet the caring oncologist. Yet this oncologist is often compromised by the medical system itself, into enacting particular kinds of understandings and interactions with the patient. This is borne out in the narratives shared by my participants. Some of the women mentioned oncologists who they felt were very caring and respectful.

power wisely; 7) That above all else I will serve the highest interests of my patients through the practice of my science and my art; 8) That I will maintain this sacred trust, holding myself far aloof from wrong, from corrupting, from the tempting of others to vice.http://www.med.cornell.edu/deans/pdf/hippocratic_oath.pdf

However, just as many pointed out that even when they met “that kind of oncologist,” *within* the consulting room, they were often greeted by the clinical approach of the radiologists outside. Conversely, other women mentioned that while the nurses were sympathetic, many of the doctors were more dispassionate. True, as pointed out by the reviewer of this paper, in many countries, including India and parts of Africa, the services of Catholic nuns and institutions are praised for their compassionate care of their patients. One adds though, that these individuals are not working with a bio-medical discourse and a bio-medical model of illness and health, or with a bio-medically constructed ‘patient.’ Within such a model, are situated the structural binaries of ‘illness and health,’ the ‘ill person and the healthy person,’ the ‘patient and the doctor.’ While the latter labours under a model of care that is becoming increasingly ideological and consumerist, the nuns work within a totally different epistemic and understanding of person and duty (*and care*).

5. Narrative Ethics and Dharma

The writer and specialist oncologist Siddharth Mukherjee in his monumental book, *The Emperor of All Maladies: An Autobiography of Cancer*, puts it well when he says: “A patient, long before [s]he becomes the subject of medical scrutiny, is, at first, simply a storyteller, a narrator of suffering, a traveller who has visited the kingdom of the ill.”¹ Put simply, a narrative ethic asks whose story is being told, and by whom. It also asks whose interpretive framework is being given authority. These critical ‘who’ questions afford us a post-

¹Mukherjee Siddhartha, *The Emperor of All Maladies*, New York: Scribner, 2010, 46.

structural interrogation around the construction of (medical) knowledge. A narrative ethic may also identify that the ‘voice’ of those on the “margins of discourse,” and reveal that their narratives and interpretations, “has something to offer those, such as doctors, and may alert us to aspects of practice which are experienced in ways that are not intended.”¹ Narrative ethics is also concerned with transformation. It allows us to reflect upon the fundamental assumptions and tenets of a practice or discourse, the impact of those assumptions upon the most vulnerable, and creates the space for transforming the practice to incorporate the insights of the patient narrators.²

Nicholas and Grant point out that there can be a narrative nature to medical knowledge and highlight the place of (patient’s) ‘story’ in medicine, and the extent to which it can structure medical knowledge and play a central role in the transmission of this knowledge, through the medical literature one adds. After all, we cannot deny that ‘story’ “forms the basis of medical care in the narratives that patients bring to their doctors and in the narrative the doctor constructs in relation to the patient.”³ Stories or narratives are said to underpin social reality and ‘social (constructed) reality may be a reflection of the individual’s thoughts and actions. Let us for a moment, ‘play’ with the notion of ‘story’ as a metaphor, and stretch its representative limits.

The ‘story’ or ‘narrative’ that the practitioner offers back to the patient may well be ‘written’ in a ‘language’ that is

¹Nicholas Barbara and Gillett Grant, “Doctors’ Stories, Patients’ Stories: A Narrative Approach to Teaching Medical Ethics,” *Journal of Medical Ethics* 23, 5 (1997), 295-299.

²Nicholas and Grant, “Doctors’ Stories, Patients’ Stories,” 297.

³Nicholas and Grant, “Doctors’ Stories, Patients’ Stories,” 296.

unreadable and incomprehensible to the patient. The medical practitioner's story often has a storyline (diagnosis and prognosis), a plot (treatment regimes – radiology, chemotherapy, surgery) and characters (the radiologist, the oncologist, the surgeon) as well as a stage of well laid out props (medical linear accelerator for the radiotherapy, chemotherapy drugs, the operating theatre for the surgical enactments). In some ways all of this is (purportedly) designed around the main protagonist, the patient. Yet the patient has not much of a 'spoken role.' The patient is the silent actor, who is in large part, scripted to follow the direction of the practitioner.

For it is in the initial visit that the doctor/oncologist listens intently to the description of the symptoms told/narrated by the patient in order to construct his pathology. The subsequent visits see the medical practitioner normatively positioned as the 'teller' as he/she begins to unpack the treatment regime within the 'medical science.'

6. (Ethical) Medical Literature and Narrative Medicine

For me it is narrative medicine that holds the greatest promise in attempting to bridge what may be perceived by some as a gap between social and natural sciences. For narrative medicine can be seen as possessing 'soft edges' or potentially porous boundaries between the social and medical sciences¹ and able to potentially reshape a more 'ethically conscious' medical literature (and a cohort of practitioners who are also ethically literate!).

It was Trisha Greenhalgh who reminded us over a decade ago that "appreciating the narrative nature of the illness

¹Naidu, "Performing Illness and Health," 78.

experience” in essence “does not require us to reject the principles of evidence-based medicine.”¹ She pointed out that such an approach does not necessitate an “inversion” of the established hierarchy of evidence to the extent “that personal anecdote carries more weight in decision making than the randomised controlled trial.”² She reminds us that it instead invites the use of an interpretive paradigm through which it is understood that the patient experiences illness in a very particular manner.

Narrative medicine has also been put forward as one solution to an increasingly impersonal medical environment, where educators in the medical humanities, turn to narratives and narrative studies to teach medical students “an emotionally fulfilling and interpersonally related professional practice.”³ Such an approach is seen as a way to commit to “fostering the use of the humanities, social sciences, and the arts as a lens for examining issues in health, medicine, and healing.”⁴ Sayantani Dasgupta a Buddhist and a medical practitioner, claims that illness narratives written by those suffering illness, (and researchers collecting such narratives) form a genre of writing that has grown in the past few decades,

¹Greenhalgh Trisha, “Narrative Based Medicine in an Evidence Based World,” *BMJ* 318 (7179), 1999, 323-335, 323.

²Trisha, “Narrative Based Medicine in an Evidence Based World,” 323.

³Dasgupta Sayantani, “Between Stillness and Story: Lessons of Children’s Illness Narratives,” *Journal of American Academy of Paediatrics* 119, 6 (2007), 1384 -1391, 1384.

⁴Dasgupta, “Between Stillness and Story,” 1384.

adding that such stories or pathographies¹ are “a postmodern phenomenon, in which narratives authored by the ill give voice to an experience that was once narrated solely by the medical establishment.”² While this growth is appreciated, it is still however, far from an exponentially adequate growth and is yet to filter down to a large segment of practitioners who remain pedantic in their positivistic approach. Yet, the process of transforming patient histories into medical language – in its representation of subjective experience, gives us critical and vital access to the perceptions and valuation of the ill.

Philip Tovey proposed that, not only do personal stories offer a valuable source of insight into the empirical reality of situations and events, but that we are also able to make the leap from the ideographic to the generalisable. According to Tovey, in this way the argument that stories are insufficient for medical ethics falls away.

With empirically gathered stories, established theories, principles and expectations are opened up to the challenge of accounting for numerous real-life situations and experiences. The aim of using the approach is as a means to extend knowledge about “patient worlds,” to ‘enter’ those worlds empirically and thereby contribute to a

¹See Aronson Jeffrey K., “Group Autopathography: The Patient’s Tale,” *British Medical Journal* 321 (2000), 1599-1602.

²Dasgupta, “Between Stillness and Story,” 1386. See also the works Charon Rita, “Narrative Medicine: A Model for Empathy, Reflection, Profession, and Trust,” *JAMA* 286, 15 (2001), 1897-1902; “What to Do with Stories: The Sciences of Narrative Medicine,” *Canadian Family Physician* 53 (2005), 1265-1267.

multidisciplinary approach to these complex issues which is already incorporating qualitative research data.¹

All of this quite understandably and very legitimately demands research rigour which ideally would provide the means for the “elevation of individual stories” where a “contribution to the evidence base medicine”² can be made. This re-affirmation of medicine as more than only scientific knowledge and technical proficiency needs to be accelerated into both literature and praxis.

6. Conclusion

Fox’s discussion around developing a perspective for revealing the politics of ‘health talk’ or ‘illness talk,’ points out what is becoming increasingly obvious; that illness is never merely just illness. My plea is that, as researchers working on social issues around health, and in our bid for reorganisation of the care relationship and of care models, we need to push for greater recognition of that which may seem deceptively obvious, but which appears to elide the ‘medical gaze’ of many, that in dealing with ‘illness,’ we are actually dealing with ‘ill people.’ We need to see the ill person as a whole person rather than merely the patient and bearer of symptoms. In cultivating this ‘whole person’ understanding doctors would ‘stretch’ their imagination and empathy, which their formal training and the formal instructional medical literature and clinical case studies might have encouraged them to disregard as irrelevant.

¹Tovey Philip, “Narrative and Knowledge Development in Medical Ethics,” *Journal of Medical Ethics* 24, 3 (1998), 176-181, 181.

²Tovey, “Narrative and Knowledge Development in Medical Ethics,” 177.

We need to thus add to the urgency of such a perspective (beginning in medical literature and further articulating in medical praxis) by proposing a more humanistic and ethical postmodern medical social science, that in turn constructs the medical literature. For me such a perspective allows a privileging of the patients' experience of illness. Good medical care involves a role relationship besides being that of a specialist, a human relationship.

June Goodfield's observation, made all of thirty seven years ago, is still potently true, and one that needs to be held in sight of the medical gaze. Goodfield asserted that "Cancer begins and ends with people. In the midst of scientific abstraction, it is sometimes possible to forget this one basic fact."¹ Hammington reminds us that an overlooked facet of caring is its "epistemic contribution." For Hammington, caring can be conceived as inquiry; an active effort to know others for the purposes of understanding that may lead to deeper caring.² Again for me, this speaks directly to our sense of interconnectedness and has the potential to transform patient and practitioner interaction. Vulnerability may well be "an ontological condition of our humanity"³ and attending to this vulnerability is attending to both the ill person and our own (rightful) duty and humanity.

¹Goodfield June, *The Siege of Cancer*, New York: Random House, 1975, 219.

²Hammington, "Care Ethics and Corporeal Inquiry," 56.

³Hammington, "Care Ethics and Corporeal Inquiry," 56.

LANGUAGE AND TRUTH OF AESTHETICAL AND ETHICAL PRACTICES Philosophical Explorations after Wittgenstein

Jose Nandhikkara ♦

1. Introduction

Wittgenstein, in his *Tractatus Logico Philosophicus* (TLP)¹ remarked, “It is clear that ethics cannot be put into words. Ethics is transcendental. (Aesthetics and Ethics are one and the same)” (6.421). Aesthetics and ethics are one and the same because they cannot be put into words as they are not concerning contingent matters of fact; they concern matters which cannot be otherwise. The logic of aesthetical and ethical discourses is different from that of the propositions of natural science. Like logic and unlike science, aesthetics and ethics are not discourses on contingent matters of fact and cannot be expressed in bipolar propositions. According to this view, there cannot be any truth value in the discourses on ethics and aesthetics as “The totality of true propositions is the whole of natural science” (TLP 4.11). Wittgenstein famously summed up his early philosophy in the *Tractatus*: “What can be said at all

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¹Wittgenstein, *Tractatus Logico-Philosophicus*, C. K. Ogden, trans., London: Routledge, 1922. The abbreviation TLP is used for references in the text.

can be said clearly and what we cannot speak about we must pass over in silence" (Preface). Aesthetics and Ethics are included among the subjects that could not be said clearly and therefore must be passed over in silence. This looks like just the opposite of what we generally agree and practice. There are aesthetic and ethical discourses and they are fundamental to human forms of living. Wittgenstein also admitted that "There is indeed the inexpressible. This *shows* itself; it is the mystical" (TLP 6.522). The mystical would include all that is beyond what is the case and what cannot be given in propositions of natural science – aesthetics, ethics, philosophy, religion, etc.

Our everyday life experiences resist theoretical discourses. For example, Wittgenstein wrote: "Describe the aroma of coffee. – Why can't it be done? Do we lack the words? And for what are words lacking? – But how do we get the idea that such a description must after all be possible? Have you ever felt the lack of such a description? Have you tried to describe the aroma and not succeeded?" (PI 610).¹ Similar examples can be drawn from the world of literature and fine arts as well as from the world of ethics and religion. We are not able to describe the aesthetic and ethical sense of the discourses, though they are shown in the discourses and actions.

Though Wittgenstein began his *Lecture on Ethics* with Moore's view of Ethics, as "the general enquiry into what is good," he extended it further to include also "the most essential part of what is generally called Aesthetics." This shows again how he has interlinked philosophy, ethics and aesthetics in his logical and linguistic investigations. According

¹Wittgenstein, *Philosophical Investigations*, G. E. M. Anscombe, trans., Oxford: Basil Blackwell, 1953. The abbreviation PI is used in the text.

to him, instead of saying ‘Ethics is the enquiry into what is good’ he could have said “Ethics is the enquiry into what is valuable, or, into what is really important, or ... into the meaning of life, or into what makes life worth living, or into the right way of living. I believe if you look at all these phrases you will get a rough idea as to what it is that Ethics is concerned with” (LE 5).¹ All these phrases could give us also a rough idea as to what it is that Aesthetics is concerned with.

In this paper I shall explore the family resemblance between aesthetics and ethics through a study of Wittgenstein’s remarks on aesthetical and ethical discourses, judgements and practices. He rejects the craving for analytic definition of aesthetic and ethical terms such as “beautiful,” “art,” “good,” “just,” etc. and treats such terms as family-resemblance concepts. There are neither ostensive definitions nor a set of necessary and sufficient conditions for the application of these terms. The uses of these terms are inter-related in variety of ways, with a “complicated network of overlapping similarities” (PI 65). This family resemblance is linguistic, conceptual and ontological. Wittgenstein’s thoughts on aesthetics and ethics are interwoven with his philosophical investigations on language, logic, mathematics, rule following, mind, etc. They are also intimately connected with his life.

2. Aesthetics and Ethics in the Life and Works of Wittgenstein

Wittgenstein had abiding interest in Ethics and Aesthetics philosophically as well as in his personal life. Wittgenstein was a talented artist in many fields of fine arts. He enjoyed music and had fine sense of music, performed Schubert songs,

¹Wittgenstein, “A Lecture on Ethics”, *Philosophical Review* (1965), 3-12. The abbreviation LE is used for the references in the text.

sculpted a bust of Drobil, designed a house for his sister, and helped generously artists of his time. His philosophical writings are also evidence for particular literary styles and his language is considered as one of the greatest in German philosophical prose. He gave great importance to the style and considered correct style as integral to philosophy and lamented that his style is not poetic enough.

The autobiographical notes, letters and conversations with friends reveal Wittgenstein's struggles with ethical life. He wrote to Russell: "Before everything else I must become pure."¹ When he made a detailed confession to Fania Pascal, she asked in exasperation, "What is it? You want to be perfect?" His reply was: "Of course I want to be perfect!"² "Call me a truth-seeker," he once wrote to his sister (who had, in a letter, called him a great philosopher), "and I will be satisfied."³ In his continuous search for truth, he struggled himself like a monk to remain pure and perfect. He was convinced that he cannot be a philosopher unless he is a good human being.

His philosophical interests are intertwined with his interests in Aesthetics and Ethics. In October of 1931, he wrote a comment on the ethical dimension of his philosophising, showing parallel with his work as an architect in the late 1920s: "Work on philosophy – like work in architecture in many respects – is really more work on oneself. On one's own

¹Malcolm, N. "Wittgenstein, Ludwig Josef Johann" in P. Edwards, ed., *The Encyclopedia of Philosophy*, Vol. 8, New York: Macmillan, 1967, 328.

²Rhees, R., ed., *Ludwig Wittgenstein: Personal Recollections*, Oxford: Basil Blackwell, 1984, 50.

³Monk, R. *Ludwig Wittgenstein: The Duty of Genius*, London: Vintage, 1991, 3.

conception. On how one sees things. (And what one expects of them)” (CV 24).¹ He wrote to Ludwig von Ficker regarding *Tractatus* that the work is “strictly philosophical and at the same time literary.” He also pointed out that “the point of the work is an ethical one.”² Thus his work on the philosophical logic is at the same time, philosophical, ethical and literary. In his writings, the literary remarks are intertwined with topics of the “ethical” and both belong to the “unsayable.” He wrote: “In art it is hard to say anything, that is as good as: saying nothing” (CV 26). He concluded his *Lecture on Ethics*:

My whole tendency and, I believe, the tendency of all men who ever tried to write or talk Ethics or Religion was to run against the boundaries of language. This running against the walls of our cage is perfectly, absolutely hopeless. Ethics so far as it springs from the desire to say something about the ultimate meaning of life, the absolute good, the absolute valuable, can be no science. What it says does not add to our knowledge in any sense. But it is a document of a tendency in the human mind which I personally cannot help respecting deeply and I would not for my life ridicule it (LE 12).

This is true about aesthetic discourse and aesthetic judgement. What we say do not add to our knowledge; however, they are unique and fundamental tendencies in human life. “Really what I should like to say is that here too what is important is not the words you use or what you think while saying them, so

¹Wittgenstein, *Culture and Value*, G. H. von Wright, ed., Oxford: Basil Blackwell, 1998. The abbreviation CV is used in the text for references.

²Quoted in G. H. von Wright, *Wittgenstein*, Oxford: Blackwell, 1982, 81.

much as the difference that they make at different points in your life" (CV 97). Aesthetics and Ethics give meaning and value to life and it is our lives that would give meaning and significance to our aesthetical and ethical discourse and judgement. Only in the stream of life do words and actions have meaning.

Wittgenstein thought that philosophy should be written poetically: "I think I summed up my attitude to philosophy when I said: philosophy ought really to be written as a form of poetic composition" (CV 24). The German text shows more clearly the relation between philosophy and poetry: philosophizing is poetizing.¹ He wrote later in the *Nachlass*: "the philosopher should be a poet" (120, 145r).² According to him, like the philosopher, "The poet too must always be asking himself: "is what I am writing really true then? – which does not necessarily mean: "is this how it happens in reality?"" (CV 40). Philosophers and poets are committed to truths, but not the same as the empirical truths that are investigated by the scientists. He also confessed that he would have liked to be a poet but was not able to be one.

3. What Can Be "Said" and What Can Be "Shown"

The distinction between what can be "said" and what can be "shown," is a fundamental thought of the *Tractatus*. According to Wittgenstein, the purpose of the book is to *show* this distinction, as he wrote in the Preface:

¹*Culture and Value* 24: "Ich glaube meine Stellung zur Philosophie dadurch zusammengefaßt zu haben, indem ich sagte: Philosophie dürfte man eigentlich nur dichten."

²Wittgenstein, *Wittgenstein's Nachlass: The Bergen Electronic Edition*, Oxford: Oxford University Press, 2000.

This book deals with the problems of philosophy and shows, as I believe, that the method of formulating these problems rests on the misunderstanding of the logic of our language. Its whole meaning could be summed up somewhat as follows: What can be said at all can be said clearly; and whereof one cannot speak thereof one must be silent. The book will, therefore, draw a limit to thinking, or rather – not to thinking, but to the expression of thoughts; for, in order to draw a limit to thinking we should have to be able to think both sides of this limit (we should therefore have to be able to think what cannot be thought).

According to Wittgenstein, the only meaningful language is the fact-stating language of the natural sciences and only they can be stated clearly. He began his work with the statement: “The world is all that is the case” (TLP 1) and concluded with: “Whereof one cannot speak thereof one must be silent” (TLP7), implying that meaningful language must be limited to discourses about what is the case. This prescription, however, is impossible to maintain: “We feel that even when all possible scientific questions have been answered, the problems of life remain completely untouched” (TLP 6.52). There are no scientific answers for “problems of life;” they are better addressed in discourses on and practices of literature, ethics and religion. He wrote, “The use of the word “science” for “everything that can be meaningfully said” constitutes an “overrating of science” (Nachlass134, 145) and “The urge towards the mystical comes of the non-satisfaction of our wishes by science” (NB 51).¹ The urge towards aesthetical and ethical also comes from a fundamental non-satisfaction of the

¹Wittgenstein, *Notebooks 1914-1916*, Oxford: Basil Blackwell, 1961. The abbreviation NB is used in the text for references.

objective, verifiable and rational world of science. According to the scientific logic, "The totality of true propositions is the whole of natural science" (TLP 4.11). Propositions are neatly divided into true or false; if a proposition cannot be classified either as true or false, it does not have cognitive value either. If something does not have truth value and cognitive value, it is nonsense and unsayable. Hence everything that does not belong to the scientific purview, including aesthetical and ethical, belongs to the realm of the unsayable.

It is characteristic of the scientific point of view to offer explanations in the form of theories or hypotheses for everything. It is very difficult to be cured of the disease of wanting to explain (RFM 333),¹ partly because of the enormous success and influence of science and technology in our daily lives. Understanding seems to be identified with scientific explanation in terms of abstraction and theory formation. We become oblivious to other obvious forms of understanding in Aesthetics and Ethics where methods and rules of empirical explanations are not appropriate.

Aesthetic and ethical explanations are not causal explanations, as is the case generally with scientific explanation. Wittgenstein observed in his *Lectures on Aesthetics* that the puzzles arising from the effects the arts have are not puzzles about how these things are caused. They are not subject to verification by scientific experiments. The aesthetic and ethical value of an object or an action cannot be reduced to the psychological effect it has on people. Something is valuable aesthetically or ethically by their intrinsic values in relation to

¹Wittgenstein, *Remarks on the Foundations of Mathematics*, G. H. von Wright, R. Rhees, G. E. M. Anscombe, eds., Oxford: Basil Blackwell, 1978. RFM is used as abbreviation in the text.

the forms of life (LC 11-18, 21).¹ As in the many fields of human experiences and practices, in Ethics and Aesthetics also we understand more than what we can express and we express more than what we can theoretically articulate and systematically explain. According to Wittgenstein, “Philosophers constantly see the method of science before their eyes, and are irresistibly tempted to ask and answer questions in the way science does. This tendency is the real source of metaphysics, and leads the philosopher into complete darkness” (BB 18).² Philosophers who were put to sleep by the success of science³ happily see their roles as under-labourers to the master builders of science.

According to Wittgenstein’s point of view in the *Tractatus*, there is an important distinction between the world as the totality of facts, what can be said, on the one hand, and the mystical, what cannot be said but only shown, on the other. This also demarcates sense from nonsense. For those who are under the spell of the scientific point of view there is nothing to be silent about; what we can speak about is all that matters in life; the rest is neither true nor meaningful. Wittgenstein, however, did not share this scientific view of life. He remarked: “I may find scientific questions interesting, but they never really grip me. Only conceptual & aesthetic questions have that effect on

¹Wittgenstein, *Lectures and Conversations on Aesthetics, Psychology and Religious Belief*, C. Barrett, ed., Oxford: Basil Blackwell, 1966. LC is used as abbreviation in the text.

²Wittgenstein, *The Blue and the Brown Books*, Oxford: Basil Blackwell, 1958. BB is used as abbreviation in the text.

³“In order to marvel human beings – and perhaps peoples – have to wake up. Science is a way of sending them off to sleep again” (CV 7).

me. At bottom it leaves me cold whether scientific problems are solved; but not those other questions" (CV 79). The aesthetic and ethical questions are of paramount interest for Wittgenstein. He lamented of the culture of the time which over-emphasised the role of science: "People nowadays think, scientists are there to instruct them, poets, musicians, etc. to entertain them. That the latter have something to teach them; that never occurs to them" (CV 36). For him, what matters in human life and gives value and meaning to life lay beyond the boundaries of scientific experiments and systematic language. For, we will not find values among the facts of the world, for everything is what it is. The world is 'all that is the case' and science addresses the question: what is the case and how things are. The sense of the world, what constitutes its value, must lie outside the world. It cannot be one more fact among the scientifically observable facts in the world. Aesthetics describes what seems to be the case and Ethics investigates what ought to be the case. Both of them have, of course, relations with what is the case; they are not limited to the latter, however. The truth and meaning of scientific discourses are intertwined with the truth and meaning of philosophical, aesthetical and ethical discourses and seeing these connections is important for various language games in the complicated forms of life. Wittgenstein even while investigating the logic of an ideal language was sensitive to the great importance to what lies outside of the purview of science, which includes aesthetical and ethical, and to preserve it from the bewitchment of the sciences.

In the *Zettel*, to the observation by the interlocutor that "'Joy" surely designates an inward thing," Wittgenstein replied: "No. "Joy" designates nothing. Neither any inward nor any outward thing" (Z 487). "It is not a *something*, but not a *nothing* either!" (PI 304). Aesthetics or Ethics is not an

experience of something; but not a nothing either. Aesthetic and ethical discourses are not about what is the case; aesthetic and ethical judgements are not regarding how things are in the world, though such judgements can be made only in relation to what is the case. Though there is a distinction between what is the case and what seems to me the case, they are not separate. Aesthetic and ethical truths are different from empirical truths. What is the case can be judged in terms of true and false; what seems to me the case is of another category. This is also true about ethical judgments which are made on what is the case normatively on the basis of what ought to be the case. For example, the truth of the ethical prescription, “You should speak the truth,” is different from “You should speak well.” Aesthetical and ethical discourses have their own style; they are expressed in symbolic language with plurality of meanings rather than in conceptual language of uniform meaning. That does not mean that “You should speak the truth” means different things; it has plurality of applications and meaning is to be understood in use.

4. Aesthetic and Ethical Practices

Following Wittgenstein, I would like to argue that like language, Aesthetics and Ethics are practices (refer PI 202). The notion of practice would clarify that the elements of objectivity, regularity and normativity are interwoven in Aesthetics and Ethics. They make sense only in the context of objective, regular and normative practices.

First of all, Ethics/Aesthetics is objective; there is a distinction between thinking that one is following ethical precepts and actually following them. Objectivity safeguards the distinction between seems/thinks so and is so. Though it is said that beauty is in the eye of the beholder, whatever seems

aesthetical to me is aesthetical is not an acceptable position; this is all the more so in Ethics. Following ethical precepts and aesthetical guidelines is something that persons actually do, not merely something that seems so to the agents. It is only in the actual practice that Ethics/Aesthetics is understood and followed. Practices provide the objective criteria for following ethical precepts and aesthetic events. A person's sincere belief that he/she is following an ethical precept or aesthetic guideline, though necessary, is not sufficient to judge that he/she is actually following an ethical precept or an aesthetic principle.

Secondly, there is regularity, meaning, Ethics and Aesthetics are repeatable procedures. In order to describe ethical and aesthetic events one has to describe practices, not one-time occurrences, whatever it might be (refer RFM 335). Like other practices, they are repeatable over time (and place) and across persons and they can be taught and learned. One action does not make a practice, ethical or aesthetical. As I am not justified to judge on the rule-following character of a creature on Mars who looked at something like a signpost, and then walked parallel to it (*Nachlass* 124, 187), I have no justification to judge on its ethical or aesthetical character by observing one action, even if I knew all its feelings at that moment. It must act in a certain regular way. I need to see the action being repeated a number of times and more importantly its connection with the rest of the Martian's life.

Whether I would be able to judge the action of the Martian depends on how much I know about its stream of life. An action, like a word, can be judged only in the stream of life. Following an ethical/aesthetical precept involves the mastery of many interrelated practices and a whole web of human behaviour. One cannot do an action just once and claim that it is an ethical/aesthetical act. The whole circumstance would

make the point clear, especially what preceded and followed that act. What in a complicated surrounding, we call ethical or aesthetical, we would not call it so if it stood in isolation; it relates to a way of living. Indeed, ethical and aesthetical acts will have their significance only in the context of a regular human life. The bedrock of our practices, including Ethics and Aesthetics, is the regularity of practice and agreement in judgements. This is something fundamental. As in the other cases of practices, we need normative regularity, not just natural regularity. That is our third point, normativity.

Normativity, here, means that regularity is subject to standards of correctness. Ethics and Aesthetics are concerned with how we ought to do rather than stating what or how we do. The distinction between is and ought ought to be kept here; there is a correct way of doing an ethical and aesthetic practice. These practices are not just regularities of behaviour but regularities that have a normative force, ways human beings ought to act. It is manifested in a regularity that is normative which presupposes understanding and judgement. The judgement itself is possible only where an established pattern of behaviour is discernible. It is essential to have such standards of correctness to specify the scope and content of any ethical/aesthetical practice. This does not rule out creativity, growth and development in such practices. As in other practices, we not only inhabit these patterns but also shape them as we go on responsibly and creatively.

With regard to empirical and logical practices, the fact that most of us use similar concepts to represent the world means that our judging takes place within the context of an agreed framework such that disagreements are in principle resolvable. “People don’t come to blows over it” (PI 240), as Wittgenstein remarked. Ethical/aesthetical precepts, however, do not make

assertions about the world but propose ways of living, and disagreements about them cannot be resolved by reference to empirical and grammatical facts. What differentiates an ethical/aesthetical claim from an expression of preference is the claim to general validity, the claim that it is not just one way of being human but a correct way of being human. The value judgements are distinguished also by their personal dimension, meaning they are not accepted by all whereas the empirical judgements are accepted by the vast majority of us.

In answer to the question 'Why do you find certain ethical/aesthetical practices significant?' one typically narrates stories. Here giving examples and telling stories is not an indirect means of explaining – in default of a better. In the end, however, one can only reiterate one's reaction and say that it is because they are significant. Understanding such a response is similar to understanding a piece of music, according to Wittgenstein.

Why must these bars be played just so? Why do I want to produce just this pattern of variation in loudness and tempo? I would like to say "Because I know what it's all about." But what is it all about? I should not be able to say. For explanation I can only translate the musical picture into a picture in another medium and let the one picture throw light on the other (PG 41).¹

One has to understand the music, its characteristics by similarities of one musical note with another and its relation to other aspects of human life. Finally, one has to listen to the music and understand it. It is possible that there would be human beings who would lack this musical ear. Similarly, after

¹Wittgenstein, *Philosophical Grammar*, R. Rhees, ed., Oxford: Basil Blackwell, 1974. PG is used as abbreviation in the text.

giving various examples to elucidate an ethical picture what one could say further as a final argument against someone who did not want to go that way, would be: “Why, don’t you see ...!” – and that is no argument (refer RFM 50). That is not an argument not because it is something outside the realm of reason, but because it concerns the conditions for the possibility of the operations of reasons in following an ethical practice.¹ One has to see ethical connections, the way we perceive beauty in aesthetic objects and music in what we hear. As a result of practice, we hear something musical, see something beautiful and take something ethical. What we understand by ‘music’, ‘beauty’ and ‘ethical’ transcend what we describe in explaining ‘music,’ ‘beauty’ and ‘ethics’ and we speak about these phenomena more than what we can systematise. However, as Wittgenstein observes, ‘Bit by bit there forms a system of what is believed’, what we take to be musical, beautiful and ethical. If, according to Wittgenstein, “a poet too has constantly to ask himself; ‘but is what I am writing really true?’” (CV 40), one has to raise the same question: ‘Is what I am doing really true?’ Here, the claim to truth expresses the claim that one way of living/being human is uniquely correct and that the standards embodied in this fundamental attitude are to be recognized by everyone just because this is so. We are committed to the truth of what we do and we cannot be indifferent regarding the truth of what we believe. One does not typically come to ethical perspectives through empirical observation and experimentation or philosophical investigations. Philosophical investigations clarify the concepts involved and their meanings as given by synoptic

¹Luntley, M. *Wittgenstein: Meaning and Judgement*, Oxford: Blackwell, 2003, 110.

representations of the respective practices in ethical forms of life. One's belief and understanding of them are ultimately shown in one's life. The practices and beliefs are internally related and like other aspects of life, Ethics and Aesthetics are also "characterised by what we can and cannot do" (Z 345).¹ This is not a matter of not having sufficient explanations. We have reached the bedrock of explanations. At the bedrock level, however, the ethical and aesthetic practices do not stand alone; they are interwoven with other empirical claims and value judgements and held together by what lies around them.

They typically persuade others to recognize the validity of their claims, but their considerations provide only a framework or system of reference rather than an independent foundation. They can only persuade others with the need to make a fundamental option that cannot be made on the basis of scientific evidence or philosophical investigations. One can learn this knowledge not by taking a course in it, but through experience and training. One can also teach others by giving from time to time the right tip. – 'This is what 'learning' and 'teaching' are like here. – What one acquires here is not a technique; one learns correct judgments' (PI p. 227).

The rules here do not form a theoretical system but people follow them rightly as shown in their practices and ultimately in their lives. Wittgenstein wrote: "One can freely compare a firmly rooted picture in us with a superstition; but one can also say that one must always come to a firm ground, be it now a picture or not so that a picture at the source of all thoughts must be respected and not be treated as superstition (*Nachlass*

¹Wittgenstein, *Zettel*, G. E. M. Anscombe and G. H. von Wright, eds., Oxford: Basil Blackwell, 1967. The abbreviation Z is used in the text.

138, 32b-33a.)” Moreover, “If someone asks: How could the surroundings force the ethical in someone? – the answer is that he may indeed say, “There’s no such thing as must”, but at the same time under such circumstances such & such will be done’ (Nachlass 173, 17r.)” Aesthetical and ethical practices find their final justification in the stream of life. Life remains, as in the case of other practices, the bedrock of explanations.

5. Use of Pictures in Aesthetical and Ethical Discourses

In Wittgenstein’s terms, we use pictures in our aesthetic and ethical discourses. These pictures are from our lives in the world and they are seen from an ethical/aesthetic point of view so that they correspond to ethical/aesthetic experience. “The picture has to be used in an entirely different way” (LC 63) from the way we use pictures in empirical matters. “An image (*Vorstellung*) is not a picture (*Bild*), but a picture (*Bild*) can correspond to it” (PI 301).¹ A picture can correspond to an idea of aesthetical/ethical. “To believe in the truth of such a picture is to adopt what it says as one’s norm of truth.”² Moreover, as Wittgenstein observed, “a simile must be a simile of something. And if I can describe a fact by means of a simile I must also be able to drop the simile and describe the facts without it” (LE 10). In the case of ethical and aesthetical language, however, there are no facts behind the similes that could be independently described. “And so what at first appeared to be a simile now seems to be mere nonsense” (LE 10).

¹*Vorstellung* is better translated as idea or concept rather than image to bring out the contrast from *Bild* (picture).

²Phillips, D. Z. *Wittgenstein and Religion*, London: Macmillan Press, 1993, 44.

The *Tractatus* used an a priori, logical method with the assumption that language must be purified and analysed to conform to the logician's ideals. In contrast, the *Investigations* used a descriptive method: "One cannot guess how a word functions. One has to look at its use and learn from that" (PI 340). According to the *Tractatus* philosophical problems arise because "the logic of our language is misunderstood" (T Preface). We have these problems, according to the *Investigations*, because "we do not command a clear view of the use of our words" (PI 122). Though in both works he was concerned to find the limits of language and thought, in the *Investigations*, he moves from the realm of logic and form to that of ordinary language and actual use as the centre of the philosopher's attention and from an emphasis on definition and analysis to description of 'language-games,' 'family resemblance' and 'stream of life.' Ethical and aesthetic discourses could be better understood and described in terms of 'language-games,' 'family resemblance' and 'stream of life.'

In his *Lecture on Ethics*, Wittgenstein made a distinction between relative and absolute value; the former is an empirical judgement while the latter is an ethical value statement. He clarified: "although all judgments of relative value can be shown to be mere statement of facts, no statement of fact can ever be, or imply, a judgment of absolute value" (LE 6). Aesthetic judgements are also not statements of facts and statements of facts cannot express aesthetic value. Language of information is different from the language of aesthetics and ethics. It is not that we use a different language but a different use of the language. "Do not forget that a poem even though it is composed in the language-game of information is not used in the language-game of giving information" (Z 160). He observed, "Our words used as we use them in science, are

vessels capable only of containing and conveying meaning and sense, natural meaning and sense. Ethics, if it is anything, is supernatural and our words will only express facts; as a teacup will only hold a teacup full of water and if I were to pour out a gallon over it” (LE 7).

Wittgenstein in his *Lecture on Ethics* narrated three pictures of absolute value: wonder that anything exists, feelings of absolute safety and absolute guilt and related them with the religious pictures of God as Creator, Father and Judge respectively. His ethical thoughts were interwoven with religious beliefs, though he did not consider himself as a religious person. He was using a kind of *via eminentiae* to speak on Ethics – wonder that anything exists, feelings of absolute safety and absolute guilt. Believers could see these experiences as related to God. Wittgenstein compared them with the views of God as Creator, Father and Judge. These pictures are used often in literary works. The first, the experience of wonder at the existence of the world is, in his view, exactly what “people were referring to when they said that God created the world.” According to him,

When someone who believes in God looks around him and asks, “Where did everything that I see come from?” “Where did everything come from?” he is not asking for a (causal) explanation; and the point of his question is that it is the expression of such a request. Thus, he is expressing an attitude toward all explanations (RC 317).¹

This is not a scientific enquiry regarding the origin of the world but wonder at the existence of the world here and now. In other words, this is to see the world as a miracle (LE 11). A

¹Wittgenstein, *Remarks on Colour*, G. E. M. Anscombe, ed., Oxford: Blackwell, 1977. RC is used as abbreviation in the text.

miracle, for Wittgenstein is “a gesture which God makes” (CV 51); “It must be as it were a sacred gesture” (CV 57). For believers this is to confess God’s presence and power in the created world; to see the world as God’s world rather than merely as a material world, ‘my world’ or ‘our world.’ The scientific point of view does not see the world as a miracle, but something that is there for exploration, experimentation and explanation. From a scientific point of view, “the world is all that is the case” (TLP 1). Scientists try to understand its workings and to control the order of events. They are not typically moved by wonder but curiosity. There is nothing ‘mystical’ about it. Religious believers, on the other hand, see the world in its relation to God. The world is seen as God’s world; he created it and sustains it miraculously.

The feeling of absolute safety has been described as feeling safe in the “hands of God” (LE 10). Malcolm, in his *Ludwig Wittgenstein: A Memoir*, mentions an incident in Wittgenstein’s life at about the age of twenty-one that had caused a change in his attitude to religion.

In Vienna he saw a play that was a mediocre drama, but in it one of the characters expressed the thought that no matter what happened in the world, nothing bad could happen to him – he was independent of fate and circumstances. Wittgenstein was struck by this stoic thought; for the first time he saw the possibility of religion.¹

Only in the hands of God is one absolutely safe. To be safe normally means that I am protected from some perceived bad states of affairs. It is categorically different (‘nonsense,’ according to LE) to say that I am safe whatever happens. This

¹Malcolm, *Ludwig Wittgenstein*, 58.

is to give an absolute value, which can be seen only in relation to God, the Absolute Reality. Again this is a special use ('misuse,' according to LE) of the word 'safe' as the other example of wonder at the existence of the world (LE 9). In his personal life, however, Wittgenstein could not submit himself into God's hands: ""Trust in God." But I am far away from trusting God. From where I am to trusting God is a long way,"¹ he wrote in his diary in 1946 (Nachlass 133, 9r). He believed, however, that "a being that is in relation with God is strong" (Nachlass 183, 56).²

The experience of absolute guilt is "described by the phrase that God disapproves of our conduct" (LE 10). According to Malcolm,

Wittgenstein did once say that he thought that he could understand the conception of God, in so far as it is involved in one's awareness of one's own sin and guilt. ... I think that the ideas of Divine judgement, forgiveness, and redemption had some intelligibility for him, as being related in his mind to feelings of disgust with himself, an intense desire for purity, and a sense of the helplessness of human beings to make themselves better.³

The thought that one-day he has to give an account of his life is a dominant streak in his religious remarks. It is not just that the Judge would examine his case, but that he should judge himself is overpowering for Wittgenstein. As he struggled for

¹"Auf Gott vertrauen." Aber vom Gottvertrauen bin ich weit entfernt. Von da, wo ich bin, zum Gottvertrauen ist ein weiter Weg."

²"Ein Wesen, das mit Gott in Verbindung steht, ist stark."

³Malcolm, N. *Ludwig Wittgenstein: A Memoir*, Oxford: Oxford University Press, 1984, 59.

perfection, he always found himself wanting; sometimes outright disgusting.

This sentence [God disapproves of our conduct] can be, for example, the expression of the highest responsibility. Just imagine, after all, that you were placed before the judge! What would your life look like, how would it appear to yourself if you stood in front of him? Quite irrespective of how it would appear to him & whether he is understanding or not understanding, merciful or not merciful (*Nachlass*183, 147).

In spite of the fact that God is a terrible or merciful Judge who would examine my life in the strictest possible way (or with understanding) I must so live that I can stand before him when he comes (*Nachlass* 183, 185). Here the ideal of the duty of a genius becomes the duty of a slave to the master. In his personal life Wittgenstein could not submit himself to become a slave, though he prayed: "Lord, if only I knew that I am a slave!" (*Nachlass* 183, 210).¹ He also confessed: "I cannot utter the word "Lord" meaningfully. Because I do not believe that he will come to judge me; because that says nothing to me. And it could only say something to me if I were to live quite differently" (CV 38). Here also philosophy cannot resolve the truth of the issue whether there is a God, whether he is merciful or very strict, or whether there is a judgement.

Wittgenstein related his ethical views not only with religious pictures but also with aesthetical values. Though an admirer of Kierkegaard he seems to have brought closer the aesthetical, ethical and religious in their distinction from scientific and empirical descriptions. According to him, "The

¹"Das Knien bedeutet, daß man ein Sklave ist. (Darin könnte die Religion bestehen.) Herr, wenn ich nur wußte, daß ich ein Sklave bin!"

world of the happy man is a different one from that of the unhappy man” (TLP 6.43). The aesthetical and ethical worlds are categorically different from the empirical world. It is not an empirical difference but in the way we live, move, and have our being in the world. It is the life that gives meaning and significance to our words and deeds, which includes aesthetical and ethical.

6. Conclusion

What I learn from Wittgenstein is that one has to take aesthetics and ethics as something fundamental and resist temptations to explain it or to reduce it to something else for which a philosophical or scientific point of view is capable of providing an answer. The aesthetical and ethical are fundamental not because of any epistemic or phenomenological property, but by virtue of the place it occupies in our lives. Following Wittgenstein, ethical and aesthetic language is a matter for “A Grammatical Investigation.” “Grammar tells what kind of object anything is. (Theology as grammar)” (PI 373). “One cannot guess how a word functions. One has to look at its use and learn from that” (PI 340). In a grammatical investigation we ask questions like: “How did we learn the meaning of this word? “How would one set about teaching a child to use this word?” (PI 77, 244). “In order to get clear about aesthetic words you have to describe ways of living. We think we have to talk about aesthetic judgments like “This is beautiful,” but we find that if we have to talk about aesthetic judgments we don’t find these words at all, but a word used something like a gesture, accompanying a complicated activity” (LC 35). This is also true about ethical judgements; we need to describe ways of living for clarifying ethical concepts and precepts.

A grammatical investigation shows that the use of the words like 'good,' 'beautiful,' and 'just' have rich filigree patterns and remain concepts without fixed boundaries. We may draw the boundaries to serve particular purposes. However, "A sharper concept would not be the same concept. That is: the sharper concept wouldn't have the value for us that the blurred one does" (LW I, 267).¹ Following Augustine, one could say regarding many of the key aesthetic and ethical words like 'good,' 'beautiful' and 'just:'

Something that we know when no one asks us, but no longer know when we are supposed to give an account of it, is something that we need to remind ourselves of. (And it is obviously something of which for some reason it is difficult to remind oneself) (PI 42).²

In fact, the search for an object that stands for 'beauty' or 'good' is the result of ignorance regarding both the language and truth of the aesthetical and ethical. It is the deep-seated philosophical prejudice that bewitches us to treat all words as names referring to objects. Aesthetical and ethical language is part of human language-use and forms a kind of family resemblance from a varied and interconnected complex network of different language-games. All are not of equal value, but they overlap and crisscross, witnessing and contributing to the richness of human experience, shedding light on the nature of Aesthetics and Ethics. It is to be reminded

¹Wittgenstein, *Last Writings on The Philosophy of Psychology*, Vol. I, ed., G. H. Von Wright, and Heikki Nyman, trans., C. G. Luckhardt and Maximilian A. E. Aue, London: Basil Blackwell, 1990. The abbreviation LW I is used in the text.

²He quoted Augustine in Latin, "quid est ergo tempus? si nemo ex me quaerat scio; si quaerenti explicare velim, nescio."

that we do not use any special language in these fields of human life. It is a special use of our ordinary language. A critical understanding of the use of the word would involve looking into the actual uses of the word, their internal coherence, their functions in the stream of life and how they are related to the rest of life. We should remind ourselves constantly of Wittgenstein's repeated observation that 'Only in the stream of thought and life do words have meaning' (Nachlass 137, 29a, 41b, 66a; 138, 24b; 232, 765; 233a, 35).¹ The attempts to find the meanings of aesthetical and ethical vocabulary, removing all their surrounding thought and life are bound to fail. The meaning of such words cannot be found, if one excludes all the ethical and aesthetical discourses and practices that are interwoven with other aspects of human life. Once these familiar surroundings are excluded, 'good,' 'beautiful,' 'just,' etc. becomes problematic, which is not the case in the particular language games. The concept of 'good,' 'beautiful,' 'just,' etc. are characterized by their particular functions in human life (Z 532). One would like to say 'good,' 'beautiful,' 'just,' etc. have this position in our life; has these connexions. That is to say: we only call 'good,' 'beautiful,' 'just,' etc. what have these positions, these connexions.² Wittgenstein asks: "How did we learn the meaning of this word? From what sort of examples? In what language-games?" "How would one set about teaching a child to use this word?"

¹"Nur in dem Fluß der Gedanken und des Lebens haben die Worte Bedeutung."

²"The concept of pain is characterized by its particular function in our life' (Z 532). 'Pain has this position in our life; has these connexions; (That is to say: we only call "pain" what has this position, these connexions)' (Z 533).

(refer PI 77, 244). We should also remind ourselves, “we learn words in certain contexts” (BB 9) and explore those contexts of applications.

What I learn from Wittgenstein is that one has to take these aesthetical and ethical concepts as something fundamental and resist the temptation to explain them or to reduce them to something else for which a philosophical or scientific point of view is capable of providing an answer. These concepts are something fundamental not because of any epistemic or phenomenological properties, but by virtue of their place it occupies in human lives.¹ Scientists are not called upon to pass judgements on the truths about aesthetics and ethics; they are not susceptible for empirical verification. Nonetheless we cannot be genuinely indifferent to the question of whether our aesthetic and ethical judgements are true or not. If we discover that those truths are false, we reject them. There are in our lives, however, many more truths than are acquired by way of personal verification. That does not mean that they are not real. As in other matters of philosophy, though hard to achieve, realism but not empiricism (RFM 325) is the noble goal in a philosophical discourse on Aesthetics and Ethics, after Wittgenstein.

¹Phillips, *Wittgenstein and Religion*, 233.

ECONOMICS AND ETHICS

WHAT CAN ETHICS LEARN FROM ECONOMICS?

Roy Varghese Palatty[♦]

1. Introduction

Is economics an ethics-free zone? Some economists of the twentieth century have often been concerned with making their field free from all normative elements including ethical aspects. This is, they argue, to offer economics as a value-free or ethics-free science. Lionel Robbins, for instance, argued to keep economics and ethics separate: “Economics deals with ascertainable facts; ethics with valuations and obligations.”¹ We, however, hold that it is very hard to conceive economics as an enterprise free of all values. Economics as a science has no separate source of normativity apart from ethics. Amartya Sen argues that “modern economics has been substantially impoverished by the distance that has grown between economics and ethics.”² Mainstream economic theories identify rationality of human behaviour with internal consistency of choice and with maximisation of self-interest. Human beings

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¹Lionel Robbins, *An Essay on the Nature and Significance of Economic Science*, 2nd ed., London: Macmillan, 1935, 148-49.

²Amartya Sen, *On Ethics and Economics*, New Delhi: Oxford University Press, 1987, 7.

are not 'rational fools' to be motivated only by self-interest.¹ Every economic action involves balancing of various self-interests, interests of others and of the aspects of context in which one lives, which clearly demand ethical foundations.²

In his recent work, *The Idea of Justice*,³ Sen argues that philosophers have something to learn from economists. Philosophers' question "What is a just society?" according to Sen, leads them to develop "transcendental conceptions of justice" that aim to provide the blueprint of a perfectly just social arrangement. However, if the goal is "identification of patent injustices on which reasoned agreement is possible," a transcendental conception of justice, he argues, is neither sufficient nor necessary.⁴ We argue that the transcendental approach that is common in contemporary moral philosophy can learn some important elements from the comparative approach that is central to economics and social choice theory. Ethics should not be construed as the search for a transcendental model of a society.

Our arguments are two-fold: (a) an exercise of practical reason that involves actual choice demands a framework for

¹Amartya Sen, "Rational Fools: A Critique of the Behavioural Foundations of Economic Theory," *Philosophy and Public Affairs* 6 (1977), 317-44.

²For a detailed exposition of this theme, see my article "Authentic Development and Responsibility in Economics," in *Schumacher Reconsidered: Advances in Responsible Economics*, ed. Hendrik Opdebeeck, Oxford: Peter Lang, 2012, Chapter 5.

³Amartya Sen, *The Idea of Justice*, London: Penguin Books, 2009. Hereafter this work will be abbreviated as IJ.

⁴Amartya Sen, *Development as Freedom*, Oxford: Oxford University Press, 1999, 287.

comparison of justice for choosing among the feasible alternatives and not an identification of a possibly unavailable perfect situation that could not be transcended. So if all normative political judgements concerning justice involve a choice, no transcendental theory would be needed; and (b) the redundancy claim does not involve rejection of ideals, abstractions and theorising. Yet it rejects identification of a perfectly just social arrangement. In other words, we argue that Sen rejects a ‘monological’ approach of the transcendentalists in contrast to a ‘dialogical’ approach to justice, which he wants to defend. He, however, does not downplay the role of ideal theories and conceptions.

2. Approaches to Justice: Transcendental and Comparative

Sen thinks that there is a widespread misunderstanding concerning the subject matter of a good theory of justice. In contemporary political philosophy, discussions of theories of justice are predominantly focused on a central question: “what is a just society? This question of the contractarian tradition is “neither a good starting point” nor a plausible “end point” for a useful theory of justice (IJ, 105).¹ According to Sen, what characterises the transcendental approach is first, it concentrates its attention on what it identifies as perfect justice,

¹Amartya Sen, “What Do We Want From a Theory of Justice?” *Journal of Philosophy* 103, 5 (2006), 215-18; “Economics, Law, and Ethics” in *Against Injustice: The New Economics of Amartya Sen*, eds. Reiko Gotoh and Paul Dumouchel, Cambridge: Cambridge University Press, 2009, 39-54; “Values and Justice,” *Journal of Economic Methodology* 19, 2 (2012), 101-108. Sen uses ‘transcendentalism’ and ‘transcendental institutionalism’ interchangeably.

rather than on relative comparisons of justice and injustice, and second, in searching for perfection, it concentrates primarily on getting the institutions or a sovereign state right, and it is not directly focused on the actual societies that would ultimately emerge (IJ, 5). This social contract approach was pioneered by Thomas Hobbes in the seventeenth century, and later supported by Enlightenment thinkers including Rousseau, Locke and Kant. This approach imagines a social contract: a hypothetical contract concerning social organization that the people of a sovereign state can be imagined to have endorsed and accepted. This “transcendental institutionalism” is followed by John Rawls, Robert Nozick, Ronald Dworkin, David Gauthier and others. Sen argues that the nature of the society that would result from any given set of institutions must depend also on some non-institutional features, such as the actual behaviour of people and their interactions (IJ, 5-6).

2.1. Pitfalls of Transcendental Approach

Sen finds two major problems with transcendentalism. The first concerns “the *feasibility* of finding an agreed transcendental solution,” for there may be no reasoned agreement among members of a community on the nature of the ‘just society,’ even under strict conditions of impartiality and open-minded scrutiny (IJ, 9). Criticising Rawls’s transcendental approach, Sen argues that we cannot be certain that we will reach reasonable agreement on one unique set of principles of justice given the context of the plurality of reasons for justice. Rawls also, indeed, thinks that citizens may “differ as to which conceptions of political justice they think most reasonable.”¹

¹Rawls also discusses the difficulties in reaching a unique set of principles to guide institutional choice in the original position in

This concession, however, does not allow Rawls to say much about how a particular set of institutions would be chosen on the basis of a set of competing principles of justice. Put differently, there are diverse ways of leading a just life, and this is a mark of human freedom. There is a real difficulty, therefore, in determining what a perfectly just social arrangement would be. Thus Sen argues that such agreement is neither sufficient nor necessary for achieving agreement on how to render a current state of affairs more just.

Social justice, Sen holds, is intrinsically plural in character: it is “genuinely plural, and [includes] sometimes conflicting, general concerns that bear on our understanding of justice” (II, 57). This deep pluralism in the demands of justice is strongly reflected in his story of the flute and the three children. Anne, Bob and Carla are quarrelling over which of them should get a flute, and each appeals to a different ground of justice. Anne claims the flute on the ground that she is the only one of three who knows how to play it; it would be quite unjust to deny the flute to the one who can actually play it. Bob argues that he should have the flute by pointing out that he is the only among the three who is so poor that he has no toys of his own. Carla claims the flute by arguing that she was the one who ardently worked many months to make it. An economic egalitarian may

his later works. See *The Law of Peoples*, Cambridge: Harvard University Press, 1999, 137; *Justice as Fairness: A Restatement*, ed., Erin Kelly, Cambridge: Harvard University Press, 2001, 132-34. Rawls wants first to construct a “public framework of thought” and then, in this framework, allow for different interpretations. Sen, by contrast, wants first to ask what we owe to others as a matter of justice and then, on the basis of practical reasoning and discussion, to determine what justice requires.

support Bob, who is the poorest among the three, in order to reduce gaps in the economic means among the three children. A libertarian may support Carla's argument, since she is the maker of the flute. A utilitarian hedonist may support Anne by arguing that her pleasure is likely to be greater because she is the only one who can actually play the flute. It is difficult to dismiss any of these claims as foundationless. All three demands are based on seemingly reasonable conceptions of social arrangements and principles that should govern the allocation of resources. As Sen writes, it is not only that "theorists of different persuasions, such as utilitarians, or economic egalitarians, or labour right theorists, or no-nonsense libertarians [...] would each argue for totally different resolutions," but also that each theorist may recognise that there is some validity to the other claims (IJ, 13). Similarly, it is not just that the interests of the three children differ, but that "the three arguments each point to a different type of impartial and non-arbitrary reason." We cannot easily imagine the existence of "any identifiable perfectly just social arrangement on which impartial agreement would emerge" (IJ, 12-15). The non-availability of an agreed-upon transcendental solution due to plurality of reasons for justice, however, does not make it impossible to find some relational comparative conception of justice. Pluralistic conceptions of justice do not necessarily assume uncertainty in policy making, but only makes more difficult the task of political thinking.

The second problem Sen identifies with transcendentalism concerns "the *redundancy* of the search for a transcendental solution" (IJ, 9). Transcendental theories of justice imagine a perfectly just situation; a possibly unavailable perfect situation that could not be transcended or improved. Sen, by contrast, thinks that an exercise of practical reason that involves an

actual choice demands a framework for the comparison of various conceptions of justice and for a choice among the feasible alternatives. Problem with the transcendental approach arises not only from the feasibility of finding an agreed transcendental solution, but more from the non-existence of an identifiable perfectly just social arrangement. “If a theory of justice is mainly to guide reasoned choice of policies, strategies or institutions,” or if our goal is to identify patent injustices on which reasoned agreement is possible, he argues, “then the identification of fully just social arrangements is neither necessary nor sufficient” (IJ, 15). We shall analyse the *redundancy claim* in greater detail under §3.1. Apart from these deficiencies, Sen argues that transcendental theories explain only a “spotless justice” and maintain a “relational silence,” meaning an absence of any comparative implications (IJ, 99).

2.2. Towards a Comparative Reasoning

In contrast to the transcendental approach to justice, comparative reasoning is the starting point in economics and in social choice theory. Sen’s criticism of transcendental theories has two goals: first, positively, to prioritise a comparative approach to justice; and second, negatively, to put in question the need for transcendental theories in relation to comparative theories. Sen argues that we must change our focus from “what is a just society?” to a new question, “How can the justice of the present state of affairs be improved?” This investigation is based on another approach that Sen calls “realization-focused comparison” (IJ, 97). Champions of this approach, Sen considers, Adam Smith, Marquis de Condorcet, Jeremy Bentham, Mary Wollstonecraft, Karl Marx, and John Stuart Mill, were mainly interested in “comparisons of societies that already existed or could feasible emerge” (IJ, 7). Sen considers

social choice theory – the aggregation and ranking of collective preferences for the making of judgements about different social alternatives – as the main contemporary heir of this tradition.¹ To judge what justice requires of us, here and now, we need only the ability to compare relative justice. In this way it is a more “inclusive concept,” including both the importance of particular institutions and the quality of the consequences they generate.² As Sen argues, “Investigation of different ways of advancing justice in a society (or in the world) or of reducing manifest injustices that may exist, demands comparative judgements of justice.”³

A comparative approach to justice aims to individuate improvements in justice with the help of a social choice theory-based aggregation of individual rankings of alternative social scenarios and proposals for improvement. Sen argues that “the answers that the transcendental approach gives – or can give – are quite distinct and different from the type of concerns that engage people in discussions on injustice and justice in the world” (IJ, 96). Our main concern must therefore be to remedy injustices such as iniquities of hunger, illiteracy, torture,

¹Sen’s categorization of theorists of justice may be questionable. Sen regards Hobbes as the pioneer of the social contract approach and as less interested in the actual behaviour of people than in institutions. Yet one could argue that Hobbes’ account of the necessity of institutions of political authority is based on an analysis of how people behave under conditions where such institutions are absent. Similarly, Marxist communism can hardly be said to aim at ‘improving’ the present state of affairs, or ‘removing’ manifest injustice.

²Sen, “Value and Justice,” 105.

³Sen, “What Do We Want from a Theory of Justice?” 217.

arbitrary incarceration, and medical exclusion. The defender of a transcendental theory can retort that these are cases where we hardly need to do any political theory at all, precisely because all reasonable theories of justice agree that they are unjust.¹ But Sen would respond that what is persistently needed is the “removal of manifest injustice” on which reasoned agreement is possible (IJ, 7).² To do this, we do not need a transcendental theory. We can have political theorising, yet need not be, what Karl Popper calls “utopian social

¹Ronald Dworkin, *Justice for Hedgehogs*, Cambridge: Harvard University Press, 2011, 477; Adam Swift and Stuart White, “Political Theory, Social Science, and Real Politics” in *Political Theory: Methods and Approaches*, eds., David Leopold and Marc Stears, Oxford: Oxford University Press, 2008, 51-52; Christian Schemmel, “Sen, Rawls – and Sisyphus,” *Indian Journal of Human Development* 5, 1 (2011), 203.

²Critics like Saju Chackalackal argue that if people could reach at a reasonable agreement on the elimination of manifest injustices, “why not we aim at the same agreement with regard to the ideal understanding of justice through public discussion.” See “In Defence of Theoretical Ethics: A Critique on Amartya Sen’s *The Idea of Justice*,” *Journal of Dharma* 35, 4 (2010), 378. This criticism is not convincing due to two reasons: First, reasonable people continue to disagree on the nature and the exact demands of a perfectly just society. Yet this will not preclude an agreement that major improvements can be made in reducing injustice through elimination of remediable outrages such as needless hunger and starvation, removable illiteracy, correctable insecurity, or the prevalence of torture. Second, perfectly just social arrangement is not available. A transcendental approach for a non-available utopia will land us in the remote exercise of looking for a black cat in a dark room that may or may not be there at all.

engineering,” an identification of ideal state.¹ To climb the highest mountain within range, Sen thinks, we do not need to know that Everest is the highest mountain in the world, but rather only which mountains are within range and how to compare them to each other. Similarly, we need not talk about the greatest or most perfect picture in the world in order to choose between two specific alternatives. Hence, Sen concludes that “there would be something deeply odd in a general belief that a comparison of any two alternatives cannot be sensibly made without prior identification of a supreme alternative” (IJ, 101-02). Reducing poverty would constitute progress towards justice even without ultimately knowing what principles of justice people would agree to in a perfectly just social arrangement. If we make a grand division between the ‘just’ and the ‘non-just,’ as a transcendental theory of justice aims to do, this would leave the society on the ‘non-just’ side even after some reforms. Are there not some manifest injustices that are more patent than others? In a comparative perspective, Sen

¹In his popular work *The Open Society and its Enemies*, New Jersey: Princeton University Press, 1950, 154-64, Popper makes an important distinction between “utopian” and “piecemeal social engineering.” Utopian social engineering demands that we must determine our ultimate political goal, or the Ideal State, before taking any practical action in politics. Piecemeal social engineering, by contrast, instead of designing for the ideal state, focuses on “the greatest and most urgent evils of society, rather than searching for, and fighting for, its greatest ultimate good.” The piecemeal engineer can reach a “reasonable agreement” of great number of people fighting against manifest injustices than the fight for establishment of some ideal state (154-55). This idea strongly resembles in Sen’s writings.

argues, we can see such reforms as justice-enhancing changes.¹ This is because a comparative approach ranks alternative social arrangements, according to whether some social arrangement is ‘less just’ or ‘more just’ than another. Sen rightly argues that comparative questions are inescapable for any theory of justice because they give “guidance to public policy or personal behaviour.”² According to the capability approach, we may compare different distributions of capabilities in order to judge the advantages held by different individuals.

Sen relates the transcendental and comparative approaches to an old distinction made in Sanskrit between ethics and jurisprudence. Two different words in classical Sanskrit, *niti* and *nyaya*, stand for justice. The term *niti* is used mainly to indicate an organizational property and behavioural correctness, whereas the term *nyaya* stands for a comprehensive concept of realized justice. *Nyaya* is more discursive than *niti*, which follows a more definitive and consequence-independent reasoning (IJ, 210-14). As discursive, the former, *nyaya*, takes up a comparative weighing of available positions and looks for better and more acceptable consequences or realizations in personal and social life, rather than merely concerning itself with a transcendental view of justice. Sen cautions against all temptations to reduce *nyaya* to just a rigid consequential outcome that ignores the significance of social processes, efforts and conducts. In his broad consequentialist approach, Sen does not downplay the importance of the “reasoning underlying deontological concerns” (IJ, 22). He explains a *nyaya*-based approach as “a full characterisation of realisations [which] should have room

¹Sen, “What Do You Want from a Theory of Justice?” 217.

²Sen, “The Place of Capability in a Theory of Justice,” 244.

to include the exact processes through which the eventual states of affairs emerge" (IJ, 24). In other words, this approach does not involve a process-independent view of consequences, but rather argues that an appropriate understanding of social realization must take the more comprehensive form of a process-inclusive account.¹

One may doubt whether this comparative approach of the capability theory is able to provide answers to transcendental questions. For transcendental approach is based on an assumption that a systematic discipline of a theory of justice must be a complete one. Sen argues that "a systematic and disciplined theory of reasoned evaluation" need not be "totalist," with a built-in capacity to compare every pair of alternatives. An assessment of social justice need not take a "totalist" form (IJ, 103). It seeks productive directions for reform rather than full optimality. It may be easier to identify areas in need of improvements, or at least areas to be preferred on the basis of several criteria. An analogy may be useful here. Imagine that we see two peaks, each disappearing into the clouds such that we have no way to say which is higher. Neither has been surveyed. A transcendental theorist may be stunned, but a relational reformist may secure some agreement that we should proceed up a path that leads to the col separating two peaks. The col will definitely be higher than our starting point.² We do not need a perfect idea of their heights to make our travel possible. Our lack of a perfectly complete idea of the state of affairs in this case is not a hindrance to our

¹Sen, "Maximization and the Act of Choice," *Econometrica* 65, 4 (1997), 745-79.

²A. B. Atkinson, "Public Economics after The Idea of Justice," *Journal of Human Development and Capabilities* 13, 4 (2012), 529.

journey. Transcendental theories of Rawlsian derivation regard incompleteness a failure; a sign of the unfinished nature of the exercise. Yet incompleteness is not a problem, but rather a part of the process of reasoned evaluation. Justice is “a work in progress.”¹ We cannot anticipate every novel conflict that will require further elaboration, discovery and interpretation. In the same way, our theories and values must be regarded as revisable (IJ, 106, 242). Several reasons may contribute to the incompleteness of a theory, including gaps of information, pluralism of values, conflicting claims on equity considerations, and so on. Despite this apparent ambiguity, we can reach a reasonable agreement that there are social failures involved in the failure to address problems of persistent famines, access to medical care, basic food and clothing. These injustices call “urgently for remedying” (IJ, 104).

Even if every person had a complete ranking of the possible social arrangements and if all people could reach an agreement on standard forms of justice, Sen argues, incompleteness would still arise if distinct persons continued to assess this ranking and agreement differently. Transcendental theories may bracket out an individual’s vested interests and personal priorities by applying the device of the ‘veil of ignorance.’ Yet there may remain differences concerning how each assesses “social priorities, for example in weighing the claims of needs over entitlement to the fruits of one’s labour” (IJ, 104). Both incompleteness in individual evaluation and incomplete congruence in individuals’ assessments, Sen argues, make it a hard task to reach judgements in matters of social justice. Yet this incompleteness

¹David Schmitz, “Nonideal Theory: What It Is and What It Needs to Be,” *Ethics* 121, 4 (2011), 783.

does not hinder the making of comparative judgements about justice; we may reach an agreement on “pairwise rankings” and evaluate how to enhance justice and reduce injustice.¹ This is also called a “relational approach” to justice (IJ, 104-05).

The main concerns of traditional economic theories in the history have been with questions of rationality, such as ‘internal consistency’ of choices or the ‘completeness’ of evaluation. Subsequently ethical considerations that could contradict these rationality requirements have been exported outside economic models. Internal consistency of choice requires “inter-menu correspondence,” that means, “relating choices from different subsets to each other.”² Completeness requires an evaluation that compares all pairs of social states and ranks each as better, worse, or indifferent. As long as these conditions of rationality are satisfied, the model is taken to be morally neutral, whatever results it may bring. As long as it does not contradict the conditions of rationality, any ethical consideration whatsoever can be introduced regardless of its plausibility. Sen redefines rationality as a discipline of thinking, or systematic use of reason, which reflects, as well as revises, an individual’s goals, values, strategies, and motivations in view of relevant information.³ To accept external viewpoints including ethical criteria that might

¹Sen, “Incompleteness and Reasoned Choice,” *Synthese* 140, 1/2 (2004), 43-59; Isaac Levi, “Amartya Sen,” *Synthese* 140, 1/2 (2004), 61-67. Pair-wise ranking is a tool that helps us to identify preferences and hence to reach at an agreement on most important needs and concerns of the people.

²Sen, *Rationality and Freedom*, Cambridge: Harvard University Press, 2002, 122.

³Sen, *Rationality and Freedom*, 19.

constrain the individual's interest is neither irrational nor outside of the requirements of rationality. Likewise, the aspect of incompleteness, in either individual or social preference never implies a deficit of rationality. Rather, “systematic guidance to reasoned decisions can come from incomplete ordering that reflect unsolved conflicts.”¹ Incompleteness is not a failure in an economic theory. Rather it suggests the existence of diverse values that may potentially conflict each other and hence deserve attention. If our goal is to identify an “ideally just society,” we need a totalist approach. We do not need this as we do not aspire for a perfectly just social arrangement, but want to avoid “patent injustice” which needs a relational approach to justice. As Sen argues, “welfare economics has always been concerned with comparative rather than transcendental questions, no matter whether the subject matter has been policy choice or institutional choice.”² What philosophical theories of justice need to learn from economics, argues Sen, are the joys and difficulties of comparing. Social choice theory, for instance, compares and ranks social states in relation to one another as less just, or more just. In comparative reasoning, identification of perfectly just system is “irrelevant.”³

3. Objections and Claims

Sen makes two charges against the transcendental approach: the insufficiency charge and the non-necessity charge. These charges amount to two important claims: a priority claim and a redundancy claim, respectively. The insufficiency charge is

¹Sen, *Rationality and Freedom*, 468.

²Sen, “Economics, Law and Ethics,” 48.

³Sen, “Economics, Law and Ethics,” 51.

based on an assumption that the kind of full specification of a perfectly identified institutional and social arrangement sought by the transcendental approach is not sufficient for guiding and making comparative evaluations on justice. The non-necessity or redundancy charge is based on an assumption that this kind of identification of fully just social arrangement is not necessary for a comparative approach to justice. The priority claim explains that we need to shift our priorities from transcendental theorising towards thinking about justice-enhancing changes. Sen holds that political philosophers should be centrally concerned with making comparative judgements of justice in a way inspired by the social choice tradition. The redundancy claim explains that we do not need a perfectly identified social arrangement in order to make comparative judgements on justice. As this claim is widely misunderstood, many critics have complained that it is mistaken.¹ We argue that Sen does not make a *general* redundancy claim, but rather a *specific* claim concerning the non-necessity of a transcendental theory for comparing alternatives. His objection lies in doing theories in the Rawlsian sense where transcendentalism and institutionalism brought together in a theory of justice. Sen however recognises that “an ‘ideal theory’ may often be helpful in understanding the

¹Ingrid Robeyns, “Ideal Theory in Theory and Practice,” *Social Theory and Practice* 34, 3 (2008), 341-62; “Review Symposium on Amartya Sen’s *Idea of Justice*: Are Transcendental Theories of Justice Redundant?” *Journal of Economic Methodology* 19, 2 (2012), 159-63; Schemmel, “Sen, Rawls – and Sisyphus,” 197-210; Evan Riley, “Against Sen against Rawls on Justice,” *Indian Journal of Human Development* 5, 1 (2011), 211-21; Chackalackal, “In Defence of Theoretical Ethics,” 369-92.

underlying ideas that even a practical theory of actual decision making may utilize.”¹

An ideal theory proposes an idealization of a particular situation, which entails some unique characteristics in that it identifies some perfectly just set of institutions and perfectly just society. Non-ideal theories, by contrast, are formulated to make feasible recommendations concerning the questions of justice that are both “achievable and desirable.” While Sen defines the role of comparative theories as that of identifying possible ways of advancing justice, he implicitly distinguishes not between transcendental and comparative theories of justice in general but between transcendental theories and a specific subset of comparative theories, namely those that rank *viable* societal arrangements.² Insofar as ideal theories of justice are neither reasonably imaginable and nor politically feasible in practice, Sen’s categorisation of transcendental theories will also place them into the category of ideal theories, whereas comparative theories will fall into the non-ideal category. Sen does not oppose all the theoretical investigations of Rawls, Dworkin and other ideal theorists. His criticism is mainly against identifying a perfectly just social arrangement or institution. Sen thinks there are serious problems in the present-day “overpowering concentration on institutions” as opposed to the lives that people are able to lead (IJ, xi).

3.1. Reconsidering the Redundancy Claim

Sen cites two objections raised against the redundancy claim by Ingrid Robeyns. First, he cites Robeyns’s claim that “a number

¹Sen, “Values and Justice,” 106.

²Zofia Stemplowska, “What’s Ideal about Ideal Theory?” *Social Theory and Practice* 34, 3 (2008), 324-25.

of basic injustices do not need ideal theory in order for us to understand and agree that they concern gross injustices," yet "many cases of injustice are complex and often subtle."¹ We thus find it more difficult to identify and analyse cases of complex injustice than cases of basic injustice. In other words, judgements on "the comparison of *complex* cases of injustice implicitly or explicitly do refer to ideals of justice."² Robeyns offers the case of gender justice in liberal societies as an example of a complex case. In many of these societies, she thinks, citizens believe that gender justice is fully realised. To analyse a claim of perfect injustice, she argues, we need a transcendental theory of justice.

Yet this objection to the redundancy claim is not convincing, which becomes apparent once we note that Sen's redundancy claim is an analytical proposition. Consider Sen's analogy: To show that a certain state of affairs X is comparatively unjust, we merely have to show that there is another feasible alternative Y (whether or not ideal) that is less unjust than X. We need not invoke some quite different alternative, say Z, as the very 'best' social arrangement and we need not raise the question of whether X is less unjust than some ideal state Z. This means that appreciating a particular state of affairs does not directly involve the idea of an ideal state (IJ, 101). When we compare some states of affairs X and Y, we implicitly relate each to some ideals of justice that may be composed of different elements, though never to a perfectly ideal state. This general analytical proposition is valid

¹Robeyns, "Are Transcendental Theories of Justice Redundant?" 160.

²Robeyns, "Are Transcendental Theories of Justice Redundant?" 160-61, "Ideal Theory in Theory and Practice," 345-46.

irrespective of whether the cases of injustice are basic or complex. Can we specify certain pre-conditions that will certainly bring about a perfectly just world with respect to gender relations? We think we cannot. Two reasons for this seem apparent: (a) It is not feasible to look for universal agreement on transcendental principles in a world where there exists a plurality of conceptions of perfect gender justice. Different people may argue that the present divisions are not truly just, without agreeing on any one formula for achieving an ideally just division of opportunities or decisional powers. (b) To demonstrate the unjust nature of social or economic divisions between genders, it is not necessary to persuade people to agree on what “the perfectly gender just world” would look like.¹ One can, for instance, quite independently of such a perfect conception, say that the ideal of gender equality is better realised in Belgium than in Afghanistan. To persuade people to agree on a single ideal state of gender equality might, I suspect, even privilege some particular ideological group.²

The second argument against Sen’s redundancy claim operates at two levels: (a) Non-transcendental theorising guides our justice-enhancing policies and actions, and Robeyns thinks that “non-transcendental theorising of justice *entails but is not limited to* the comparative approach to justice.” She argues: “non-transcendental theorising of justice also includes

¹Sen, “A Reply to Robeyns, Peter and Davis,” *Journal of Economic Methodology* 19, 2 (2012), 175.

²Charles Mills, a radical proponent of non-ideal theory in the justice debate, for instance, argues that ideal theory is not only irrelevant and useless but also ideological and therefore potentially dangerous. See “Ideal Theory as Ideology,” *Hypatia* 20, 3 (2005), 165-84.

theorising on how to weigh different principles of justice, or theorising on what to do if in the long run we can achieve a more just state, but whereby this requires sacrificing one generation for the sake of the following generations.” This observation leads her to argue that non-transcendental theories of justice require a transcendental theory. (b) Robeyns argues that in order to make a reasonable decision on a particular issue, we need to consider different feasible paths. A reasonable decision requires, she believes, a vision of our “ultimate goal, that is, a transcendental principles of justice.”¹

We do not think that a transcendental theory by *itself* necessarily entails features of non-transcendental theorising, which guide our policies and actions on justice. As Sen argues, a transcendental theory cannot be a “conglomerate theory,” resolving transcendental and comparative issues simultaneously (IJ, 67). However, a transcendental theory can extend to non-transcendental theorising in the style of Dworkin.² A non-transcendental theory may employ ideals, abstractions, and ideal theories, yet there is a difference between “ideals of justice” and the “identification of ideal states.” Ideals of justice may motivate us to aspire to higher goals, whereas the identification of ideal states demands a transcendental conception of a perfectly just social arrangement. Robeyns seems to defend the latter. Democracy, for instance, is a great ideal. Yet we may not have a single transcendental conception of a democratic state. Each culture and society may interpret democracy differently. To pursue a

¹Robeyns, “Are Transcendental Theories of Justice Redundant?” 160-61, emphasis in original.

²Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality*, Cambridge: Harvard University Press, 2000, Part II.

better democracy, we do not need an imaginable identification of a perfect democracy, which by its nature does not exist. In other words, a transcendental route is not necessary for comparative reasoning. It is not necessary to identify an ultimately “just social state” to decide on a better or more feasible path. Robeyns, by contrast, subscribes implicitly to Rawls’s claim against non-ideal theories, namely that they lack an ultimate target.¹ Robeyns imagines a complete “navigation map” which, she believes, can enable us to reach a perfectly just social arrangement. Yet it seems clear that such a utopia is not required for a relational theory of justice. Apart from that, “every theory simplifies, just as every map does, and for the same reason.” We cannot draw a map without choosing what to leave out, and a good abstraction isolates what is most relevant to successful navigation. Sen does not oppose this kind of idealization.²

Robeyns’ dilemma is something like the following: on the one hand, she wants to prioritise comparative theories over transcendental theories, but on the other hand, she finds it difficult to do without some identification of an ideal “social state” in making comparisons of justice. Such identification is necessary, she thinks, to serve as an anchor for making right judgements in matters of comparative justice. Her search for a ‘methodological basis’ for a non-ideal theory thus seems to end up forwarding arguments for a transcendental identification of ideal states.³ Sen, by contrast, stresses that the procedure of democratic ideal is an adequate methodological basis for

¹Rawls, *The Law of Peoples*, 90.

²Schmidtz, “Nonideal Theory: What It Is and What It Needs to Be,” 776-777.

³Robeyns, “Ideal Theory in Theory and Practice,” 348-349.

making judgements about justice. Robeyns wants to fix where “the *endpoint* of the journey lies.”¹ Identification of an endpoint is typically a characteristic of transcendental theories, yet it seems clear from Sen’s analysis that justice has no endpoint. We can have only the possibility of bettering justice in particular situations. Sen’s distinction between an “optimal set” and a “maximal set” in economic theory is useful to explain this point. An optimal set means choosing a “best” alternative among the feasible options. To get a maximal set requires “choosing an alternative that is not judged to be worse than any other.”² Optimization is quite unnecessary for maximisation. If our goal is to describe an ideally just society, then comparison should include every alternative and lead to an “optimum.” However, if it is to avoid “patent injustices,” we do not need to identify the “optimal set.”³ We must aim at progressive reform rather than transcendental optimality.

3.2. Targets-Role of a Theory

Someone could argue that a course of action that appears to advance justice will not succeed in achieving that goal unless we know what that long-term goal is. We do not think that an ideal theory is needed to define our targets and goals. Sen holds, as we have seen, that we need not know how high Everest is if our goal is to compare lesser mountains (IJ, 101). John Simmons responds, “we can hardly claim to know whether we are on the path to the ideal of justice until we can specify in what that ideal consists.” Employing the Everest analogy, Simmons concludes that “which of the two smaller

¹Robeyns, “Ideal Theory in Theory and Practice,” 345.

²Sen, *Rationality and Freedom*, 160.

³Sen, *Rationality and Freedom*, 181-182.

peaks of justice is the higher (or more just) is a judgement that matters conclusively only if they are both on equally feasible paths to the highest peak of perfect justice.”¹ On Simmons’ reading, Sen is claiming that, although justice is the highest peak on a hilly terrain, we need concern ourselves only with local gradient climbing. For so long as we climb, we reach the highest peak sooner or later. Simmons opined that blindly groping for local high ground is as likely to lead away from Everest as toward it. Some immediate steps may not be improvements towards justice, but rather conversely may lead us further from our target. Simmons thinks that even if Sen is right that we do not need ideal theories to play the urgency role, we need them to play the target role.² If we take this interpretation, then clearly Simmons is right and Sen is wrong, yet this analogy could be misleading. Sen, however, is making a different argument here. For Sen, “the terrain’s outstanding landmarks are injustices: pits in an otherwise featureless plane.”³ Justice has no peak-form; all we need to know are the pits. As Sen states, “the greatest relevance of the idea of justice lies in the identification of patent injustice, [...] rather than in the derivation of some extant formula for how the world should be precisely run.”⁴ There is no perfectly identified destination to arrive at, such as Everest.

Justice is not a place we pursue and which we hope to reach. Sen considers that identifying perfect justice and comparing imperfect social states are analytically disjointed.

¹A. John Simmons, “Ideal and Nonideal Theory,” *Philosophy and Public Affairs* 38, 1 (2010), 34-35.

²Simmons, “Ideal and Nonideal Theory,” 5-36.

³Schmidtz, “Nonideal Theory,” 774.

⁴Sen, *Development as Freedom*, 287.

Our targets can be short-term or long-term. Indeed we do need to know what goal our journey is directed towards. A target need not be an ideal state, and it may be revised at any time by means of practical reasoning. As James Tully rightly points out, our focus must be more on “practices of freedom” than on “settled forms of justice” or perfectly identified just institutions.¹ For this, we must concentrate more upon sustaining a permanently critical attitude toward uncovering particular modes of oppression than upon some articulation of transcendental institutions and rules of right governance.

4. Interface of Economics of Justice

Justice, for Sen, is a relational concept, and this in two senses. First, we cannot answer the question of justice without relating it to other normative concepts such as liberty, equality, reasoning, democracy, etc. Second, the idea of justice can be relative, given that people have different conceptions of a just society. As Sen’s parable of flute and three children suggested, this conception may at least be utilitarian, egalitarian, or libertarian. Taking practical reasoning as a means to develop a comparative approach to justice, Sen maintains that the transcendental approach is not helpful. Critics may argue that such a post-modern approach lacks a proper foundation.² Yet such an objection seems to be based on an assumption that one must identify a perfectly just society in order to take a comparative route. Neither we nor Sen subscribe to such a

¹James Tully, “Political Philosophy as a Critical Activity” in *What Is Political Theory?* eds., Stephen K. White and J. Donald Moon, London: Sage Publications, 2004, 97-98.

²Chackalackal, “In Defence of Theoretical Ethics: A Critique on Amartya Sen’s *The Idea of Justice*,” 369.

view. The foundations of a comparative approach are persons living in a community, and their capabilities. Sen’s notions of capabilities and freedoms imply an ontology of a relational society. Within a relational conception of society, a particular capability is the outcome of the interaction of an individual’s capacities and position relative to others in the society. To understand the relative position of an individual in a society, we do not necessarily need a transcendental model. Hence, comparative judgements about justice, as Sen says, “have to take on board the task of accommodating different kinds of reasons and evaluative concerns” of a society (IJ, 395). Instead of neglecting or reducing various competing theories, therefore, Sen sees a kind of complementarity among various positions that clamour for prominence. For such an approach to justice, there is no need to investigate the ontological objectivity of ethics (IJ, 41).

Although Sen vindicates and prioritises the comparative approach, he does not altogether reject ideal theory. His main objection concerns the bringing together of transcendentalism and institutionalism in a single theory. We can have a transcendental theory, he thinks, that focuses on social realisations. Similarly, we can have institutional assessments in comparative perspective (IJ, 6). But every identification of transcendental institutions must be avoided. In an Aristotelian spirit, Sen thinks we must consider seriously the nature and requirements of practical reasoning in order to think clearly about the subject of justice. But the modernists hold that world can only be explained in terms of a set of relatively self-contained abstract principles.¹ Sen rejects this view. Take the

¹John B. Davis, “The Idea of Public Reasoning,” *Journal of Economic Methodology* 19, 2 (2012), 169-172.

story of the flute and the three children. None of their claims is sufficient to determine who ought to get the flute. Hence, we should instead approach the subject of justice by asking how people reach agreement over what they regard as not just, not begin by asking what justice *per se* requires. Sen gives priority to methodological reasoning in his approach to the subject of justice and instead of the 'monological' approach of the transcendentalists promotes a 'dialogical' approach to justice.¹

We may agree with Sen that finding a theoretical standard of perfect justice is a chimerical goal. Robust disagreement is part of the landscape of debates on this issue. Sen does not wholly dismiss ideal theory in favour of practical theory. He believes that "an 'ideal' theory may often be helpful in understanding the underlying ideas that even a very practical theory of actual decision making may utilize."² Yet Sen offers no explicitly systematic exposition of ideal theories. He imagines a capability-fostering institutional design as his ideal

¹To put this point differently: Political realists draw on Bernard Williams' "bottom-up" approach and argue that we must start from where a given society *is* and only then ask how best to address actual problems of justice, rather than starting from general, universal and monological principles. In contrast to this approach, some follow a "top-down" methodology, according to which we must first specify an ideal state in order then to elaborate a non-ideal theory. They believed that we cannot develop non-ideal theory without first working out an ideal theory and, hence, take a transcendental route to realize non-ideal theory. See Bernard Williams, *In the Beginning Was the Deed: Realism and Moralism in Political Argument*, Princeton: Princeton University Press, 2005, 61.

²Sen, "Values and Justice," 106.

theory. The ability to reason and interact that gives us the power to engage in public reasoning and discussion enhances the relevance and reach of agency freedom. This aspect of freedom plays an important role in understanding Sen’s conception of justice. This does not mean that all people will undertake these activities of reasoning and interacting. Sen recognises that a theory of justice that is based on practical reasoning is not free from controversies (IJ, xvii). As Kwame Anthony Appiah has rightly objected, “in adopting the perspective of the individual reasonable person, Sen has to turn his face from the pervasiveness of unreason.”¹ If any ideal theorising deserves similar objections such as this, it seems clear that Sen’s idealisation is not an exception. In response to this evaluation, Sen argues that the engagement of unreasoning takes place not entirely without reasoning, but rather exhibits a reliance on “defective reasoning.” He subsequently proposes that “bad reasoning can be confronted by better reasoning” (IJ, xviii, 48-49). In this way, he engages comparative assessments in the case of reasoning. This is not to deny the far-reaching role of the emotions and the passions, but to prioritise reason over passion.² We cannot imagine that societies all over the world have become deliberative-democratic in order to achieve a more just order, as Sen argues. In this way, ideals, good idealisations, and ideal theories are all implicitly part of Sen’s theory as well.

¹Kwame Anthony Appiah, “Sen’s Identities” in *Arguments for a Better World: Essays in Honour of Amartya Sen*, vol. 1, eds. Kaushik Basu and Ravi Kanpur, Oxford: Oxford University Press, 2009, 488.

²Thomas Nagel makes a strong defense of reason in his *The Last Word*, Oxford: Oxford University Press, 1997, 101-112.

5. Conclusion

Our world is not a value-free zone. Yet non-commensurability of values and schools of thought make us panic. People may differ on what kind of life one must lead, what can or cannot do, and what can or cannot be. This does not hinder us to reach a definitive decision. Rather this plurivocity demands prioritisation and weighing of distinct concerns. Our disagreements may be removed through reasoning or redefined by new convictions. Justice is an ideal with many faces. Sen prioritises a comparative approach to justice (*nyaya*) over any identification of a perfectly just social arrangement (*niti*). Concerning the redundancy of the transcendental approach, Sen remarks that an exercise of practical reason that involves actual choice demands a framework for comparison of justice for choosing among the feasible alternatives and not an identification of a possibly unavailable perfect situation that could not be transcended. So if all normative political judgements concerning justice involve a choice, no ideal theory would be needed.

We argue that the economists' approach to justice and injustice through the comparative route is significant, rather than remaining confined by the moral philosophers' usual preference for the transcendental approach. Sen's purpose should not be confused as a practical short-cut that dispenses with the need for sophisticated theory. Rather the making of a comparative judgement is a necessary feature of practically reasoned social reform. Our exploration for an unavailable ideal state would not only distract our attention from actually existing injustices but also to maintain a theory that conserves the status quo.

SUSTAINABILITY ETHICS AND THE ECO-FEMINIST ETHICS OF CARE

Rica de los Reyes Ancheta♦

1. Introduction

The concept of sustainable development was first explored in 1972 at the UN Conference on the Human Environment in Stockholm, Sweden. Publications like *How to Save the World* by Robert Allen¹ and *Building a Sustainable Society* by Lester Brown² helped the term to gain public attention. It gained prominence in the Brundtland Report, *Our Common Future*, by the World Commission on Environment and Development in 1987. One of its many recommendations is a call for creation of a “Universal Declaration on Environmental Protection and Sustainable Development.” It was, however, since the 1992 Earth Summit in Rio de Janeiro and the promotion of The United Nations’ Agenda 21 that it became a buzzword and a

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¹Robert Allen, *How to Save the World: Strategy for World Conservation*, New York: Barnes and Noble Books, 1980.

²Lester Brown, *Building a Sustainable Society*, New York: W.W. Norton, 1981.

desirable policy objective.¹ It is defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”² Sustainable development became the banner for many environmental efforts which include, among others, the promotion of anti-globalization, organic foods, green building, ecodesign, renewable energy, river restorations, pesticide control, protection of wildlife and biodiversity, bicycle commuting, ecotourism, indigenous peoples’ and women’s rights. It was clearly ranged against business interests and all practices that contributed to the further depletion of natural resources (source) and degradation of the natural environment (sink). Climate change provided dramatic reminders about the objectives of sustainable development. The shift in paradigm about environment and development in mid-80’s unveiled the narrowness of approach of environmental problems and manifested the complex interconnectedness between environment and well-being. Recognizing that ecological causes intersect with socio-cultural factors and national and

¹Philip Lawn, ed., *Sustainable Development Indicators in Ecological Economics*, Cheltenham, UK/Northampton, MA: Edward Elgar Publishing Limited, 2006, 4; Andres R. Edwards, *The Sustainability Revolution: Portrait of a Paradigm Shift*, Gabriola Island, Canada, 2005, 4, 16ff.

²World Commission on Environment and Development (WCED), *Our Common Future*, Oxford: Oxford University Press, 1987, chapter 2, #1.

political economies demand a shift in approaches and strategies.¹

In 2002, The World Summit on Sustainable Development (WSSD) Conference was held in Johannesburg, South Africa. It was in WSSD that sustainable development fully became more holistic and its 3 E's became its core: ecology/environment, which emphasizes on the limits of the ecosystem; economy/employment, which deals with secure employment without jeopardizing the ecosystem, and equity/equality, which connects and integrates broad issues through the sense of community building, in both global and local senses. Crucial to the idea of sustainability is the involvement of numerous stakeholders who must promote it through mutual-help and interdependence at all levels aimed at building communities. The Earth Charter of 2002 represents attempts at international cooperation and consensus among UN members; the Minnesota Planning Environmental Quality Board's Principles of Sustainable Development for Minnesota shows a regional effort; The Netherlands National Environmental Policy Plan is an example of a national attempt, and the Ontario Round Table on Environment and Economy Model Principles focuses on local goals. All of these represent visions and missions to promote sustainability and community.

In broad terms, a nation is achieving sustainable development if it is undergoing a pattern of development that improves the total quality of life of every citizen, both now and into the future, while ensuring its rate of resource use does not exceed the regenerative and waste assimilative capacities of the

¹J. Baird Callicott and Robert Frodeman, eds., *Encyclopedia of Environmental Ethics and Philosophy*, Detroit: Macmillan Reference USA, 2009, 296.

natural environment. In specific terms¹ we understand sustainable development to mean one or more of the following: non-declining capital (investments are still economically profitable even if portions of it are channelled towards environmental protection), non-declining natural capital (industry and commerce continues but it must not deplete natural resources), increasing economic welfare (economics must see to it that people's well-being is not compromised but maximised), increasing eco-efficiency (technology becomes more efficient in the use and protection of the natural environment), and overshoot avoidance, that is, ecological footprint must not exceed biocapacity (environmental degradation by humans must not exceed the earth's natural capacity for waste assimilation and regeneration). In other words, the shift in various foci of environmental thrusts or sustainability protocol is geared towards ecological and utopian economics. Nevertheless, accrued work and consumption shall still yield more problems (and rewards) and strategies, no matter how humane and unconventional shall continue to treat the planet as source and sink.

In spite of these, there are concrete indicators that show a serious turn to other plausible measures of successful sustainable development such that economic growth and environmental protection are not dichotomized: Genuine Progress Indicators (GPI), Index of Sustainable Economic Welfare (ISEW), Sustainable Net Benefit Index (SNBI), and Natural Capital Index (NCI). All of these mirror varying accounts of sustainability, which balance economics with conservation or preservation objectives. Bhutan has come up

¹Callicott and Frodeman, *Encyclopedia of Environmental Ethics and Philosophy*, 31ff.

with its own indicator alternative to GDP: Gross National Happiness (GNH).¹ On the surface at least, the ISEW, GPI, and SNBI offer solid support for the threshold hypothesis and the need for countries to eventually abandon the growth objective and focus, among other things, on qualitative improvement to achieve sustainable development.²

GPI, for instance, and ISEW, which have been applied in the US, in Western Europe, Australia, Chile, and Thailand, include the following entries for accounting: (1) loss of farmland and the cost of resource depletion (lost source services of natural capital); (2) the cost of ozone depletion and air and water pollution (lost sink services of natural capital); (3) the cost of long-term environmental damage and the loss of wetlands and old-growth forests (lost life-support services of natural capital). Such indicators are forms of green accounting, which seek to “adjust national accounts to make them mirror natural asset deterioration as far as possible.”³

Nevertheless, variations in the understanding and practice of sustainable development point to two tendencies: *weak sustainability*, which tries to preserve total capital stock and not necessarily natural capital, and *strong sustainability*, which commits to preserve for all time a portion of a country’s natural

¹<http://www.guardian.co.uk/world/2012/dec/01/bhutan-wealth-happiness-counts/> accessed 9 June 2013.

²Philip Lawn, “An Assessment of Alternative Measures of Sustainable Economic Welfare” in Philip Lawn, ed., *Sustainable Development Indicators in Ecological Economics*, 139.

³Salah El Serafz, “The Economic Rationale for Green Accounting” in Philip Lawn, ed., *Sustainable Development Indicators in Ecological Economics*, 55.

capital resources.¹ This ambivalence renders the language of sustainability a reflection of the tensions happening on the ground – thus lacking a normative thrust or, at least, a straightforward direction. Both tendencies, in fact, have their own ways of justifying their positions.

I intend to enter into the issue of weak and strong sustainability, favouring a position that is grounded on eco-feminist arguments. Thus, this study will strive to provide a critique of weak sustainability and substantiate the possibility of promoting strong sustainability through the eco-feminist ethics of care. Its main objective is to emphasize the viability of a sustainable world via the ethics of care and to mitigate the importance of economic sustainability if we care to preserve our natural capital for generations to come.

2. Sustainability Problemized

The weak form of sustainability is feeble in broadening its narrow perspective. It still tries to sustain the economy, but the ecosystem is treated as a subsystem of economics when in fact, the economy is a subsystem of the ecosystem. It is weak in its short-sighted awareness about the non-renewability of the three fundamental substances that support the material structures of urban life: concrete, iron, and fossil fuels taken from the land. Mayumi writes:

These three material bases for urban life are low-entropy resources made with low EFT2 in the past [EFT2=Efficiency of Type 2: it refers to output per unit time. EFT2 does not consider the amount of inputs to

¹Werner Hediger, "Weak and Strong Sustainability, Environmental Conservation and Economic Growth," *Natural Resource Modelling* 19, 3 (Fall 2006), 359-394.

obtain the output]. Fossil fuels result from photosynthesis in plants and animals during the Palaeozoic era. Such results were created over grand scales of time and land, contributing to high EFT2. Limestone, a main element of concrete, comes from the debris of lime algae and iron ore comes from piled ore deposits formed through activities of iron-containing bacteria. People now enjoy high EFT2 by consuming these vast treasures.¹

A civilization driven to production and commerce for gain is thus most likely difficult to maintain with the support of low-entropy resources. Since these resources are non-renewable, the language of sustainability rests on a shaky ground of constant production and consumption habits of humans which will definitely deplete natural resources.

It is a fact that industry is caught by high-output-per-unit-time fetish that still preserves the GDP as an indicator of development. It is misled in its appreciation of the maximizing input of energy to produce output of products that have less diminishing *marginal utility*. Its brand of development does not quite appeal to many serious-thinking environmentalists who fight for a stronger brand of sustainability. This understanding of nature as capital does not even include the potential of solar energy and the other materials stored in the earth's crust and atmosphere. But, even if it includes these, its understanding of the world's stock of natural capital is still too utilitarian, anthropocentric, and aggressively dominant – a hallmark of weak sustainability. On the other hand, strong sustainability is more aware of non-renewability of resources and thus commits itself to preserve for all time, through production and

¹Kozu, Mayumi, *The Origins of Ecological Economics: The Bio-Ecology of Georgescu-Roegen*, London, Routledge, 2001, 80.

consumption controls, a portion of a country's natural capital. In this sense, strong sustainability mitigates the exploitative drive of weak sustainability with its greater focus on environmental preservation.

Moreover, almost all sustainability arguments deal with source-and-sink problem centred on the ecosystem. In effect, the bio-psychological¹ environment is treated by industry and commerce as the inner-worldly source-and-sink. This is a biopsychosocial² issue which calls for a closer look.

Some of the commonly observed negative effects of industrial activities plus their by-products on human bodies manifest in abnormal expressions like tumour, cancer, diabetes, obesity, allergic reactions like asthma, lupus, arthritis, psoriasis, feminization of the male across multiple species, and other system-dependent diseases.³ Ecological factors, which

¹Biopsychology teaches about the links between the human body (biological sphere) and human psychology (psychological sphere). It is a school of thought based on the premise that physiological influences and factors are most important factors in developing, determining, and causing behaviours and mental processes.

²The biopsychosocial model of health and illness considers that biological, social and psychological factors interact as dynamic processes in determining the onset, progression and recovery from illness. Ian P. Albery and Marcus Munafò, *Key Concepts in Health Psychology*, Los Angeles: SAGE Publications, 3.

³U. Wahn, "The Allergy Epidemic: A Look into the Future" in eds. Ruby Pawankar, Stephen T. Holgate, Lanny J. Rosenwasser, eds., *Allergy Frontiers: Epigenetics, Allergens and Risk Factors*, Tokyo: Springer, 2009, 3; Alexander G. Haslberger, ed. and Sabine Gressler, co-ed. *Epigenetics and Human Health*, Weinheim: Wiley-

include diet, lifestyle, toxic substances, stress and other environmental factors associated with work and consumption in the age of capitalism (and advanced capitalism) have mobilized the scientific community to better understand the relationship and interaction among the different determinants of epigenetic expressions in disease and abnormality.

Environmental factors that produce epigenetic transformations are abundant in stress-producing places like workplaces that require higher outputs, which can result to strained relationships. Environments would include the body (like the uterus or an acidic body), the home, neighbourhood, workplace, school, church, public places like streets and malls, state institutions, and the internet.

Foetuses deprived of proper nutrition are found to be future victims of hypertension and diabetes. Those foetuses exposed to smoking mothers are most likely to develop asthma and other allergic reactions like eczema. Exposure to environmental estrogenic chemicals (atrazine, bisphenol A, DDT, dioxin, endosulfan, parabens, phthalates, zeranol, etc.)¹ accounts for the increase in breast cancer in females and infertility and feminization in males. Some reactions to stress or maladaptive behaviour like smoking also bring about changes in the smoker's body-environment, which alter genetic behaviour-expressions. Lung cancer is a case of epigenetic alteration caused by various mechanisms from multilayered

vch Verlag GmbH & Co., 2010; Moncef Zouali, *The Epigenetics of Autoimmune Disease*, Oxford: John Wiley & Sons, Ltd., 2009.

¹John A. McLachlan, ed. *Estrogens in the Environment*, New York: Elsevier, 1980; John A. McLachlan and Steven F. Arnold, “Environmental Estrogens,” *American Scientist* 84 (September-October 1996), 453-461.

ecologies. Incidentally, this sickness is stimulated by smoking, and smoking is a practice triggered by stress that produces the stress hormone cortisol; stress is often a feeling induced by economic production (work); production is a process impelled by profit and profit is an end maintained by the ideology of capitalist progress. Such a cycle cannot just be sideswiped. The notion of self-interest and economic sustainability realistically are two incongruent planes. One sphere of activity is incompatible with authentic sustainability of the world and the inner-world of humans. Allow me to illustrate this further: It will be possible to hope for a preserved nature in the future provided that, among stakeholders, there is a strong political will that is founded on two essential requirements: a constant awareness of the theory of marginal utility and Jevons paradox on the one hand, and the habitual disposition to care for the earth, on the other hand. Without these two requirements actively pushing every individual's mind and heart, any talk about sustainability in economics will just mask or cover-up mistakes and problems.

3. Marginal Utility and the Jevons Paradox

William Stanley Jevons (1835-1882) lends a fine ecological insight with his discussion on the relationship between production, consumption, and the environment in his theory of *marginal utility*¹ and the Jevons paradox. Although this theory is related to scarcity as well as to practical value, it has been a useful theory in making sense of behaviour that implicates nature.

¹William Stanley Jevons, *Theory of Political Economy*, 3rd ed., London: Macmillan and Co., 1888.

The marginal utility of something is the additional benefit or satisfaction you derive from obtaining an additional unit of that thing. The law of diminishing marginal utility states that the more one has of something, the less satisfaction an additional unit provides. For example, the first purchase of an android phone offers considerable satisfaction to a hardworking office staff, but each similar handset provides less satisfaction than the previous one. The next time one opts for a new handset, a smartphone has to be more advanced and more sophisticated. This means, among other things, faster chip and larger display, and ready to beat the next high-tech phone in the market. The clash of titans in smartphones gains more prominence while an economic person remains unsatisfied.

Complementing the marginal utility theory is the Jevons paradox, which states that increased efficiency usually reduces energy costs. However, prolonged and incessant efficiency increase results to sustained increase in the energy use. An example is gas/fuel consumption. The faster a car runs, the more gas efficiency is achieved. The increased efficiency results to increased energy use.

This problematic scenario is shared by both the rich and poor. Consumption of the middle class and the affluent nevertheless, could better explain the insatiable wants, which address boredom or dissatisfaction. In other words, the more wealth one has, the more one spends on wants and not on basic needs. The moneyed could change tactics by accumulating more satisfying products in more novel and fine things, avoiding less satisfying things, which they already have. The craving for ‘needs’ and/or ‘wants’ propels neo-classical theory of market choice, which currently drives industrial productions and commercial marketing strategies. The theory of market choice believes in a “process by which an autonomous rational

consumer allocates income at the margins among an array of consumer goods.”¹ Whether or not such choices are valid they are creating patterns of needs. Most choices that put pressure on the biosphere are really determined by the affluent’s feelings of non-satiation or boredom and not necessarily by necessity. Choices are not independent of the biological and sociological worlds that surround the decision-maker. The economy must seek to produce “newer” goods and services that cater to gratify consumers. This want-gratification further fuels industry and commerce to invent more organs of production to lessen diminishing marginal utility. Since scarcity for moneyed consumers is unsatisfactory, business must produce more and more novel array of products that generate satisfaction. This drive determines the index of growth and development requiring the use of more energy (also producing depletion and degradation) and manufacture of the same. Nevertheless, the more efficient use of fuel in cars clamours for production of bigger cars with more efficient compressors. With bigger cars, more resources are depleted and more carbon emissions are released, which can cause more health problems while traffic problems may remain unsolved.

The list of wants (and dissatisfaction) can go on and on yet the problem is aggravated. Since more efficient organs of production are available, and people buy more, greater pressure is put on the natural environment, polluting the land, sea, atmosphere, and the bio-psychosocial (deep-ecological) environments.²

¹Mayumi, *The Origins of Ecological Economics*, 7.

²Ferdinand D. Dagmang, *The Predicaments of Intimacy and Solidarity: Capitalism and Impingements*, Quezon City: Central Books, 2012, 11-14.

This is the Jevons paradox working in concert with diminishing marginal utility, and its implications for sustainable development. One cannot expect to be kind to the environment when everyone is trying to become a middle class or affluent because life is perceived to become more gratifying when one is a middle class or rich. When policy-making aims at development to alleviate poverty, people are actually opening the door towards the inevitable depletion and degradation of the natural environment. This however, does not mean that people should become complacent or laid-back in order to sustain energy or prevent the inevitable. Poverty-alleviation that aims at the middle-class as a model target also faces humongous problems. In China, for example, 1.4 billion consumers raise an upscale market demand. This would mean a step towards greater destruction of the biosphere and the biopsychological sphere. Poverty-alleviation initiatives create job opportunities for people whose capacity to pay could reach beyond basic necessities while business will produce more gratifying goods for them. The ecosystem is thus pressured more, and people are impacted by the nature of their work, by the pressure of the market, and the effects on a disturbed biosphere, and so on and on.

This scenario could be avoided if the understanding of sustainability is shifted towards biospheric or ecocentric sustainability. From the standpoint of the anthropocentric neoclassical economics, stock-sustainability is what is important. This must sustain what economics has invested. This means modelling its production and consumption based on growth that depends on the present form of energy supply by which it is entrenched. This perspective, however, is too narrow and myopic since it is merely based on human exploitation and gain that do not care about the issues of

depletion and degradation of the biosphere (and bio-psychological sphere). When problem is felt because of critical build-up of pressure brought about by the dwindling source and sink, sustainable-development-of-economy paradigm is ruined. The bio-centric sustainable development paradigm is an open and viable option. Alternative models of production and consumption will have to be based on both previous and newly discovered alternative sources of energy. It is only when such alternative sources of energy respect the natural activity or "life" of the biosphere that a genuinely *strong* sustainable development argument could be possible. Harnessing sources of energy like hydropower, tidal power, wind power, pedal power, bacteria power, algae power, biogas power, etc. would not suffice to ensure future sustainability. Sustainable development paradigm to be truly holistic has yet to take into account the bio-psychological dimension of the problem.

Many of the depleting and degrading pressures exerted on the planet's biosphere are observable today and the way these depletions and degradations have turned against humans and other living beings have been documented on broadsheets and projected into our TV screens. It is easy to say that these problems will be solved if we cease treating the biosphere like the way industry and commerce do. But human behaviour does not always pay heed to advice based on remote scenarios for as long as there are still remaining sources of energy that support households and industries. In the meantime, investors will look for more innovative managers and entrepreneurs who will be able to maximize the use of what remains of fossil fuels under the earth and the seabed. It is only when the breaking point of energy source is felt by people the message will be fully grasped. This scenario suggests that the message of the crisis of sustainability will already be an issue for the

common citizen. A more concerted effort towards (strong) sustainability will thus become a reality. In this sense, the call to do the right thing becomes an urgent matter for every person in the planet.

In 1999, the American Petroleum predicted 2062 to 2094 as the possible depletion years of oil. This is based on the consumption rate of 80 million barrels/day assuming there is 1.4-2 trillion barrels supply. This reserve supply would already include oil extracted from oil sands and shale. In 2004, the consumption rate became 85 million barrels/day with 1.25 trillion barrels supply. This adjusted the depletion year to 2057. The US Energy Information Administration predicts consumption rate to increase to 98.3 million barrels/day in 2015 and 118 million barrels/day in 2030. There is, however a decline in oil demand as reported in The International Energy Agency (IEA) which underscored that modest economic growth was limiting oil demand worldwide, and that some developed economies would see absolute declines in oil consumption in 2013. In China, the world's No. 2 oil consumer, “weaker economic growth and lower than previously forecast March/April consumption data” support the view that demand is weakening, the IEA said. Both OPEC and the U.S. Energy Information Administration (EIA) cut their global oil demand growth forecasts on Tuesday.¹

While there is a modest development in the world's consumption of oil and positive prospects in the future, industry and commerce still proceed with rebalancing, that is, searching for and relying on alternative sources of energy banking on the fact that the supply of coal is projected to last

¹<http://uk.reuters.com/article/2013/06/12/markets-oilidUKL3N0EO0RW20130612/> accessed 13 June, 2013.

for about 155 years. Hence, work, production, and consumption will definitely continue. Perhaps, the Jevons paradox and diminishing marginal utility will still be debatable with more variations of sustainability arguments. Yet with economic growth in tow, individual self-interest must be challenged by ethical positions. The following section shall unfold an ethical approach towards sustainable development via the principle of care.

4. Caring for the Earth

Eco-feminist ethicists attempt to impress the language of caring and images of nature in the hope of creating “mindscapes” that can stir people to non-utilitarian and non-dominating forms of action. Their voices are also heard in international fora and policy-making bodies but oftentimes, their valid concerns go unnoticed and plugged-in in the whole agenda of sustainability with its ambivalent meaning. A government’s efforts to reduce natural and man-made disasters are often halted by political agenda that put premium on economic growth and development. Although the practices of progress and development are slowly poked by the language of sustainability, policy makers’ “green accounting” and call for accountability are often highly politicized and thus “weakened.” Most of these efforts remain as principled calls, (albeit debatable ones), that are still waiting to be really heard and implemented. The *Rio+20 Earth Summit 2012 UN Conference on Sustainable Development* has attempted to leapfrog development by proposing green economy. In Earth Summit 2013, agenda on low carbon takes a multi-faceted approach. However, the translation of theory into practice is a task that can only be feasible with a collective political will, including the will of every industrialist and businessperson. Commercial

expansions by trans-national firms, finance investments of developed economies in poor nations, and manufacturing of non-essential commodities by global IT players leave us thinking whether international leaders are able to commit themselves to concrete and long-term strategies or to give in to business and First World lifestyles and adopt short-lived and economics-constrained solutions. No matter how sustainability ethics is framed and received positively by State leaders and legislators, its ambivalence creates an aporia. The transformation of the ecosystem into an everyday utility calls for a serious reflection.

The ecofeminists' retrieval of the sacramentality of creation (*Gaia and God*)¹ and the sacredness of nature is an audacious vehicle for promoting respect and care of creation. Rosemarie Radford Ruether uses the terms ethics of “compassionate solidarity”² and Sallie McFague, ethics of “community care.”³ As women, who can feel the pangs of childbirth and the exhilarating joy of seeing a child born, they recognize the fragility of the human planet and ecosystems. For them, this sacredness also functions as a sign for creative creatures to direct their glimpse towards the Creator. Hence, ecofeminists turn to the plethora of ecological problems not with quick-fix solutions but with more re-creative interventions that emphasize respect and care.

In the Philippines, a bunch of Filipino ecofeminists intermittently offers seminar workshops to concretely address

¹Rosemary Radford Ruether, *Gaia and God: An Ecofeminist Theology of Earth Healing*, San Francisco: Harper-Collins, 1994.

²See her *Gaia and God*.

³Sallie McFague, *Super, Natural Christians: How We Should Love Nature*, Minneapolis: Fortress Press, 1997.

the issue of ecological crisis. Inspired by ecofeminist-creation centred spirituality,¹ they have been conducting eco-feminist seminars to groups of women. They offer workable strategies which could be (1) *vía positiva*, which is acknowledging the ecological crisis yet rallying one's positive resources of celebration, gratitude for creation and for the gifts of life, (2) *vía negativa* which rests on the fact little could be done about it, (3) *vía creativa* which underscores the powers of creativity and birthing (of ideas), and (4) *vía transformativa* which is radically a call for commitment and responsibility. The *vía transformativa* stirs participants to concretely identify their advocacies which shall denounce "rape" of the earth, subjugation of nature in general and animals in particular by humankind. These steps foster greater sensitivity and create pathways to stir respect and care for the whole of creation.

5. *Kabash* and *Rada*

The caring of the earth is closely linked to the Biblical notion of custodianship or stewardship yet the latter is not effectual if wedded to the perpetuation of exploitation and commodification of human and non-human members of the ecosystem. The Biblical *kabash* ("subdue") and *rada* ("rule" or "dominate"),² have become traditionally linked to a human attitude of control, exploitation, and human dominion of the

¹"Ecofeminism: A Philippine Experience," http://findarticles.com/p/newsarticles/manilabulletin/mi_7968/is_2002_March_23/ecofeminism-philippine_experience/ai_n33102769/?tag=content;col1/ accessed 10 June 2012.

²James Stambaugh, "Creation's Original Diet and the Changes at the Fall," <http://www.answersingenesis.org/articles/tj/v5/n2/diet/> accessed 12 December 2012.

earth. These reflect the exercise of force. There is no suggestion of care in *kabash*. Joshua “subdues” the Canaanites by extreme force (Joshua 18:1) giving us a hint that humans are conquerors rather than caretakers. The presumption is that the more dominant testosterone-driven aggressive and combative androcentric behaviour pushes males away from tenderness and authentic care for the environment. But, the vital question is why should we care? The following may give us a hint about the urgency to care.

An eco-feminist ‘caring being’ recognizes the vitality and fragility of all forms of life. In her tender hands rests the vibrance of creation meant not just for utility but also for admiration and wonder. This tender regard for creation appreciates nature’s intrinsic value. Moreover, embraced by an eco-feminist’s delicate arms, the fragility of nature could be wrapped like a child in a mother’s hands. This is not a male’s common gesture towards nature. Only a woman’s sensitivity, an eco-feminist’s kindness, could bring out that side which is habitually subordinated and ravished by males.

Caring quizzes us about our set of priorities and values, which ultimately lead us to ethical decisions. Certain assumptions we have as human beings about the hierarchy of things legitimize the structures of power. Parallel to power however, could be layers of responsibilities toward nature – inanimate and animate. The *creating God* among *caring humans* (caring as history’s co-creative act) can aid and fortify our own sustainability paradigm. Hence, there is a need to re-emphasize caring as a value and as an ethical duty.

A re-interpretation of *rada* (“rule”) as “tending” (caring) is appropriate. Its meaning as caring can be grounded on three things: a) To care is to actively feel, empathize, with the other. Caring is a feminine quality that shows a profound

identification with the other but this feminine characteristic can be also be developed in males. One who cares sees the other (non-human) as another who is stamped by a steward (human) who is an *imago Dei*. Thus, caring is able to regard the other as a gift, reducing the prospect of harm. b) To care is to recognize that there is a limitation to personal freedom. Extinction of animal species, storage of nuclear wastes, destruction of natural habitats will definitely cause ecological imbalance within a peculiar ecosystem. A caring stance to the other is an affirmation of the boundaries of human freedom and power. It must also highlight the caring stance of every move to walk on earth and face creation. c) To care is to “tend.” The task of seeing to it that everything is alive and in its proper order is incumbent to human beings mandated to “tend” the earth.

The economic divide (North/South) has to be minimized by caring leaders if authentic development is seriously sought for. Dominion, which is profoundly rooted in the interpretation of the Judaeo-Christian tradition in Genesis requires a fresh reinterpretation of *rada* as caring.

Genesis 1-3 offers a relevant refrain: “And God saw that it was good.” Good is an expression of ‘satisfaction’ over God’s handiwork, including human beings, both male and female. God saw that what he fashioned were good and God was delighted. The sequence, whether humankind’s creation was first or last was just peripheral to the central theme of God’s act of creation. Man and woman were created in God’s own image and likeness *just like the Creative God*.

God was happy with what He saw and rested from all work (Genesis 2:1). Such rest could indicate a sense of security that God’s masterpiece, the human beings, could be entrusted with the task of continuing Creation as co-creators in-charge of creative re-creation. God relies on human participation and

care in the exercise of dominion over Creation.

Caring is not merely a female attribute but an inherent capacity of all God’s creatures. When we care, we unleash our deepest powers to preserve, protect and create. On the other hand, without care, the world reverts to its chaotic state. Our caring stamps God’s image and trust in our innate propensity to be responsible creatures and stewards of Creation. The ‘rape’ of the earth, the alteration of natural habitat, the fished-out seas, the dumping of toxic chemical waste, etc. are incongruent with the dynamic act of co-creation incumbent upon us as custodians or caretakers of creation. Our destructive acts can never be justified by seeing ‘dominion’ as part of God’s plan. In caring, we can turn to the other as equals, whether it is human or non-human. Each tiny system is treated with respect because it is part of God’s creation. This care then recreates patterns of care in the whole cosmos.

In the exercise of dominion humans ought to mirror and fulfil the Creator’s grand plan. Our abilities to think, to tinker, to discover, to innovate and to be creative are to serve God’s grand plan. To misuse our abilities and mistreat the planet obliterate the hand of God in creation. It is in a sustained act of *caring* via our human activities that God’s image shines forth.

If sin (cf. Genesis 3) is a conscious turning away from God, caring is a conscious, enduring stance towards the whole of creation. To re-commit to caring and to think of the well-being of the future generations coalesce with the mandate of *rada*. Human race is called to explore this order, to examine it with due care and to make use of it while safeguarding its integrity.¹

¹Roger S. Gottlieb, ed., *The Sacred Earth: Religion, Nature and Environment*, New York and London: Routledge, 2004, 182ff.

6. Conclusion

For its ambivalence, the sustainability paradigm in economics must be analysed and uncovered for its confusing bipolarity as either weak or strong sustainability. If sustainability should mean sustainability of the world as God's creation, its strong stance should be advanced and be fortified by an ethics of care.

As a reaction to the years of modern industry and commerce, various pro-environment positions were born, promoting conservation, preservation, protection, care, admiration, and respect of nature. These positions have evolved with a growing emphasis on care's broader context: the whole ecosystem. With care as a principle of strong sustainability, it would be the logical nemesis against the exploitative and degenerative directions of humanity's economic and industrial programs that constantly bombard the biosphere and humans themselves.

Caring is a potent ground that can be tilled and allowed to blossom in slow but steady movement. It can serve a countervailing force against subjugation and subordination. Therefore, the sustainable development model is challenged to find its equilibrium in the re-interpretation of *rada*. Sustainability development model cannot continue to reduce people into injured agents while relying on them to work for extrinsic benefits that continue to destroy the ecosystem. Sustainable development fashioned after an exploitative notion of *rada* will never promote ecojustice for there is no authentic development while agents (humans and non-humans) are continually harmed and subjected to suffering.¹

¹Some parts of this paper had been written during the 5-week Research Fellowship at the Chung Chi University in Hong Kong as a scholar in IASACT.

CORPORATE SOCIAL RESPONSIBILITY

Myth and Reality

Gerard Rassendren and T. Sagar Prasad♦

1. Introduction

In the present day, business organisations and consumers pursue multiple objectives. In addition to the goal of profit maximisation, businesses also seek to fulfil other goals that give increasing importance to their stake holders as well as their expectations. On the consumers end, motives influencing purchase choices have moved ahead from merely buying for the sole purpose of consumption and materialistic improvement to one's quality of life, to include purchase choices that would directly or indirectly contribute to social betterment. Preference for a product is an indication of the preference for the company producing it. The criterion consumers use to decide their preference for a company is not limited to its market standing but includes social and ethical practices it follows in the course of doing business. These practices constitute a domain of business behaviour called as 'Corporate Social Responsibility' (CSR).

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♦First published in *Journal of Dharma* 38, 2 (2013), 167-180.

The hierarchy of importance and the magnitude of impact of socially responsible criterion on business behaviour and consumer choices, however, are not so clear enough to make universal claims about them. The reason for this is the conflict between ethical choices and material choices. Individuals face the dilemma of morals versus necessity while business entities face the dilemma of following practices enabling community welfare versus corporate profit. At a very micro level what forms of consumption behaviour constitutes 'necessity or need' also differs according to the socio-economic class to which one belongs i.e. it is a relative experience. For example, a formal dress is expected of a teaching professional but not necessarily from a daily worker. Even so in the case with corporate profit, how much of profit and how is it earned are the key questions. These two issues are important because pursuit of profit in business or in economic exchange relations is not intrinsically unethical, but the value questions emerge when decisions have to be made about the extent of profit or gain and the manner of acquiring it. The question is: do a moral code and an ethical philosophy inform and moderate the drive for profit or does profit goal have primacy at all cost. The distinction is between unabated as well as insatiable attainment of profit versus the duty to decide that it is only thus far and no more because the ethical foundations do not permit. In effect the issue is whether to pursue a pattern of life based on maximising behaviour or on satisfying behaviour.

This paper proposes to explore the various nuances of this conflict on three fronts: (i) in the standard and dominant conceptualisations of Corporate Social Responsibility (CSR), (ii) in the historical progress of CSR in the Indian context and (iii) with respect to awareness as well as impact of CSR on consumers' purchase decisions. Empirical evidence in

connection with the third task will be shown as a case study narrative followed by elucidating the dimensions of ethical conflicts in it. Further the discussion with respect to the first two is related to the business enterprises’ side of the market, located in the supply side of the market while the debates raised in relation to the third aspect is centred on the buyers’ side of the market, located in the demand side of the market.

2. Standard CSR Concepts and Conflict in Ethical Orientations

The earliest conceptualisation of the idea of corporate social responsibility was by H. R. Bowen. He defined CSR as, “the obligations of business to pursue those policies, to make those decisions or to follow those lines of action which are desirable in terms of the objectives and values of our society.”¹ Bowen construes CSR as an obligation of the business enterprise with a strong tinge of philanthropy, constituting the motivation for such activities, though not overtly stated but subtly implied as social desirableness of actions. Nevertheless, he maintained a duty based comprehension of CSR. In the next two decades these corporate activities were understood as those that went beyond a firm’s direct technical and economic interest but still retained the residual philanthropic basis of business behaviour.² It is also seen in Carroll’s model of CSR¹ according

¹Howard Rothmann Bowen, *Social Responsibility of the Businessman*, New York: Harper & Row, 1953.

²Keith David, “Can Business Afford to Ignore Social Responsibilities?” *California Management Review* 2, 3 (1960), 70-76; McGuire, Joseph William, *Business and Society*, New York, McGraw Hill, 1963.

to which CSR is made up of four different social responsibilities forming a pyramid arranged in a hierarchy of importance. At the base of the pyramid is economic responsibility followed by legal responsibility, ethical responsibility and philanthropic responsibility. Figuratively a pyramid begins with a broad base and tapers to the top, do not begin at the top and expand at the base. The act of fulfilling an enterprise's economic responsibility is to ensure the entrepreneur – investor earns a gain first and after it begins the need to abide by the law, undertake value driven business behaviour and ultimately contemplate the well being of the other. Here being profitable precedes being ethical and being other-centred. It is after accomplishing what is required by capital does the enterprise look into what is to be done by it as a member of the larger community. Commerce contemplates ethical behaviour after business.

The observation hitherto made indicates a belief system that an enterprise is and is only a business entity for which market share and profits are to be the most normatively desirable goals. For example it does not matter for a heavy commercial vehicle company that one of its customers is a dictator who will most probably use the automobile to engineer oppression of citizens. The fact that it is a case of ethical behaviour after business is an affirmation of this dominant viewpoint. The critique we posit here is directed against the notion that a business cannot be conceived as a social entity except for the sake of profit and secondly against the view that if by believing it to be a social entity with the

¹Archie B. Carroll, "The Pyramid of Corporate Social Responsibility: Toward the Moral Management of Organisational Stakeholders," *Business Horizons* 34, 4 (1991), 39-48.

concomitant need to abide to norms of decent as well as responsible business conduct constrains its profits, then let it be that ethical behaviour is relegated to the backwaters of business behaviour. Commerce, thus, faces a conflict of ethics in decision-making when the goals of its business constituency, namely investors, creditors and managers, diverge from that of its non-business constituency. This divergence makes it difficult to justify a primary attention to ethical behaviour in business.¹ Nevertheless our view is that primacy of ethics in business behaviour is an issue of moral conviction, neither a case of just pragmatism nor of monetary measurement of gain.

Gradually the model of corporate social responsibility began to go through a transition and moved ahead of the hierarchical orientation seen in Carroll’s CSR pyramid. By the late twentieth century and in the twenty first century, the dominant emerging discourse about CSR was that it constitutes a set of several interconnected activities of which philanthropy is one, among others such as economic, legal and ethical, and that it is an integral part of a well conceived business strategy. The purported goal being claimed by its protagonists is to achieve social well being.² This orientation can be seen in two other models, the first is an improvement over the older

¹Ian B. Lee, “Corporate Law, Profit Maximization, and the ‘Responsible’ Shareholder,” *Stanford Journal of Law, Business and Finance* 10, 2 (2005), 31-72.

²Carroll, “The Pyramid of Corporate Social Responsibility;” Philip Kotler and Nancy Lee, *Corporate Social Responsibility: Doing the Most Good for Your Company and Your Cause*, Hoboken, New Jersey: John Wiley and Sons Inc., 2005.

Carroll model¹ and the second is the CSR DNA 2.0 model.² In the former the hierarchical pyramid of responsibilities is replaced with a Venn diagram like arrangement of the legal, ethical and economic aspects of business behaviour. In the latter theory there are five basic components of corporate behaviour, just like the five constituents of the DNA – adenine, cytosine, guanine and thymine and just as the DNA encodes the instructions for the development as well as functioning of living organisms, the five components of CSR instruct the existence and operation of the economic organism called a business enterprise. The five components of the CSR strand are: (i) value creation – the economic and financial responsibility of the company; (ii) good governance – appropriateness in reporting and auditing as well as maintaining transparency in business dealings; (iii) societal contribution – having a people oriented approach such that it demonstrates concern for human rights and development of society; and (iv) environmental integration – setting and pursuing standards that minimise externality costs caused by production. All these aspects of business conduct are at a common level with equal importance and with overlapping combinations, such as the purely economic, purely legal,

¹Mark S. Schwartz and Archie B. Carroll, "Corporate Social Responsibility: A Three Domain Approach," *Business Ethics Quarterly* 13, 4 (2003), 503-530.

²Wayne Visser, "The DNA Model of CSR 2.0: Value Creation, Good Governance, Societal Contribution and Ecological Integrity," *CSR International Inspiration Series* 9 (2011).

purely ethical, economic-ethical, economic- legal, legal-ethical and economic-legal-ethical.¹

The strength of the dual presence of pure as well as overlapping components of business behaviour is the leverage it gives for an enterprise to locate any of its activity in one of the entities depending on the demands market environment places on the enterprise. The challenges of employing these principles, be it the distinct elements or overlapping combinations are quite evident. For example corporate policy of not employing children in the production floor may be an ethical behaviour as well as a legal responsibility. At the same time dynamics of competition and cost minimisation can compel business to employ children in the production process while what restrains it will be its illegality rather than its unethical quality. In other words profit is a requirement while ethics of social conduct in business is an expectation. A requirement is meant to be accomplished regardless of anything else but an expectation needs to be fulfilled only voluntarily or under exogenous compulsion. So if profit is a requirement then its attainment will be undertaken as well as exacted ruthlessly and without restraint. Similarly if adherence to moral norms in social behaviour of business is an expectation, it will be accomplished only because of a sense of voluntary goodness or when it is imposed by external constraint. Business will do what is right either when it feels like or when it is profitable or when it is urged on forcibly,

¹Schwartz and Carroll, “Corporate Social Responsibility;” Vollmert, Matthias, *Master Thesis: Corporate Social Responsibility – Impact on Applying and Buying Behaviour*, retrieved from Maastricht University, Faculty of Economics and Business, 2007.

because otherwise it is not the core governing principle of the business economic system.¹

3. CSR, the Indian Scenario: Ethical Dilemmas

In the preceding section, though in the form of a historical evolution, the main focus has been on the ethical challenges in the very concept of corporate social responsibility. Now as a matter of logical sequence, attention is being given to the historical development of CSR in India and the way it is practiced by business organisations. This is followed by an exposition of the ethical dilemmas visible in this historical process. India has had four major phases of historical development of CSR.² The phases are briefly explained below:

The first phase: In this phase which lasted till the 1850s the main component of CSR was philanthropy. The reason for this was the background of industries which were family owned business and so the religious values, family norms, culture as well as family traditions were the driving forces for undertaking socially benevolent activities. For example wealthy merchants financed the development of villages, settlements, construction of temples or religious places, development of health facilities, etc.

The second phase: This phase witnessed the spread of the independence movement and Mahatma Gandhi evolving the

¹Cynthia Stephen, "Enlightened Economics: Ambedkar's Economic Thought and India's Liberlised Economy" in Saju Chackalackal, ed., *Towards a Strong Global Economic System*, Bangalore: Dharmaram Publications, 2013, 399-422.

²Tatjana Chahoud, et al., *Corporate Social and Environmental Responsibility in India: Assessing the UN Global Compact's Role*, Bonn: German Development Institute, 2007.

idea of “trusteeship” in using resources and in business conduct. Gandhi propounded the idea that industrialists had two responsibilities – generate wealth and to provide benefits to the common man. This view of “trusteeship” influenced industrialists to adopt a socio-economic development approach in the way business is carried out. The main elements of CSR in this period were highly related to the internal organisational structure such as the non-practice of untouchability in the work place and in increasing women participation in the workforce.

The third phase: This phase covering two decades from 1960 to 1980 was a period of India’s robust engagement with the mixed economy model personified by the emergence of public sector industrial undertakings (PSUs). During this period many labour laws as well as standards and regulation about environmental conservation, licensing of industrial activity and so on were introduced. Accounting and auditing of socially responsible initiatives by firms was developed although its implementation was not very successful. Although the need for business to behave in an ethical manner seemed more intense as a social consciousness than in the previous phases how seriously businesses pursued it is doubtful as systematic recording of such activities was never conducted as a part of business process except by enterprises who wanted publicity and goodwill.

The fourth phase: This phase which began in the 1980s witnessed the transition of CSR from being an endeavour in philanthropy to having a strategic dimension, and to becoming a critical element in a company’s business plan. This was a global phenomenon and was duly adopted by corporates in India too. Norms encouraging companies to allocate 2% of their profits for funding CSR activities has become popular. This is not a compulsion and so businesses can either

contribute more or less than this stipulated proportion. Although it is not explicitly stated, it seems to be assumed that if CSR is a component of a business plan and a business plan's goal is proliferation of sales as well as profit, then CSR activities are intended to prop up reputation for the firm. This will ultimately translate into preference and loyalty by the consumer to a product brand.

The above time line description shows how the discourse of CSR has traversed from being a set of defensive as well as charitable activities that are to be well publicised, to a set of strategic processes that are well synchronised with the company's fundamental motive – profit. The artifice of this artificial affinity between common good and corporate practice of accumulation of profit, becomes complex with manifold implications, given that business enterprises are also repositories of resources – material and also human. Provision of CSR requires use of resources and investing resources is an integral element of an enterprise's business strategy but with the aim of profit maximisation. When operated through the dynamics of market competition with its core value of acquisition and goal attainment before as well as at the cost of the other, it is illogical for CSR to foreground wellness of the other over the pursuit of maximal self interest and gain.

In order to substantiate this observation and more so to expose the double standards as well as the refined hypocrisy of corporate business hidden behind the facade of social responsibility, a few case examples drawn from reports, company websites, statements of top corporate executives and newspaper reports are examined below:

(a) Tobacco companies around the world and also in India strive to project themselves as socially responsible and thereby endear themselves to community welfare. Predominantly the

two targets of their social activities are – the youth and environment. The purpose is to deflect the focus away from the health hazards of nicotine dependence and the truth that mass cultivation of tobacco has been at the cost of deforestation in many countries especially in Asia. In all its youth related activities tobacco companies somehow bring in the idea that smoking is an adult choice and so also an informed choice. But this is done without explaining the dangers of smoking for the health of the smoker, the passive smoker and the environment. Further according to a report by corpwatch, one tree is consumed for every 300 hundred cigarettes produced. In order to cover this up these companies actively engage in tree planting programmes, providing agriculture extension services to educate farmers on good agricultural practices, watershed programmes and so on. All these help cultivate the right atmosphere to engage in effective political and policy lobbying enabling these enterprises to circumvent the political and legal constraints on their business. This ultimate intent is amply seen when J J Slavitt of Philip Morris said, “As we discussed, the ultimate means for determining the success of this (*youth*) program will be: 1) a reduction in legislation introduced and passed restricting or banning our sales and marketing activities; 2) passage of legislation favourable to the industry; 3) greater support for business, parent and teacher groups.”¹

¹“Tobacco Industry Tactics, A Perfect Deception: Corporate Social Responsibility Activities in ASEAN,” 2008, <<http://resources.seatca.org/Perfect%20Deception.pdf>>Action on Smoking and Health, “We’re Socially Responsible: The TRUTH behind British American Tobacco NZ’s Corporate Social Responsibility Reports,” 2005, <<http://www.itcportal.com/about-itc/policies/policy-on-social-investments-csr.aspx>>

(b) ONGC India has recently begun drilling oil in Jorhat-Golaghat districts located in the disputed “B” sector of inter-state Assam-Nagaland border. As it is a disputed region it is a business contingency for ONGC to take the local communities into confidence and so through the ONGC-NSTFDC Hathkargha Prashikshan programme, it funds and facilitates the development of women handloom artisans among the marginalised tribes in Assam who are living proximate to ONGC’s drilling facility.¹

(c) According to an Amnesty report dated 8 February 2013, nearly 1500 families in Jagatsinghpur district in Odisha face the threat of a forced eviction from their common agricultural lands which they have inhabited and cultivated for centuries in order to help the South Korean Steel major POSCO acquire 283 hectares for its steel production plant. The report continues to state that nearly 200 police and district government officials entered the village of Govindpur and dispersed a peaceful human blockade of 150 villagers – including children, women and the elderly – who were protesting by beating them with batons. While the private sector and state partnership is a clear case of criminal nexus intending to violate human rights, POSCO’s official policy document on Social Contribution states it would help raise the living standards of the people of Odisha by extending welfare programmes to the local community. This expression of its social commitment is blatantly ludicrous because on the ground it is stripping whole communities of

¹http://www.business-standard.com/article/companies/ongc-starts-drilling-oil-along-assam-nagaland-border-area-112060800162_1.html; <http://www.ongcindia.com/wps/wcm/connect/ongcindia/home/csr>.

their means of livelihood by engineering forcible eviction from common agricultural land that are filled with beetle vineyards.¹

Although many more similar cases can be cited, the above three sufficiently point the true intent of CSR policy and activities undertaken by business enterprises. Enterprises choose under the guise of CSR those activities or practices that will enable them to acquire goodwill, an intangible asset which is even monetarily estimated in the account books, engage in deceptive advertisement and even more use it to cover up their criminal practices. In other words self interest, profit orientation and market competition instigate companies to actively undertake welfare activities to camouflage the societal harm and environmental damage caused by their businesses.

4. Empirics of the Impact of CSR on Consumers

While in the foregoing sections an attempt has been made to throw light on the ethical challenges in the idea of corporate social responsibility and also in the manner in which it is practiced, through a framework of CSR’s historical evolution as well as select case examples, the discussion has been predominantly positioned on the sellers’ side of the market i.e. attention has been on the business organisation. It is both advisable and imperative to analyse the buyers’ side as they are recipients of the outcomes of CSR initiatives and also because every market exchange relations has two sides – that of the seller and the buyer. This has been done through a survey of 100 students in Bangalore. There are two reasons for choosing students as the survey unit – (a) hardly any empirical

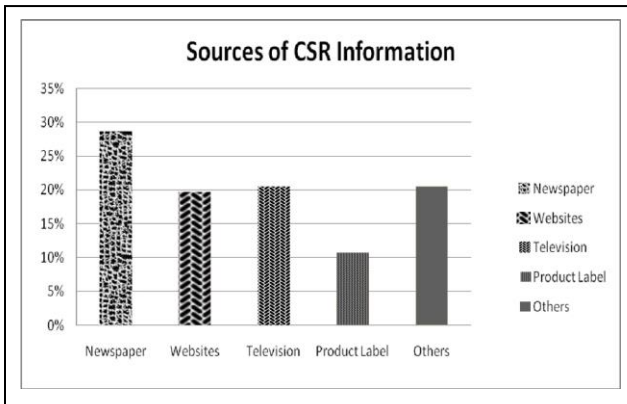
¹Amnesty International, “Urgent Action: Farmers at Risk of Forced Eviction in India,” <http://www.amnesty.org/en/region/india?page=4>. <8 February 2013>

study exists on students' perception of CSR by companies and (b) empirical study has not been conducted about such a perception on students who are a dependant segment of the population, barring some exceptions. Specifically the objectives are to identify the level of awareness about CSR among college students, trace their opinion about what composes CSR to a company as well as determine any relationship between awareness about CSR and their purchasing patterns. Descriptive statistics is utilised to examine the phenomenon with respect to these goals. No attempt is made to establish a definite causality between the variables especially between awareness about CSR and purchase patterns, but the ensuing description and discussion strive to elucidate the implications emerging out of the descriptive statistics. Further since the purpose here is to delineate the ethical nuances in students' experience of the CSR phenomenon, the empirical findings of the survey are transposed into a case narrative and analysis.

The survey itself was conducted by administering a structured questionnaire to the sample respondents. The questions were related to four aspects: (a) what are the corporate goals they perceive in the CSR of organisations; (b) what are the sources of information about CSR; (c) whether companies need to respect human rights and environment concerns and also respect ethical practices in general over short term profitability; and (d) whether they would pay more for a product produced and marketed by adhering to ethical as well as socially responsible processes. The last factor which is the most important one because it helps to observe the impact of CSR on consumers was captured from their reaction to two hypothetical situations expressed to the respondents in the form of statements. In the first case they were asked to choose between two products of equal quality and price though one

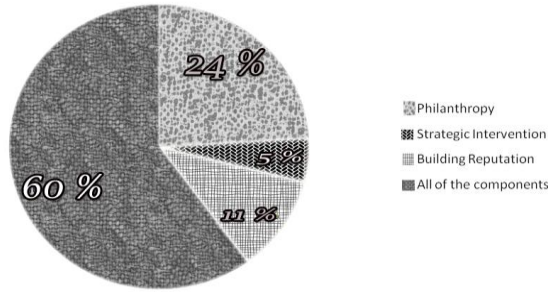
had been produced by a company engaged in CSR while the other by a company not engaged in CSR. In the second case the respondents were asked to choose between two products of equal quality considering one of it had been produced by a company involved in CSR activities but had consequently increased the price. Responses to questions related to the third and fourth aspect in the questionnaire were taken on a five point Likert scale wherein the responses range from ‘strongly agree to strongly disagree.’

Let us now briefly describe the statistics through tables, pie charts and bar graphs. Among the student respondents nearly 60% perceived CSR as a multi dimensional phenomenon, composed of philanthropy, strategic intervention and that it is a means to build reputation as well as good will.



Secondly, the most popular sources of being informed about these corporate practices were newspapers, websites and television. These two aspects are clear in the following pie chart and bar graph respectively.

People’s Perception of CSR for a Company.

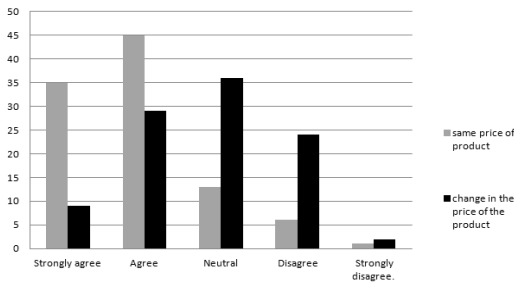


When it comes to whether companies need to respect human rights, environment concerns, and also show respect for ethical practices in general over short term profitability, 90% - 91% feel that corporates have the obligation to pursue human rights as well as environmentally sustainable practices and 70% feel that corporates have the obligation to maintain ethical principles over short run profit. This is shown in the following table:

Response	Human Rights	Environmental Concern	Ethical Principles over short term Profitability
Strongly Agree	40%	41%	24%
Agree	51%	50%	46%
Neutral	6%	6%	22%
Disagree	1%	3%	6%
Strongly Disagree	2%	0%	2%

While some uncertainty is possible in the mind of the respondents when having to choose between ethics and profitability, the apparent conviction claimed by the majority is principles supersede immediate gain. There is, however, a vacillation in the preference for a product if its price changes upward due to the cost factor when they are produced and marketed in a manner of taking full cognisance of ethical as well as social concerns. This was captured through two hypothetical situations given in the form of statements to the respondents for their reaction.

Purchasing Behaviour with Change in Price and without Change in Price due to CSR Initiatives



Response	Same Price of Product	Change in Product Price
Strongly Agree	35%	9%
Agree	45%	29%
Neutral	13%	36%
Disagree	6%	24%
Strongly Disagree	1%	2%

From the above it can be observed that 80% of the respondents concurred on choosing a product that has been produced by a socially and ethically responsible company as

long as price does not change but with respect to the situation enjoining one to share the cost of CSR initiatives through marginal increase in product price the ranking fell drastically from 'strongly agree and agree' to about 60% being in the range of 'neutral' and 'disagree' responses. Thus, the individuals though they claim to a conviction that business enterprises have to be socially responsible, that products consumed should ideally be manufactured and sold through processes which are ethically well oriented, such a conviction is not translated to buying behaviour if that has increased product price. Increase in what one pays out is an implicit diminution in the consumption worth of the product. Finally the consumers are interested in their profit!

5. Conclusion

The above investigation of the concept of CSR, the manner in which it is practiced by corporates and also the ways individual consumers perceive it indicate the dominance of self interest. The proverbial 'self-love' of Adam Smith pervades both the material and the moral spheres of human activity and thought processes. Affinity to moral dimensions in production and consumption choices occurs only up to the point where gratification is not compromised both in terms of the price buyers have to pay or the cost sellers have to incur and through it, utility attainment. Pursuit of maximal gain reflected as profit on the supply side of the market and satisfaction from consumption on the demand side eventually precedes, claims superiority and enjoys hegemony over any professed ethical convictions that enable social wellness. Merely announcing and acknowledging tenets of socially responsible behaviour without deliberately following them in economic choices is just another case of 'feel-good' social

commitment. ‘Welfare of all,’ here, is an emotion and not a decision. Further if the adoption of ethically responsible economic choices is used to disguise pursuit of self-aggrandizement, the decision in question is downright convoluted and corrupt.

It is true that the preceding discussion posits a near fatalistic perspective about ethics having any chance in human economic decisions and relations. It is as if everybody is saying: “yes, ethics is good, ethics is right, ethics is essential but let’s talk about it after we’re done the business.” On the face of it, what seems to transpire is a situation of either the economics of production and consumption or ethics, but never the twain can meet in a right manner. Reiterating this observation in the words of Adam Smith, “We (*each one of us*) address ourselves, not to their humanity but to their self-love, and never talk to them of our own necessities but of their advantages.”¹ Paraphrasing what this hyper literate sage of political economy said in the context of the phenomenon of CSR, being community centric and humane lies at the margins, at the periphery of human economic decision-making and is not its core. Concern for the other is coincidental to gain and that is the problem with CSR in its present form i.e. being responsible is secondary to being profitable. It is imperative to establish the primacy of responsibility and profitability becoming a secondary variable. Social responsibility is not meant to be an afterthought. The community and its well being cannot be points of reflection consequent to business choices, but should

¹Adam Smith, *The Wealth of Nations*, Clermont, Florida: Paw Prints, 2008.

be the main focus, the very rational ground for the existence of those choices.

One objection to this line of argument is that it implies, in a subtle way, the very elimination of the motive of gain, be it a seller or a buyer and consequently no incentive for business investment. The objection is a short sighted view of business activity. Firstly, achieving gain is not unethical but striving for it to the maximal extent poses serious ethical challenges. Attaining the maximum is only possible at the cost of the 'all other' being in subordinate condition. The moral lacuna of this economic state crops up when the subordinated 'all other' is made up of human rights, transparency in transactions, labour benefits, child labour, traditional means of livelihood and so on. The human person, in this framework, has been substituted by an inanimate materialistic entity – profit. The yardsticks of performance are only price and market values, not the welfare of all.¹ Undertaking projects for community well being after having compromised on social issues just listed out here as a sample, is hypocritical and ethically deviant. Secondly the counterview does not recognise the relativity between short term profits and long term benefit. When a business enterprise follows moral values in the conduct of its activities it is highly probable to be in the situation of making some sacrifices to immediate profits. As an analogy when a responsible parent admonishes and reprimands his or her child, the child will be visibly displeased. Nevertheless the parent puts up with it because he or she is making the effort to ensure an adult of good

¹Salvatore Pennacchio, "Towards an Economy Based on Love and Justice" in Saju Chackalackal, ed., *Towards a Strong Global Economic System*, Bangalore: Dharmaram Publications, 2013, 30-34.

character in the long term. In the same way by basing economic decision and action on ethical principles and directing processes according to socially responsible criterion every commercial organisation irrespective of its size and every consumer, is ensuring a lasting market goodwill as it will be generated by transparent and verifiable facts of behaviour; ensuring environmental sustainability that will make available the same development opportunities enjoyed by the present generation for the future generation; and ultimately a long term lasting economic benefit to the community and the commercial enterprise. In fact, “ethical behaviour in business (*and economic behaviour*) will result in goods production, trading, cooperation, fulfilling promises, attaining economic development, mental calmness and peace among people,”¹ all of which are preconditions for the market to work efficiently.

In the light of the above arguments we are proposing a reversal of orientation. One has to do what is ethically right from the very beginning and not as a consequence of profitability or gain. Besides as corporate sellers have more investable resources drawn from society, compared to the common consumer, it logically follows that the former have the greater obligation to initiate the trend relative to the latter. This does not mean the common consumers can abdicate their responsibility to the community in their choices because they too bear the duty and have the capacity to refuse products made and marketed in an unethical as well as socially irresponsible manner. However, corporates relative to the

¹Gholamreza Mesbahi Moghaddam, “Business Ethics in Islam” in Saju Chackalackal, ed., *Towards a Strong Global Economic System*, Bangalore: Dharmaram Publications, 2013, 381-397.

individual consumer have greater capability to generate a stronger impact by pursuing socially enabling criterion in their processes. The clarion call is to make social responsibility not incidental to profit or gain but profit or gain is to be incidental to social responsibility. This is in no way a negation of the individual self but is a shift in the way the individual self is to be understood. The core of the shift is from, 'I am, therefore we are', to 'we are, therefore I am.'

IMPINGEMENTS IN CAPITALIST ECONOMY

Decoding an Obscure Factor in Ethical Analysis

Ferdinand D. Dagmang♦

1. Introduction

A capitalist economy is built on the core principles of private property/self-interest, capital/profit-making and labour, and liberal democracy. Such principles, with their corresponding axioms, have established standard economic practices; fields for management, production, and consumption and durable institutions. Those capitalist practices, fields, and institutions have impinged, through time, on the home, neighbourhood, villages, and nations. Negative impingements of standard capitalist practices on people and places are plenty (like social anomie, psychical and physical debilities, socio-cultural disintegrations, cultural subjugation, and environmental degradation). These have been studied from various angles by prominent authors and critical theorists, offering valuable insights about the modern economy and theoretical and practical ways of solving its fundamental contradictions.¹ In this article, using the theory of impingements, I will uncover what is not so clear in the ways capitalist economy has impacted on life. I shall point out four

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♦First published in *Journal of Dharma* 38, 1 (2013), 195-210.

¹Peter H. Sedgwick, *The Market Economy and Christian Ethics*, Cambridge: Cambridge University Press, 1999.

main ways of unpacking the analytic potential of impingements: 1) reconnecting the private-public disconnect in a world pervaded by capitalism; 2) internalizing what has been considered as externalities by economics; 3) tracing the psycho-neurological genesis of impingements; and 4) tracking down the interlocking development of capitalist institutions and persons. These approaches are meant to aid and expand the ethical evaluation of capitalist actions and structures. This is hoped to lead towards proposals for the ethical solutions to some problems unearthed by the concept of impingements.

2. Impingements

We are informed by the first and second laws of thermodynamics that in every expense of work within a system, energy is not destroyed (or created) but only converted into another state or form. Within a closed system, this conversion into another form of energy may be viewed as a conversion into an acceptable, thus tolerable, form of energy. If, however, we are dealing with two different systems that are entangled with each other, the work expenditures in one system could produce “heat conversions and transfers” which may not be acceptable, thus intolerable, to the other system. This dynamic transfer of converted energy or heat may be “normal” in the first system, but “abnormally” impacts upon the other; thus, the latter system could experience negative *impingements*. The factory system, for example, has impinged upon the natural environmental system (by treating it as source and sink), producing negative or unacceptable consequences (usually referred to as unintended consequence or externalities¹ – as external to human intentions or plans).

¹Albino Barrera, *Economic Compulsion and Christian Ethics*, Cambridge: Cambridge University Press, 2005, 27-35.

‘*Impingements*’ is a term used in developmental psychology to refer to “imperfections in mothering.”¹ In this article, I will apply this concept beyond the context of mothering and use it to refer to imperfections in the management of human affairs by “fathers”, mainly *public* affairs. This “fathering” dimension is usually linked to and expressed through the processes and channels involved in the management of the political economy. Thus, it refers not only to imperfections due to lack of individual insight, neglect, insensitivity, hardened conscience, “narrowing of cognitive map,” but also to “normal” predispositions and behaviour, as these are embedded in and constrained by economic, political, and cultural systems-structures.²

My use of the term also implicates the socio-cultural matrix as enabling, or disabling factors of disposition and behaviour, producing intended as well as unintended effects that impact on homes and villages, and environment. Thus, *impingements*, as imperfection in management, emphasize both the mediated and the mediating character of behaviour – it also mediates socio-cultural elements and their predictable and unpredictable effects.

This broadened meaning of *impingements* calls to mind the over-all effects of behaviour. These effects are not necessarily under the control of an individual as one’s actions are also enlivened by broad socio-cultural processes intersected by individual intentions. Whether one likes it or not, multiple effects

¹John B. Arden and Lloyd Linford, *Brain-Based Therapy with Children and Adolescents: Evidence-Based Treatment for Everyday Practice*, Hoboken, New Jersey: Wiley & Sons, Inc., 2009, 44-45; see also 66-69.

²See the notion of “bounded rationality” in Shaun Hargreaves Heap, *Rationality in Economics*, New York: Basil Blackwell, 1989, 116-147.

of pre-established processes are reproduced every time an individual acts or socializes. Action is thus understood to be an element within systems and structures that provide channels and pathways which are older, more enduring, and stable than individuals.¹

3. Reconnecting the Private-Public Disconnections

The traditional meaning of mothering has been identified with caring of children and managing the home; while fathering is another kind of becoming, commonly known as 'breadwinning'. In this distinction between the two ways of becoming lies the original cause of separation (an ancient mode of management) of the private and public spheres. This separation has become a feature of today's worlds pervaded by the capitalist mode of economic management, production, and consumption. In principle, this state of separation is contained in every form of negative impingements, reflecting the division of labour between private care/affection and public management/reason.

Nevertheless, mothers who are preoccupied by private/domestic concerns are no longer alien to a public occupation which consists of pursuits of opportunities and other stakes in the various fields of modern economy. Providing for the family's financial needs through a public occupation, though identified with the male, is no longer a masculine prerogative. Mothers already occupy jobs outside the home, a development that has transformed the face of the public since the onset of modernity. However, their presence in the public realm does not translate into radical transformations of the pre-established

¹See A. Reckwitz, "Toward a Theory of Social Practices: A Development in Culturalist Theorizing," *European Journal of Social Theory* 5, 2, 243-263.

male/female domestic division of labour (they may have salaried jobs, but they still manage the home, while fathers reap the benefits of getting an additional subsidy from their public occupation) or the overhaul of public economy in terms of care and affection (a bank manager may be a mother, but the demands of commerce will prevent her from applying care and nurture to investigate the credit capacity of a loan applicant).

The effects of the imperfections in the private/public division of labour are nonetheless strictly attributed to their immediate managers and normally restricted within their respective domains. The failures in caring are to be accounted for against the mother and the failures in breadwinning (and imposing strict discipline) against the father. Neighbours neither frown upon the father if the dirty dishes and linen are scattered around the house nor blame the mother if income is lower than expected. Neighbour's accounting tend to be confined to the standards and constraints set by culture with regard to the male public role and female domestic role.

There is, however, a feature of male role that goes with breadwinning, that of ruling the public economy (in the same way that the homemaking role assumes the position of the mother as queen of the private economy). From the start of the Industrial Revolution in 1750's in Manchester, England, the male has already taken a front seat for himself: as manager of his own public affairs. Thus, we have a picture of the male who takes upon himself the responsibility of managing the affairs of the world, a world bigger than that of the wife's domestic affairs.

What has become problematic is that the male-managed economic public turns out to be more complex, dominant, and pervasive in its effects while the domestic private is a subordinated family sphere with little impact on the shaping of public economics. Thus, the standards set by fathering in the

public tend to impinge on the realm more properly identified with the mother; but the standards set by mothering are less likely acknowledged in the public realm. Let me illustrate.

Home is where family relations are taken for granted, where more warm dealings would define routines while the modern workplace/public realm tends to be seen as a domain managed by a means-end kind of reasoning,¹ where everyone is expected to act professionally, that is, where kinship or friendship may be set aside for a more efficient and consistent productivity. The affectional principles of compassion, forgiveness, and care for the weak are, in general, the foundational principles of the home. The public economic realm, on the other hand, is founded on utility, justice, or rights, principles which are set in the foundational precept of democracy wherein every question or issue is to be resolved through discussion or public consultation among interested parties. Questions that implicate the home pass through the public forum.

Economic management that called for a more instrumental reasoning engendered economic principles that consistently push for market productivity, efficiency, and progress. This kind of forward-looking management has impinged on home life, most especially against the vulnerable members of society: children, the elderly, the uneducated and others who are similarly exposed to risks because of lack of capacity or resources. Wages set by law, for example, are difficult to adjust in favour of labour even if it is not consonant with the high cost of living; private property acquisition is generally based on fair exchange which leaves

¹Means-end reasoning is also referred to as instrumental reasoning. Martin Heidegger, Max Horkheimer, and Jürgen Habermas are few of the major philosophers who offered critiques of instrumental rationality.

millions of people landless because they lack the financial capacity to acquire land; and food sufficiency is difficult for the poor because of the market’s strict *quid pro quo* principle. Thus, if thoroughly applied, instrumental reasoning would undermine homes of the vulnerable even if these are founded on the mother’s care, forgiveness, and compassion.

The affectional principles customarily identified with the home and mothering role have not been set as organizational and operational principles for the modern capitalist economy. Thus, poverty, landlessness, and illiteracy are also issues that could be understood in terms of the impingements of economic principles equally imposed on all citizens; such issues are no longer just viewed in terms of unequal development between classes but also in terms of weak-application of the principles of compassion and care. We say: *there is no such thing as free lunch*, even if people are already starving. Interest on debts cannot just be written off – not all are members of JAK Members Bank¹; exclusion of some citizens from some services may have to continue to ensure profitability; and some asymmetrical transactions between the poor and the moneyed (in cases of predatory lending or usury) may have to be tolerated for the survival of the poor.

It has become customary to blame the mother for deficits in caring; but, the negative effects of the public sphere (where fathers are) on private domains (like intimacy and sexuality) are usually obscure and thus less accounted for except by experts or social scientists. Unless the less-articulated impingements of public-fathering is recognized, private problems are less likely to

¹The JAK Members Bank, or JAK Medlemsbank, is a cooperative, member-owned financial institution based in Sweden. Its loans are financed solely by members’ savings; thus, the bank’s activities occur outside of the capital market.

implicate their public connections. Right thinking and action would need a clearer hold on the need to interconnect the private and the public, more especially if we regard means-end reasoning and caring deficit as matters of public concern.

We may thus have to expand our analysis of home economics and world economy through their invisible connections that bring about visible and less-visible impingements; and then see for ourselves how efforts to lessen instrumental reasoning and increasing the care principle in public could actually produce some good results. Care does have a role in boardrooms which could bring about changes in the way managers think about collaterals or interests on loans. Alternative practices have been actually realized when care and concern for the poor became the main factor in the economic equation that runs Grameen Bank¹ or Kiva Microfunds² if this pattern in economic practice becomes more widespread, then the public realm could be expected to be more positively impinging on the domestic or village front.

4. Internalizing Externalities

Economic management of production and consumption have their unintended negative effects but these are usually treated by economic theories as *externalities*, that is, *not part of the intended* output. Unless pressured or not unaware of their responsibility, fathers-managers will not treat such externalities as their

¹Grameen Bank is also known as a bank for the poor, especially women. It is a Nobel Peace Prize winning non-profit, microfinance organization and community development bank that was started in Bangladesh by Professor Muhammad Yunus.

²Kiva Microfunds is a non-profit organization that allows people to lend money via the Internet to people in developing countries.

immediate concern; even if they are cognizant of the double-effect nature of economic activities. Such pre-emptive tactic to externalize is one major reason why the visible negative by-products of production and consumption are difficult to manage (like mine tailings, food industry chemicals, or jet plane pollution). To pull managers back into their responsibility, they must acknowledge the unintended as integral part of the intended.

Modern industry and commerce have regarded the unintended negative consequences of production and consumption as belonging to externalities and not necessarily impingements. But our present discussion must *immediately* pull externalities towards the centre and make these as part of the internal talks since these belong to the histories and solidified ways of fathering. The extraction of fossil fuels, felling of trees, and mining of diamonds may have brought dividends to some but at the same time caused miseries to others; the mass production of electronics, textiles, food, medicines, chemicals, and the like, have brought not only convenience to households but also pollution and degradation to both the natural ecology and bio-ecology.¹ Such negative effects are clearly difficult to imagine as “external” to economic activities.

Laws have been passed to bring about changes in the way manufacturers treat their by-products. Some have indeed responded with some measures of responsibility.² However, not

¹Alexander G. Haslberger, ed., *Epigenetics and Human Health: Linking Hereditary, Environmental and Nutritional Aspects*, KGaA, Weinheim: Wiley-VCH Verlag GmbH & Co., 2010.

²See, the United Nations Framework Convention on Climate Change in the *Kyoto Protocol* of 1997 and *Copenhagen Accord* of

all by-products are visible and predictably measurable in their “unintended” effects. Chemicals like nonylphenol, bisphenol A, and phthalates (ingredients in the manufacture of plastics, detergents, pesticides, and other packaging materials) have been shown by research to leach into edibles that trigger low fertility and feminization in males and breast cancer in females;¹ but few manufacturers are aware about such findings, especially those located in areas not immediately informed by scientific researches done in the more developed economies. And if others are aware of it, it would be extremely difficult to change their usual ways because of the popularity and widespread use of such products. Needless to say, the modern world is already dependent on their usage. It gives limited freedom or fewer options to consumers given fewer alternative approaches: one who avoids vegetables in cans lined with phthalates may opt to consume fresh vegetables; but such vegetables may have been applied with pesticides. And somebody who shuns away from plastics with chemicals on linings could use bottles; but it is difficult not to use detergents to wash these “alternative” containers.

“Externalities” are internal to the practices of fathering. No matter how theories separate the unintended from the intended, imperfections in the management of the public sphere include not only those things which they are able to control and predict but also those which result from their limited capacity to control and

2009. See also Laszlo Zsolnai, et al., eds. *Ethical Prospects: Economy, Society and Environment*, Volume 1, Budapest: Springer, 2009.

¹John A. McLachlan and Steven F. Arnold, “Environmental Estrogens,” *American Scientist* 84 (September-October 1996), 453-461.

predict – resulting in some of the most destructive *hidden impacts* of production and consumption.¹

While the *positive* consequences are not necessarily intended by and totally under the control of industry and commerce (low prices of goods and services, employment opportunities, and other trickle-down effects) these are still recognized (with enthusiasm) as part of the goods of capitalism; and market economists have tended to place the negative consequences of production and consumption as capital’s technological (e.g., pollution and environmental degradation) and pecuniary (e.g., adjustment of prices or shutdowns of factories) externalities.² Even the definition of externalities has become stunted and limited to merely cover the immediate (not the more remote) unintended effects of technological and pecuniary decisions. The idea of externalities (of negative consequences) may indicate the wimps in those responsible for the fathering of the negative. They are proud of their products (and the income derived from such products), but turn their backs when notified of smelly and destructive by-products.

It is about time for economists to seriously rethink *externalities* in their accounting procedures, the way they acknowledge responsibility for the wear-and-tear of their equipment. If the State and civil society’s concerned citizens have not chased them for their previous mistakes, the notion of green accounting, sustainable development, or carbon footprints would

¹Daniel Goleman, *Ecological Intelligence: How Knowing the Hidden Impacts of What We Buy Can Change Everything*, New York: Broadway Books-Random House, 2009. See also Slavoj Žižek, *Violence: Six Sideways Reflections*, New York: Picador, 2008.

²Barrera, *Economic Compulsion and Christian Ethics*, 27ff.

not have come about.¹ Economists should no longer wait to be accused of possessing mere means-end reasoning. A more socially and environmentally responsible and caring mindset would preempt the more destructive consequences of their projects and pursuits. They will have to abandon their view on externalities and consolidate impingements with capital expenditures. Economics would then be doing great service to humans and to the planet.

5. Psycho-Neuro-Analyzing Impingements

The common sense and binary kind of outlook on the world having a public/private, rational/affectional spheres may either be referred back to the biological male/female differences or associated with the observed differences in male and female roles. However, we could not just maintain that sex roles (not gender roles) are merely based on biological or genetic predispositions. We are informed by the more up-to-date research (on phylogeny) that genes too have been shaped by and, thus, behave according to historical development of cultures.² The male brain being primed for problem-solving and aggressive behaviour may have actually been shaped by the demands of a culture that reinforces those qualities in the males; the same way that a woman's brain circuits are disposed to conversation and relationship could be further fortified by cultural expectations about caring and

¹Gareth Edwards-Jones, *Ecological Economics: An Introduction*, Oxford: Blackwell Science, 2000.

²Dorothy Nelkin and M. Susan Lindee, *The DNA Mystique: The Gene as a Cultural Icon*, New York: W. H. Freeman and Co., 1995; Ruth Hubbard and Elijah Wald, *Exploding the Gene Myth*, Boston: Beacon Press, 1993.

mothering.¹ Knowing such deeper sources of dispositions would help to better understand why one-half of the world’s population is more identified with many practices that negatively impinge on the world.

Males – fathers and would-be fathers – have been cradled by mothers and would-be mothers. By some effects of genes, hormones, and culture – all interlocked in the ontogenetic and phylogenetic issues of natural and second-natural individual formation – males carry and internalize peculiarly male dispositions; dispositions which are impelled by genetic, epigenetic and hormonal factors (testosterone and adrenaline) ready to snap into the shared social dispositions “intended” for the males: rational, aggressive, adventurous, competitive, and conquering.

While mothers and would-be mothers have been forced to concentrate on tasks at home and nearby, fathers and would-be fathers have been impelled to go hunting, exploring, and mastering lands and colonizing other humans. Hundred-thousands of years of skills-development to ensure victories in conquests (and defenses) have insidiously imprinted in the male brain the more rational and less affectional dispositions – a disposition to be identified by later generations as “natural” to males and dictating some norms or standards of behaviour.

Hunting and warfare have demanded on the male the lesser connection to affections or to the heart-level principles of caring. “Male activities” demanded connection to the head-level principles more associated with the promise of success in male

¹Louann Brizendine, *The Female Brain*, New York: Broadway Books, 2006; Louann Brizendine, *The Male Brain*, New York: Broadway Books, 2010; Cynthia Darlington, *The Female Brain*, 2nd ed., Boca Raton: CRC Press, 2009.

expeditions and projects in the public spheres. Fathering (as required by the father-role of breadwinner or defender of the tribe) required more deliberate thinking, compartmentalized and specialized low-context training, strict and rational use of space and time (monochronic), control or subordination of the more “female passions” like compassion, pity, or mercy, and development of the “male virtues” of prudence, moderation, or detachment. Some amount of ruthlessness, boldness, and unyielding purpose come and go with the movement of the hunter or warrior male. Mothering is an art more connected with the needs of infants and growing children; it presupposes the more delicate qualities of tenderness, kindness, sensitivity, resignation, understanding, and forgiveness. Thus, it needs or produces different sets of hormones: estrogen, progesterone, prolactin, and oxytocin. Those delicate qualities neither promote characters needed for the male who have come of age for hunting and warfare nor dovetail with characters already riddled by testosterone and adrenaline.¹

The diminishing practice and incidence of actual hunting in the wild and colonization of peoples around the globe by dominant races and cultures have not removed the brain-imprints of hundred-thousand-years of male-experiences in world explorations and mastery over his rivals or competitors. Testosterone and adrenaline are still the main hormones presupposed by centers where driven males congregate in their pursuit and struggle for stakes. Females may have struggled

¹Michael Gurian, *The Wonder of Girls: Understanding the Hidden Nature of Our Daughters*, New York: Pocket Books, 2002; Michael Gurian, *The Wonder of Boys: What Parents, Mentors and Educators Can Do to Shape Boys into Exceptional Men*, New York: Penguin Group, 1997.

recognition in the public sphere and, to some extent, may have succeeded in providing competition in some areas. It is, however, a different story when it comes to who rules and dominates the public. The prevailing institutions and pre-established practices still preserve the place of the male as the master in public.

The language of hunting and warfare proliferates in today's corporate world: killing the enemy-competitor, paralyzing the rivals, reinforcing labor forces, reserve-army of labor, arming with new products, barricading resources, defending property rights, deployment of aggressive commercials, alliances, etc. The market leader of the industry phase must be a relentless predator, merciless in competition and exploitative in targeting consumers. Today's info-productivity market leaders have become more wary of external and internal pressures and controls (against predatory and combative behaviour) and thus have become more “civilized,” scientific, and “politically-correct;” that is, more discriminate, creative, versatile, and cunning in dealing with market forces. Liberalism has managed to insert and convert into knowledge (exploitation, versatility, science) and consensus process (democracy, election, discussion and legal battle), the drives to hunt and kill.

Capitalism is really an arena for the more modern and “normal” form of hunting, warfare, and colonization – all replete with laws, ethics, and appropriate “privatized” religious behaviour and sacred persons. Although capitalism is an entirely different “war game,” it still calls for the “hot” qualities of males and the more “rational” (not affectional) procedures applicable to hunting and warfare. The rational, aggressive, adventurous, competitive, and conquering males have found their place in the age of hunting and colonization; such males will also find their niche in today's capitalist markets. Thus, fathering will be drawn into that niche and, in the process, interlocked in its practices,

rules, and beliefs – making impingements part of the market's trinity of self-interest, profit-making/capital and labor, and liberal-democratic worldview.¹

Nevertheless, people (most especially males) may become more self-critical and creative if they learn about the psycho-neurological bases and connections of impingements. They may see their places and roles in society in an ethical manner and hopefully, they could adjust themselves towards stakes and pursuits that would produce more positive impacts.

6. Interlocking Institutions-Persons

Persons are shaped through time by the culture that previous generations have constituted and handed down to succeeding generations. This means that market capitalism has produced citizens whose identities are resolved along the more familiar activities of paid employment, shopping, and consumption. Such activities make people study for years to acquire their degrees; earn money for needs and security, and consume daily necessities and goods that bestow some amount of social integration or distinction. Through such activities and in *longue durée*,² persons acquire identities that reflect the character of modern economy. In

¹Ferdinand D. Dagmang, "Identities amidst Connections and Disconnections," *Hapag* 3/1-2 (2006), 53-103.

²*Longue durée* is an umbrella concept referring to historical time that is so slow and stable. It forms at the interface of the natural physical world and human social activity, something significant to the understanding of what is enduring in society and culture. See Fernand Braudel of Fernand Braudel, "*Histoire et sciences sociales: La longue durée*," *Annales E.S.C.*, 13, 4 (1958); Fernand Braudel, *The Mediterranean and the Mediterranean World in the Age of Philip II*, vol. I, Berkeley: University of California Press, 1995, 23ff.

this sense, modern persons are also created in the image of modernity whose core is based on the axioms of private property/self-interest, capital and labour, and liberal-democracy. Impingements is thus very difficult to handle, because those who would want some change are themselves walking under the same skies and climate of capitalist economy.

Amidst environments where people pursue their goals and where they struggle for some place, individuals are expected to behave as educated and formed persons with skills and talents. They have to be ready for work and struggle. They have to face societies which previous generations of individuals have constituted. The societal forms are regarded to be adequate for subsequent generations of individuals who must be predisposed to search for security, comfort, success, distinction, recognition and fulfillment.

Most people, however, are no longer conscious of the fact that as soon as they are disposed towards modern/late-modern lifestyles and thus pushed to become “more intelligent, more responsible, driven adults,” they have to be drawn away from their most “elementary” but treasured ways of finding comfort with their caring mothers/caregivers, leisure in child’s play, warmth in their homes, security in togetherness, and peace in mutual support.¹ People have to become “real men,” as in acting like men do in the pursuit of those goals offered by societies defined by male managers who are forced to get accustomed to

¹Herb Goldberg, *The Hazards of Being Male*, New York: Signet, 1976; Anthony Giddens, *The Transformation of Intimacy: Sexuality, Love and Eroticism in Modern Societies*, Stanford, CA: Stanford University Press, 1992, 149-152; Luce Irigaray, *An Ethics of Sexual Difference*, trans. Carolyn Burke and Gillian C. Gill, London/NY: Continuum, 2004, 51-61.

abbreviated warm relations at home and prolonged work in the workplace. In modern/late-modern settings, people are generally expected to act like the qualified men who must struggle toward success which in turn is understood in terms of usefulness and productivity – also bases of power, wealth, and distinction. An unintended consequence, however, results: their rational pursuits and struggles could neither satisfy their deeper need for affection nor compensate for the absence of satisfaction afforded by the warmth of care from mothers, homes, and other intimacy-producing social bonds or solidarities. Because people are largely unconscious of this need-satisfaction imperative being anchored in Care, they continuously compound their problems by thinking that their pursuits and successes are their real sources of salvation. Their creations and the quest for their creations have become, at the same time, their regular sources of deprivations or troubles.

Nevertheless, people oftentimes realize that work unbalanced by leisure and home time, for example, is not good for them. However, in their search for leisure and joy for themselves and their families, they are still entangled by the ways of business and commerce. They are stimulated by the enticements of billboards and commercials. Their choices, wittingly or unwittingly, will be diverted into or targeted by the products and services offered as objects of fulfillment by businesses pursuing profit. In having integrated themselves into the market, people are entrenched and implicated into the rational pursuits of profits, which can only provide substitutes for people's search for peace and fulfillment in their lives. When people of modernity/late-modernity finally feel that they are "freed" from the bondage of alienating work and pre-modern lifestyles, they are consequently *recaptured* by the snares of the gratifying objects of commerce.

Modernity/Late-modernity offers too many substitutes for or copies of the many forms of human bonding that people sorely miss. Their original desires, biologically and emotionally nurtured by the caring mother, have gradually transformed into autonomous desires looking for bonds, which can, in the meantime, no longer be commonly attached to mothers.¹ While the individual searches for those sorely missed feelings of care-satisfaction, countless objects are there to entice them, promising gratification. The individual, finally falling for one monetarized substitute/simulacrum, (e.g., signature jeans, Havaianas flip-flops, PSP, mobile phone, laptop, iPad, Facebook, DotA, LED TV, SUV, Rolex watch, golf clubs, false eyelashes, slim figure, firm abs, Boracay vacation, etc.) clings momentarily to it until another product is noticed, and so on and on; and thus the endless search for that which would satisfy a longing which can only be calmed down by the most sympathetic attention which only a caring person (mother, wife or partner) could give. The cycle of cathexis (the process of investment of mental or emotional energy in a person, object, or idea) will forever haunt people the more they forget the fact that only a kind of compassionate maternal care could provide the self in turmoil the sense of peace it needs. The world of men only intensifies that longing for what that world has constantly excluded or subordinated.

The world of modernity (with its principles, practices, and processes) should be the logical target of change if we hope to produce more lasting cures for our ills. Change may result through counter-practices (or alternative practices) that could deal

¹Bruce Fink, *The Lacanian Subject: Between Language and Jouissance*, Princeton, New Jersey: Princeton University Press, 1995; Nancy Chodorow, *The Reproduction of Mothering*, Berkeley: University of California Press, 1978.

with modernity's built ecologies, including its myth of progress, its fast-paced and utilitarian lifestyles, and its rules that engender a variety of death-dealing mechanisms (e.g., physiologic reactions to various stressors and alienating conditions that foster allergens, carcinogens, pathogens, etc.). No one, whether rich or poor, male or female, young or old, lay or cleric, may escape from them – conditions and mechanisms that also bring about spiritual malaise or negative predispositions; a situation which may be viewed as a common experience of iniquity; a power-sphere, a larger-than-human corrupting environment.

The question about work and consumption is the context in which ethics implicates the person whose identity is embedded in the place that produces both opportunities and disappointments. Every person must regard opportunities as opportunities for human flourishing; and every form of suffering as a chance to transform self or society for the better. The home, the neighbourhood, and the village may be circumscribed by capitalism, inasmuch as these are also the sources of skills and the target of strategic marketing impulses. It is, however, encouraging that these places are also sources of alternative visions and lifestyles. This means that we can do something.

Alternative lifestyles suggest that there are roads less-travelled and these may lead to better worlds that put primacy on the whole human well-being and on the vulnerable members of society. Habits alternative to those peddled by today's commerce may be the source of redemption for multitudes of persons. Such habits may well be engendering alternative institutions and persons of tomorrow.

Some alternative practices illustrate what I have in mind: the Edible Schoolyard (a garden in Martin Luther King Middle School in Berkeley, California, established to promote healthy and organic eating and combat childhood obesity); Green Mountain

Farm-to-School (a leader in the growing farm-to-school movement in Vermont promotes the health and wellbeing of Vermont’s children, farms and communities by providing programs to connect schools and farms through food and education; alternative childbirth practices that encourage the husband to have more active part in his wife’s child-bearing/birthing and Seasons of Life Women Health and Birth Center; alternative communities like the Awra Amba in Ethiopia, where work has transcended the gender, class, and religious divides; the Green Schools Bara in Madagascar; and many more.

7. Conclusion

We have seen the use of the concept of impingements to uncover some of the negative impacts of the capitalist economic arrangements, practices, and processes on persons, homes, communities, and the environment. We realize that lessening the scourging impact of shortcomings and avoiding more negative impingements is our responsibility. Some pro-active fathering and mothering will be necessary.

Profit-making, minimum-wage, and competition operate powerfully and on a male-public platform and backdrop. It would entail overhaul or removal of such platform and backdrop in order for care, solidarity, and mutuality to *take the stage and prevail*. Is this really possible? It is possible if business owners and consumers will agree to change or transform their platform and backdrop from one based on capital and market principles into one based on care and solidarity. Corporate systems could give way to practices which are more humanitarian and uplifting. Perhaps, the caring warmth of the feminine could lessen the power of the scalding qualities of the male-dominated systems.

If capitalists are open to suggestion, reorganization of experience or ways of understanding could result via the caring

ways of perceiving, gathering, and processing of information. This process of reorganization may, however, only happen through actual involvement in an experiential process of reorganization (as seen through the setting-up of alternative lifestyles). The care-and-solidarity ways of organizing what has been organized by older means-end models may be unsettling, but the former will eventually become useful in further examining the quality of every capitalist knowledge or practice.

ECONOMIC GROWTH AND THE IMPACT OF CHRISTIAN IDEAS IN POST-MAOIST CHINA

Stephan Rothlin♦

1. Introduction

Modern day China has undergone an unseen economic transition: from the darkest days of Communism/Maoism, when millions became victims of an economic policy that aimed to foster economic progress but caused chaos, China has gone to lifting millions out of poverty and becoming a global powerhouse. What is particularly noteworthy is that its achievements relied significantly on the singular focus of maintaining breathtakingly high economic growth rates. However, this transition has come at a price: widespread corruption and environmental destruction have made China's previous growth strategy unsustainable. China thus finds itself at the crossroads of its development: yet again, drastic change is needed in the way China defines and achieves growth and progress. This time, however, the answer is less obvious or probed. Indeed, the challenges faced are particularly tough for the Economics discipline: China's growth strategy followed a standard, mechanistic recipe for catch-up growth that is

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relatively undisputed in mainstream Economics. Furthermore, the ingredients of China's last transformation – capital accumulation, foreign direct investment and a pool of cheap labour – can all be measured and manipulated by the standard procedures of the discipline. However, the unintended side effects of this growth, such as environmental destruction, are now China's major problem. Whilst these harmful side effects extent be blamed on the national context and alteration of Economists' recommendation, it is nevertheless clear that Economics does not provide a sufficient remedy for China's current problems that have been aptly described as *moral vacuum*: China's problems are significantly connected to individuals' disregard for the negative externalities that their actions may cause. Such disregard in turn relies on self-interest, the major characteristic of the *Homo Oeconomicus* that represents economists' narrow conception and, often even ideal, of human nature and behaviour.

In search of alternative growth models, as well as a development strategies for China, this article attempts to encourage its readers to consider the (relevance of) moral wisdoms, embedded in all major Chinese religions: these moral insights and motivations may not only hold some of the 'missing piece(s),' required to make China's development model sustainable, but aid an evolution of Economics' perspective on growth.

As the implications of the outlined attempt go beyond the scope of any one publication, or any one author for that matter, this paper limits its scope to providing a sketch of how a synoptic approach, incorporating key insights of religions' moral traditions in academic study and individuals behaviour, might aid the progress in Economics and China's development by reference to a few examples. In order to identify the areas

where new insights might be most needed, this article will first provide a short account of China’s socio-economic development over the past 50 years and demonstrate how these have led to a vacuum of values that in turn can be blamed for many of the major economic, social and environmental threats China faces today. Thereafter, it will be demonstrated that religions’ moral insights, in particular when joining forces in an ecumenical fashion, are particularly suited for addressing the vacuum of values and its consequences. Whilst this paper will subsequently focus on examining Catholic Social teaching, some examples from other faiths are provided to demonstrate that other traditions, especially when combined, offer vital insights that ought to be explored. The article then turns to Catholic Social teaching, first by demonstrating that core Christian concepts such as economy of love or Trinity could be of significant help when humanizing Economics and particularly relevant for cross-cultural problems faced by Joint Ventures in China. Apart from showing the relevance of religious, particularly Christian, principles to Economics and China, this paper will then also address the ongoing contention as to whether other values, such as Christian or universal values, are compatible with a Chinese context. Next, two major moral principles of Christianity and Christian Social Teaching, Subsidiarity and the dignity of the worker, will be examined. Apart from showing their relevance to China’s problems, it will be evaluated how these principles should and should not be spread alongside other virtues in China. Last, the importance of filling the moral vacuum and integrating religious values is stressed by considering China’s increasing influence and responsibility globally.

2. Socio-Economic Developments and Appeal of Religions

After the Maoist era of imposed communism, with its egalitarian pathos twinned with a large scale destruction of traditional Chinese values such as filial piety, trustworthiness or self-restraint, the last 30 years or so have seen a perhaps predictable, stellar rise of economic performance of businesses in China. During the Maoist era, a general war against all kinds of religious expression and practices swept throughout the country. Motivated by and implemented according to a Communist utopia from 1958 onwards, the Great Leap Forward was intended to bring about industrialization at an unprecedented scale by allocating economic resources away from the agricultural sector into manufacturing. By the time it was finally called off in 1962, the Leap had turned into full-blown agricultural, and thereby national, disaster: reallocation of resources left millions (in the countryside) to starve to death on their own fields, culminating in a death toll that recent studies put above 40 million casualties.¹ After the failure of the Maoist utopia was acknowledged, economic reform has been carried out under the ideological framework of developing Chinese Characteristics of Marxism-Leninism: the communitarian ethos was modified with an economic pragmatism guided by maxims like “to become rich is glorious” and that “it doesn’t matter whether the cat is black or white as long as it manages to catch mice.”

Whilst China’s focus on securing safe and reliable supplies of natural resources from all over the world is highly successful, it is beginning to come to terms with the reality that

¹Frank Dikötter, *Mao’s Great Famine: The History of China’s Most Devastating Catastrophe, 1958-1962*, London: Bloomsbury Books, 2010.

the two natural resources most crucial for human existence (that are also the two most difficult to import on their required scale), water and air, have been badly – and in some cases irreparably – squandered. Increasingly the extent of the destruction of the natural habitat and its consequences seems to dawn on an increasingly informed public and the government. Figures about the degree of water and air pollution are notoriously unreliable. However, air pollution reached such health threatening proportions that it has become international headlines. Indeed, just the air pollution from Beijing alone has affected an area four times the size of Germany.

The environment is not the only aspect of modern Chinese life that has been plagued by a neglect of moral principles: wide-spread corruption has led to a deep-rooted distrust of those in power and a cynical attitude towards what personal behaviour is required in order to be successful. Indeed, the *Corruption Perception Index* (CPI), published by the international corruption-watchdog *Transparency International*, shows how deep this mistrust runs in China’s society: out of a positive score of 100, the country scores a mere 39. Further understanding of how bad China’s citizens perceive the problem to be, can be gained when interpreting this score with a global perspective: albeit being the world’s second-largest, and one of the fastest growing economies, China ranks 80 in *Transparency’s* ranking of countries, putting it far behind all developed and many developing countries.¹

¹Transparency International, “The Corruption Perception Index 2012,” *Transparency International 2012* <<http://cpi.transparency.org/cpi2012/results/>> (10 May 2013)

It is certainly not far-fetched to assume that the wide spread frustration about the abuse of power and the destruction of the natural resources indicates an absence of values. As China is becoming increasingly affluent, individuals' disregard for moral principles, such as human dignity and environmental stewardship, is increasingly associated with and blamed for the biggest perils of modern China. Another mantra has been the official statement that China should still be considered as a developing country, for which the strict standards of safety and environmental protection could not be applied because they would be too costly and affordable only for developed countries. Although some select instances of individuals favouring selfish gains over moral principles, have been vehemently criticized (particularly on China's blogosphere) and increasingly scrutinized and punished in response, what remains most painful is the admission that these individual, and often institutionalized, vices are much more common-place and can be ultimately blamed on the singular model of economic growth, that has disregarded immaterial factors and outcomes of its development for far too long.

Maybe not surprisingly then, the appeal of specific Christian values, including the respect for each person's dignity, solidarity with the disadvantaged and care for the environment, has been very strong. Indeed, for a sustained period of time *The Story of the Bible*, which offers key stories of the Bible along with modern illustrations, ranked as a bestseller in China. The strong Christian drive for commitment, compassion with the poor seems to be so convincing that other religions, in particular some Buddhist groups, may have felt compelled to increasingly focus on social and practical components of religion.

Apart from maintaining that the explosive growth of spirituality among the people of China is an indication for the described lack of moral guidance, this article also argues that the expanding role of religion in Chinese society may be a solution to the problems that threaten it most severely. For the further success of China’s development, significant importance seems to reside in the question of whether religious groups will feel compelled to share their values beyond their faith communities, intending to reach out to society at large or limit themselves to their respective religious communities.

3. Relevance of Religious Values for Renewal of Economics

The present study aims to provoke more discussion on how Economics should be developed further by integrating religious wisdoms. This section aims to show the potential scope and feasibility of such integration and advocates principles of how Religions should collaborate in order to enrich and challenge Economics in a particularly effective way.

The high relevance of religious values, such as solidarity with the poor, justice, compassion and self-content, derives from the fact that they can offer reality-tested principles that cover aspects of social and human life, of which Economics has been ignorant. It not only offers compatible extensions to narrow-minded measurements of GDP, the increase of production, profit maximization, etc. but argues more convincingly and forcefully for a value-driven concept of economics, a Green GDP which accounts for the impact on the environment, as well as promoting a change in the way we think about finance’s role in nurturing and stimulating the real economy.

To name one instance where new insights and arguments on a deeply controversial aspect of modern economic life can

be found, one could consider the whole body of inspiring parables in the New Testament that provide guidance about the true value of money and how to make good use of it, not just for one's own sake, but for the sake and benefit for the whole society. The 25th chapter of St. Mathew's Gospel, for example, discusses the different allocation of talents and the different opportunities and responsibilities that result from such an allocation. What is noteworthy about this example is that in the historic context, the word 'talent' not only described one's abilities but was also the name of a currency. Thus, the passage must be seen as a call to each individual to seize all of his or her unique opportunities, both personal skills and financial position, to the best effect for both, one's individual life as well as the greater good of society.

4. The Significance of Ecumenical Dialogue

It would not be appropriate to claim that only Christian ideas can come up with the desperately needed answers to the serious challenges. Indeed, the challenge seems to be so difficult that a new, combined effort among the main religions in China, including Islam, Buddhism, Taoism and Christianity will be necessary in order to develop and communicate the much-needed treasures of wisdom and compassion, enshrined in and joined by all of these traditions.

Some aspects and underlying considerations of Islamic finance, for example, could certainly be considered as a major reference point for those looking for a fair and equitable economy, tuned to the common good – regardless of the place of wisdom or religious tradition one feels comfortable in. It seems that the Islamic tradition of a more communitarian approach to finance, the benefits of a common economic activity (namely finance) are much more directed towards the

ultimate benefit of the community as a whole. This may prove to be a particularly relevant orientation and practice for a business context that is often perceived as deeply corrupt and driven by short-term profit-making.

An ecumenical process of listening and learning from each other would certainly be a breakthrough in a context where there still seems to be a spontaneous inclination to perceive another wisdom or religious tradition as rival or threat towards one's own values. Moreover, given the strong resistance from a broad range of economists and social scientists to recognize the role of values and ethics in their respective disciplines, it seems to be imperative to initiate a widening of the recognition that most of these different traditions share a wisdom that highlights the importance of integrating a moral dimension firmly in business.

Indeed, the debate on the introduction of a new approach to economics and the integration of moral dimensions in business actually highlights the necessity of a similarly “ecumenical” (i.e., inter-disciplinary) approach. Indeed, careful reading of *The Moral Dimension* by Amitai Etzioni,¹ a general reference on this topic, leaves one realizing that the intellectual pollination between ethics, on one side, and social sciences and business practice, on the other, must go hand in hand: without the constant dialogue between social sciences and constant exposure to the realities of the business world, ethical arguments themselves may easily be dismissed as moralistic nonsense. In addition, like Judaism, Christianity and Islam share Semitic common roots and Hinduism, Buddhism and Jainism have Indian roots, Tomas Sedlacek's book *The*

¹Etzioni, Amitai, *Moral Dimension: Toward a New Economics*, New York: Free Press, 1990.

Economics of Good and Evil has shown that Economics shares many of its roots with theology, philosophy and ethics.¹

5. Elements of a Christian Vision of Humanizing the Economy

Within such an ecumenical framework that enables traditions' joint search for ethical underpinnings of economics, one question that arises concerns the specific contributions that a Christian point of view can make, distinct from other religious approaches. The further focus of this article will thus concentrate on specific contributions that Catholic Social Teaching may have for developments in China and the study of Economics. The linguistic origin of economy within a theological framework can be found in the broader context of the term "economy of love" – within the One God, there is the Trinity of Father, Son and Holy Spirit. As Jesus proceeds from the Father, so the Holy Spirit also takes the same origin in the same God as Father. The Trinity, admittedly being one of the most complex theological terms, has to be considered as a core element of Christian faith. *Trinitarianism* chooses a symbolic language in order to indicate that God is at the same time One as Father, Son and Holy Spirit. God is conceived as the outpouring of pure and unconditional love on the whole world. According to Luis Gutheinz, who has been Professor of Theology at Fu Jen University for more than 30 years, the theological concept of Trinity provides the most penetrating key to intercultural dialogue based on mutual respect and

¹Tomas Sedlack, *Economics of Good and Evil: The Quest for Economic Meaning from Gilgamesh to Wall Street*, Oxford: Oxford University Press, 2011.

reciprocity.¹ Indeed, at the theological core of the concept of Trinity one can find the quintessential model of economy: logic of a perfect giving and receiving, the most accomplished process of communication.

Returning to the reality of economic life in China, it is increasingly well known that foreign partners' wide spread ignorance about specific Chinese cultural elements is one of the major reasons for the failure of a large number of joint ventures in China. Indeed, a completely different way to view the world, conduct business and earn trust makes it necessary for both sides to immerse themselves in the otherness of their partner, to engage in meaningful communication: just one example are the rituals of Chinese business deals that evolve around a meal. Here, the choice of courses, the seating order and the flow of the conversation reflect a strict hierarchical order and often conveys hidden messages. Rather than just studying these for the purpose of pleasing one's partner, it is important to read between the lines as failure to do so will frequently be used against one's advantage.

Such a role of culture and communication is in marked contrast to the Trinitarian model of perfect communication and trust. The Chinese business reality confronts us with a situation where the complex and often deliberately confusing nature of communication – not only due to the difficulty of the Chinese language – often leaves no trust at all. However, trust is the most important ingredient of a cross-cultural Joint Venture; no binding contracts with a Chinese partner should be signed without it. In complete ignorance of this principle, business

¹Louis Gutheinz, *“Ein Blick in die Werkstatt der chinesischen Theologie,”* Stimmen der Zeit 225 (September 2007), 619-631.

deals are frequently concluded with a simplistic and disingenuous approach and unsurprisingly end up in failure.

Especially in the midst of such highly demanding business climates that require a high level of communication and trust, it is suggested that *the Trinitarian interplay* could provide the groundwork for new approaches to economy which is thoroughly oriented towards the Common Good with special attention to the most vulnerable. The flaws and great dysfunctions of the present economic system made it increasingly obvious that the ultimate beneficiaries of the present system may be the evasive one percent at the top of the pyramid as the gap between the rich and poor appears to be widening. The present challenges of a global economy may offer a unique chance to reconnect theological thinking with a new view on economics.

5. Universal Values versus Chinese Values

Before further examining the relevance and applicability of specific elements of Catholic Social Teaching, one needs to address the widespread discussion whether foreign moral values are in general applicable in a Chinese context. There has, for example, been a fierce debate within circles of intellectuals and the Communist Party in China concerning the implications of the term *Universal Values*. While some intellectuals are forcefully arguing that China should accept Western values such as liberty, human rights, equality, and democracy, basing their argument on the claim that these are common, universal values; others forcefully oppose these notions as foreign to Chinese culture and as an attempt to impose Western values on a culture which has been declared atheist. This debate is by no means purely academic and its very political nature, for example, has become apparent

through recent regulations by the Chinese government that forbid academic institutions to engage in scholarly discussion of issues like the independence of the judiciary, freedom of the press and so on.

As Yang Hengda has demonstrated, a basic argument in favour of universal values points out that the two basic principles of universal values proposed by the *Declaration Towards a Global Ethics*, humanity and reciprocity, find strong resemblance in different Chinese philosophical approaches such as Confucius, Mencius, Mozi et al, especially in connection to the terms of *universal love* and *benevolence*.¹ These philosophical approaches are highly aware of the vulnerability of the dignity and fundamental rights of each person and have put forward concepts such as *universal love* for the protection of the absolute/explicit rights of each citizen. It is indeed noteworthy that apart from the mainstream of Confucian ethics, there has been a strong legal tradition in China. Evidence for this can be found in the concepts developed by the philosopher Mozi, whose term *universal love* stresses the need to protect the rights of each individual, not just the rights of one's own family or clan.²

For those sceptical about the benefits that *foreign* or *religious values* could bring to China, it might be illuminating to consider instances where missionaries have brought and applied such values in China. Indeed, much of the resistance to *foreign values* can be explained by China's uncomfortable experience with Western countries' (and Japan's) Colonialism. One of the biggest obstacles that hinders external/religious

¹Hengda Yang, "Universal Values and Chinese Traditional Ethics," *Journal of International Business Ethics* 3,1 (2010), 81-91.

²Yang, "Universal Values and Chinese Traditional Ethics," 88.

values from attaining wider acceptance is the perception that those promoting these values (especially when they are foreigners) are ultimately motivated by their own self-interest and will use them against China's interests. Whilst Western powers undoubtedly acted in their interest and ultimately harmed China when penetrating it with Western ideas during the nineteenth and twentieth centuries, the case of Jesuit missionaries offers an effective counter-example: missionaries such as, Matteo Ricci, did not attempt to replace the Chinese values. Instead, their very own values led them to concentrate on identifying those elements of their values and talents that would be of the greatest relevance and benefit for the Chinese. Indeed, Matteo Ricci, *Li Madou*, was once regarded as *one of the true friends of China*. They went to great efforts to attain proficiency in the local languages in order to best identify the Chinese's needs. Jesuit missionaries focussed many of their efforts on providing pragmatic scientific knowledge to the Chinese in order to help Chinese society and in particular the poor. Even attaining the status of Imperial Court educators and astronomers, they used some of their greatest talents (their involvement in areas of mathematics, astronomy, and agriculture) to enable farmers to better plan their harvests.

The Jesuits successful contribution consisted in introducing a view on the economy that was enriched by other sciences and ultimately oriented to increase the common good of a larger society. However, there is much room for improvement: although these early missionaries already identified and pointed out the devastating consequences of corruption on the whole economy of the Middle Kingdom, they have left it to contemporary initiatives to address this pressing issue.

6. The Principle of Subsidiarity

Considering that it is often stated that Christian Social Teaching unintentionally remains the best kept secret of Christianity, it is probably accurate to assume that the term *subsidiarity* is still widely ignored. It is interesting to note that this term does not appear in the usual English dictionaries. Subsidiarity takes its origin from the Latin word *subsidium*, meaning *help* or *assistance*. According to the tradition of Catholic Social Teaching, this principle indicates that “employees on a lower level who are trusted, trained and experienced, know exactly their responsibilities, and are free to make decisions, can fully use their freedom and intelligence, and thus are enabled to develop as people; they are indeed *co-entrepreneurs*.”¹

This is in stark contrast to a significant part of Chinese culture: Given the background of the history of subsequent dynasties, a usually feudalistic, strongly hierarchical structure with a heavy emphasis on the leader, is reflected in business and government bodies of contemporary China, where the core of power lies within tight family structures. However, civil society seems to be emerging in China and the significance of political and organizational economics models that not only rely on government planning, but also on a variety of Non-Governmental Organizations is increasing. Consequentially subsidiarity, with its insistence on taking decisions at the lowest possible level, is not only becoming appealing but necessary.

¹Pontifical Council for Justice and Peace, eds. Michael Naughton, Helen J. Afford, *Vocation of the Business Leader*, Rome: Pontifical Council for Justice and Peace, 2012, 16.

8. The Dignity of Each Worker and the Right to Protest

Christian Social Teaching has consistently emphasized the dignity and rights of each worker. In the Encyclical Letter *Laborem Exercens* Pope John Paul II reaffirmed the rights of each worker, including the right to form unions and the right to strike, by pointing out that the dignity of each worker should be considered superior to any monetary value¹ The implications of this is relevant in the Chinese case. The statement of a mine owner that it would be cheaper for him to once in a while let one of his workers die rather than being forced to implement expensive security arrangements, which he considers only appropriate to the West's developed economies² indicates his extreme disregard for the value of his employees. Such a dramatic preference for profit over the rights of the workers is of course a violation of Chinese labour law: although the disregarded moral concerns were already reinforced by the July 1994 version of Chinese labour laws, the wide-spread lack of implementation and ignorance of these laws show that even a sound, state of the art legislation is insufficient without the additional support from ethical insights such as Christian social teaching.

Indeed, whilst there undoubtedly has been considerable progress in the implementation of the labour law, a weak legal tradition in many localities and aspects of Chinese life risks to hinder further progress. Individuals' personal commitment to moral values may be decisive to ensure that the letter of the law does not remain wishful thinking

¹John Paul II, *Laborem Exercens* (1981).

²This oral statement could be further proven with a number of concrete examples which show that the value of a person is far from being respected.

9. Creating a New Culture: Challenges of Filling the Moral Vacuum

The desirability of a value driven, fulfilling and simple life strongly resonates with traditional Chinese values which stress the virtues of trustworthiness and simplicity of the *qunzi*, the morally refined person who is likely to inspire others to imitate him. To display one's wealth is frowned upon, understatement has long been conceived as an adequate strategy in the traditional Chinese context. However, a number of factors have contributed to a development of an egoistic behaviour focused on a grabbing culture resembling *Manchester style capitalism*.¹ In response, elements of the Chinese government have felt the urge to hurriedly put together value education programs. This included the efforts of the government of Hong Kong, which went out of its way to include the imparting of patriotic values within educational curricula. However, a narrow minded attempt to inculcate veneration for the supposed achievements of a political party while closing one's eyes before some harsh realities of the history provoked a true storm of protest in Hong Kong. Particularly the white-washing of historical disasters in recent Chinese history, such as the Great Leap Forward, resulting in the death of at least 40 million people and the absence of a quest for historic truth has been perceived as unacceptable by a wide range of people. As a result of catastrophes such as the so called *Great Proletarian Cultural Revolution*, the Chinese people are very apprehensive about politically motivated, simplistic slogans and brain-washing.

¹Similar to the abuse of the labour force in the process of the early industrialization in England the extremely rapid economic growth in China provoked similar features of wide spread abuse of labour in sweat shops and destruction of natural resources.

Government's attempts to address this *value crisis* have, thus, failed. Instead of simplistic slogans, the inspiring use of moral parables, which could even include stories from the New Testament, may be more adequate to inspire people to conceive new economic models which may be beneficial for the larger society. However, government's failure to address the widening *value vacuum* also highlights the fact that most development needs to come from society and individuals themselves.

The experience of Chinese, Christian entrepreneurs is particularly noteworthy, as it shows how challenging yet important it is to implement (religious) values on a personal level in China. Christian business people find it extremely hard to stick to their value system, while operating in the context of China. *Christ and Business Culture*, a recent publication analyzing interviews with Christian entrepreneurs in China, provides us with a realistic account of the dual challenge of staying and succeeding in business, but not compromising one's beliefs.¹ Even entrepreneurs who consider themselves deeply rooted in Christian value systems often lose hope when they face the cynical dog-eats-dog cut throat business environment in China. Indeed, they readily admit that the social pressures of business transactions frequently coerce them into being inconsistent in following their ethical convictions. While this poses a dilemma for the time being, these entrepreneurs' and other stakeholders' widespread resentment of the status quo provides hope and indicates good

¹Kam-hon Lee, Dennis McCann, MaryAnn Ching Yuen, *Christ and Business*, Hong Kong, PR China: The Chinese University Press, 2012.

grounds for the further adaptation of Christian Social Teaching and other religion’s ethical insights.

As China has become a major driving force on the world stage, it becomes increasingly clear that the proliferation of values in China will not remain a national concern. The well-being of the global community, and in particular its vulnerable members can be protected if China embraces Social Justice and a broader responsibility in its international policy. Here those Chinese corporations that have expanded their activities all over the world, especially those in Africa, are of particular significance. There are growing numbers of critics, voicing the concern that alongside business, China might also be exporting business practices that are disconnected from moral principles. Strong evidence for this claim is offered by Transparency International’s *Bribe Payers Index*, the “overseas” counterpart to the “domestic” CPI, measuring how likely companies from a certain country are to offer bribes when operating abroad. Here, the results are even more embarrassing than with the CPI: China’s multinational companies rank as second-last when compared to companies from 27 other countries that are also the origin of major MNC activity.¹ Growing concern over who, apart from the Chinese and a few corrupt officials, will profit from these business deals has led to various different suggestions of how to solve this problem. Whilst mounting opposition against Chinese investments, not least from the recipients countries’ populations themselves (even leading to the barring of Chinese players’ entry altogether) may be understandable, there must be no doubt that the most significant determinant of whether these problems diminish or expand, lies with the Chinese players and their choice of

¹Deborah Hardoon and Finn Heinrich, “Bribe Payers Index 2011.”

whether moral principles shall inform their future economic development.

10. Conclusion

This article offers a first step in demonstrating a deep link between the theological conception of Trinity, as perfect model of relationship and an alternative to an economic model which still seems to be defined on a narrow egocentric view on the "*Homo Oeconomicus*." Such an attempt seems to be justified by the surprising historical growth among Christian groups in today's China. China's ability to integrate foreign insights has been demonstrated by reference to the fact that since the eighth century different waves of Christian missionaries have made significant inroads into the Kingdom of the Middle also by sharing key methods and insights of social sciences such as mathematics, astronomy, geography with their religious messages. Their ideas have proven useful and practical and made significant improvements in the calendar, farming, and thus contributing to the greater benefit of the society and in particular its vast majority – the farmers. As Post-Maoist China has made a historic breakthrough in lifting large sections of the society out of poverty with rapid economic development some key insights of Christian social thought such as solidarity, subsidiarity and the concern for the Common Good may be decisive to take the development to its next level with its care for environment, more participatory structures of decision making, fight against corruption and making sure that the dignity and human rights of every individual is safeguarded.¹

¹The author thanks Constantin Landers for his careful assistance and critical feedback on this article.

POLITICS AND ETHICS

THE POLITICS OF SECULARIZATION AND ITS MORAL DISCONTENTS/DISENCHANTMENTS

Purushottama Bilimoria ♦

1. Introduction

In his tome, *The Secular Age*, Charles Taylor sets out three senses of secularism (French, *laïcité*). The first of these pertains to the separation of 'state' (the political, economic, educational, bureaucratic institutions and social organizations governing the public sphere) from the 'Church' (the spaces marking the broadly cultural and faith-spheres of believers, or the adherence to God or predicated on some notion of ultimate reality). This is the predominant ideology of the modern capitalist and post-industrial West, Western Modernity and much of postmodernism as well. It is our 'secular age'. Thus a secular state must base its laws and political decisions on reasons and the communicative apparatus of rationality that everyone could accept, irrespective of their particular ethical or religious conceptions.¹

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♦First published in *Journal of Dharma* 38, 3 (2013), 231-252.

¹K. Baynes, "Habermas," *Routledge Encyclopedia of Philosophy*, ed. E. Craig, <http://www.rep.routledge.com/article/DD024SECT>, Accessed 11 September 2011.

The second, somewhat hackneyed sense of 'secular' in Taylor, adverts to the compatibility between 'the emptying of religion from autonomous social spheres' and the fact that a vast majority of people still believe in God, and practice their religion vigorously.¹ Whereas in the earlier, excarnated, secular age all goals beyond human flourishing were eclipsed and contained within immanent secular humanism and the absolutes of modern science, there is here a personalized openness to those very transcendental possibilities; whole communities might find it tempting. The United States, Taylor notes for his prime example, is striking in this regard: "One of the earliest societies to separate Church and State, it is also the Western society with the highest statistics for religious belief and practice."² And religious belief, we might add, that exceeds Judeo-Christian predilections in the peculiar 'melting pot' version of multiculturalism. Buddhism is embraced widely in urban regions across the continent, while Islam boasts a formidable presence among its immigrant communities, as do Hindu, Jain and Sikh cultures among transnational South Asian communities. "Here belief in God might go unchallenged and is indeed unproblematic. The majority of Muslim societies and the milieu in which the vast majority of Indians live are given as conforming to this sense."³

The third sense of 'secular' for Taylor, by contrast to both above – and more significant for Taylor's reformist narrative – registers a shift toward a space where religion is "understood to be one of the options among others, and frequently not the

¹Charles Taylor, *The Secular Age*, Cambridge: Harvard University Press, 2007, 2.

²Taylor, *The Secular Age*, 2.

³Taylor, *The Secular Age*, 2.

easiest to embrace."¹ And this is how Taylor encapsulates the secular in the third sense:

... the change [shift] I want to define and trace is one which takes us from a society in which it was virtually impossible not to believe in God ["or the transcendent"], to one in which faith, even for the staunchest believer, is one human possibility among others... Belief in God is no longer axiomatic. There are alternatives.²

This third sense of the secular Taylor christens as *secularity*: it concerns the *conditions of belief*. Secularity in this sense "is a matter of the whole understanding in which our moral, spiritual or religious experience and search takes place." It is "a condition in which our experience of and search for fullness occurs; and this is something we share, believers and unbelievers alike."³ The search for fullness takes our disenchanted age beyond the closed world-perspective to the higher, transcendental reaches beyond human flourishing and an ontological grounding of morality; it is then the "new context in which all search and questioning about the moral and the spiritual must proceed."⁴ Hence, Taylor is comfortable in concluding that a society would be deemed secular *qua secularity* or not, "in virtue of the conditions of experience and search for the spiritual." And while in passing he mentions that the case of India is correlated better (perhaps historically at least) with both the latter senses of being 'secular', but not with the first,⁵ in the case of the West, "the shift to public secularity has been part of what helped to bring on a

¹Taylor, *The Secular Age*, 3.

²Taylor, *The Secular Age*, 4.

³Taylor, *The Secular Age*, 19.

⁴Taylor, *The Secular Age*, 20.

⁵Taylor, *The Secular Age*, 4.

secular age in the third sense." One cannot avoid noticing (if a pun be permitted) the slight circularity in the argument and certain debatable presuppositions, not least of an irrepressible human need to embrace *external* transcendence for moral and spiritual goals beyond just human flourishing.¹ Even so, the overall thesis holds largely true in the case of modern India as well as in modern Western nations.

I applaud Taylor's endeavour toward opening up the hitherto rather closed taxonomy of secularity in modern-Western cultural monolingualism since the Enlightenment and his quest for a more robust and contemporaneous perspective that takes into account both the historical experience of humanity with its divergent stories about religion and the social world, and the inexorable "return of the religious" in recent decades, whose reverberations are felt more in the media and certain cloisters within the academe than in the broader intellectual discourses of the West.² Nevertheless, in what follows, I wish to contest Taylor's still profoundly redemptive and evidently Christian/eschatological construction of the reformed secularity he wishes to advocate or prescribe, and more importantly, the narrow representation of the supposed case of India, that he mentions *en passant*.

In what follows, I will problematize the senses in which India could be said to be secular or not secular, or the kind of secularity that afflicts the Indian condition, particularly in the shifts that have occurred after the imperialist *philosophies*, such as

¹Crittenden Paul, "A Secular Age: Reflections on Charles Taylor's Recent Book," *Sophia* 48, 4 (November 2009), 469-478.

²Peter Singer, "Singer vs Lennox: Is There a God? Big Ideas," *ABC TV*, www.abc.net.au/tv/bigideas/stories/2011/09/06/3310342.htm, Accessed 15 September 2011.

Hegel, Marx and Weber, cast a Eurocentric (Enlightenment) spell on India, along with the interventionist inroads made by British/European colonialism, that unsettled an established pattern of the relationship between the sovereign instruments of governance and religion. The imposed discourse(s) of secularism in any and all of Taylor’s senses have only helped to, as it were, muddy the waters and has left behind in the postcolonial landscape a troubling legacy from which the Indian society has barely recovered and with which the modern nation-state continues to grapple. If not that, then it becomes entangled in ambivalent and hybrid imbroglios, such that we now have adherents of Lord Rama protesting that India has embraced an ideology of ‘pseudo-secularism’ to the detriment of its national and cultural harmony. The battle-line is drawn not just between secularism and spiritual transcendence, but it cuts in multiple vectors across religions (of which there are more – and claiming more adherents – than in all of the US, Europe and the rest of the Western world put together). The situation and challenges from and for secularism facing the Indian, post-Gandhian experiment are so fraught with dilemmas and discursive instabilities that it is worth examining this scenario – if only so that the West may pay heed to its own by-gone Orientalist errors and be cautious before hurriedly coveting or expropriating religion in response to the discontents of secularity. There are lessons to be had here.

2. The Eurocentric Frame of the ‘Secularization Debates’

I begin with a thesis recently developed by the postcolonial Sikh scholar Arvind-Pal Mandair who attempts to connect “the operations of an imperialist technology in a past historical movements (specifically during the encounter between Britain and India) with its legacies in the present, namely, the crisis of secularism and/or the ‘return of religion’ into the heart of the

Indian nation-state and the projects of the South Asian diaspora.”¹ He explores these legacies via a reassessment of the role of religion and language in the formation of both the imperialist and nationalist ideologies, specifically in the work of monotheism and monolingualism, considering the two to be parts of a single process that he tellingly dubs as “*mono-theo-lingualism*.”²

Whole Western academic disciplines are committed to the idea that the phenomenon called ‘religion’ has been constitutive of the cultural and philosophic frame of the West, notwithstanding the different moments through which a certain metaphysical continuity has been manifest: the Greek (*onto-*), the medieval-scholastic (*theo-*), and the modern humanist (*logos*) – hence the ontotheological.³ Indian (not least Postcolonial) theorists in their critique of secularism – presumably in deference to the letter of the (European) Enlightenment – however maintain a stricter separation of the religious and the (secular) state; while in the post-Enlightenment (to the post-Modern) era the lines are somewhat more blurred between religion and secularism because they ‘inhabit other spaces’ in the Humanities and Social Sciences. A genealogy is traceable from colonial Indology (scholarly-comparative praxis focused on India and things Indian) to neo-colonial religious reform movements, that demonstrates that the concept of religion used by Indologists and Indian elites were in the period in question affected by Western philosophy, theology, and politics. And its

¹Arvind-Pal Mandair, *Religion and the Spectre of the West, Sikhism, India, Postcoloniality and the Politics of Transnation*, New York: Columbia University Press, 2010, 13.

²Mandair, *Religion and the Spectre of the West*, 13.

³Mandair, *Religion and the Spectre of the West*, xiii.

genesis arguably goes back via Marx and Weber to Hegel. The myth underscored was that politicizing or deprivatizing religion will inevitably lead to catastrophe, that religion is the cause of violence; therefore the liberal state is needed to guarantee the protection of its citizens.

In the construction and perpetuation of Indian secularism, Hegel both perpetrated this essentialist myth of secularism and at the same time muddied what was essential to an understanding of the very traditions of India in question. Hegel recognized the importance of religion in India’s long cultural history and the production of its thinking, literature, philosophy, magical practices, social institutions; however, because the religions of India were not grounded nor guided by the self-awareness of Reason (*Vernunft*) it lacked the maturity of the apparatus enabling self-determination or freedom in political and civil life. Hegel was greatly troubled by the richness of India’s religious life and its representations, though a little less troubled with Hinduism’s philosophical abstractions. Perhaps this shows the prejudices of his time, of the Christian mind that abhors any presence of the pagan, and of the scholarly type that favours the abstract concept over the seemingly irrational and fantastic appearances of popular religion, myth and the *cultus*. This is a story of how ‘religion’ was both invented (for the ‘Other’) and in the same moment gerrymandered.¹ For India Hegel felt that these poles characterized the whole of the cultural matrix but were articulated in such a way that no real resolution

¹Eduardo Mendieta, “Society’s Religion: The Rise of Social Theory, Globalization, and the Invention of Religion,” in *Religions/Globalizations: Theories and Cases*, eds., Dwight N. Hopkins and Lois Ann Lorentzen, Durham, N.C.: Duke University Press, 2001, 46-65.

was possible on the Indian terrain alone. Such a resolution of opposites was left to those cultures further along the developmental and, it seems, 'evolutionary,' sequence – that the descendants of the Aryans in the European continent were bequeathed with. The theoretic implications and impact of such a philosophy of history/culture as Hegel proclaimed through his voluminous opus on non-Western people's perception of the cultural *alterity*, and on the constitution, internally as it were, of their own identity, location, and *topoi* vis-à-vis the West (which one might call 'internal orientalism') have been ominous.

This impact, as Mandair argues,¹ is endemic in the modern Indian espousal of secularism that came via the Jena Romantics, Indologists and the native elite alike, persuaded by Hegel's ontotheological schema, the epistemography (via Spivak) of power and progress.² It was left to the colonial administrators in the subcontinent (as elsewhere) to carry through the project of "the formation of a modernist identity for Indian elites, an identity that is, paradoxically, religious in essence."³ One might say, these came to form a peculiarly Indian form of secularism that is not mute on matters pertaining to religion – even to the highest reaches of metaphysics.

Before moving to examine the Indian scenario I wish to touch on the Western modernists who I named in the Introduction as exemplifying the influential neglect of non-Western experiences of secularism. Habermas for one; and I will also touch on the enthusiastic avowal of certain select religious tropes in Žižek's reformed post-Left-Marxist-anti-multicultural

¹Mandair, *Religion and the Spectre of the West*, 121.

²Mandair, *Religion and the Spectre of the West*, 155.

³Mandair, *Religion and the Spectre of the West*, 112.

revival of the rebellious imaginary of Jesus (the “non-Christian” Christ): “to Hell with the Buddha (even ‘Europe’s Buddha’).”¹

Like most modernist philosophers, Habermas seems completely oblivious to the existence of non-Western contestations between modernity and religions, except for some passing reference here and there, especially in his attempt to countenance the rise of fundamentalism globally. While he acknowledges “the rise of religious fundamentalism, the return of religious law as an alternative to secular civil law, Europe’s *Sonderweg* with regard to religion and politics, 9/11, and issues relating to naturalism such as biotechnology in the field of genetic engineering,”² the preoccupation is entirely with the challenges faced by Western modernity. In his recent book-length work on *Between Naturalism and Religion Philosophical Essays* his main concern seems to be primarily focused on a defence of ‘soft’ naturalism in which he invokes Kant’s more conciliatory approach in his philosophy of religion to “assimilate the semantic legacy of religious traditions without effacing the boundary between the universes of faith and knowledge.”³ As a prefatory comment to this project, he observes: “Nowadays religious fundamentalism, which also exists within Christianity, lends the critique of religion a regrettable topicality.”⁴ This is really a veiled allusion to extremism of political Islam and evangelical Christianity; but there is no reference to the

¹Purushottama Bilimoria, “Nietzsche as ‘Europe’s Buddha’ and ‘Asia’s Superman,’” *Sophia* 47 (2008), 359-376.

²Pieter Duvenage, ‘Communicative Reason and Religion: The Case of Habermas,’ *Sophia* 49, 3 (2010), 343-357.

³Jürgen Habermas, *Between Naturalism and Religion: Philosophical Essays*, Cambridge: Polity, 2008, 211.

⁴Habermas, *Between Naturalism and Religion*, 343.

convoluted politics and the West's complicity in the Middle East, especially on the rise of modern Zionism in Israel.¹ Still, Habermas goes on to offer an interesting insight: "Nevertheless," he says, "the focus of attention in the West has in the meantime shifted. Here, in the European part of the West, the aggressive conflict between anthropocentric and theocentric understandings of self and world is yesterday's battle. Hence the project of incorporating central contents of the Bible into a rational faith has become more interesting than combating priestcraft and obscurantism."²

Here Habermas finds some solace in Kant's project of predicating the principle of moral law, laws of duty and right on practical reason and the kingdom of ends. He also points out that Kant never did abrogate the role of religious teachings on morality, especially in the exemplary lives of prophets, saints, monks, and so on, as distinct from the authoritarianism of the ecclesiastical orders, in providing practical reason with its "store of suggestive and inspiring images," in short, a needed epistemic stimulus for the postulates with which it (practical reason) attempts to recuperate "a needed articulated in religious terms within the horizon of rational reflection."³ We know that Kant tried to justify a continuation of some modicum of religious faith as '*fides*' – from which we get fideism – within the limits of reason. Indeed, he wanted to overcome metaphysics in order to make room for faith. But there is no reference to any of the world's religious traditions in Kant or in Habermas that might augment the task of practical reason in its alliance with faith. In

¹Robert Eisen, *The Peace and Violence of Judaism: From the Bible to Modern Zionism*, Oxford: Oxford University Press, 2011

²Habermas, *Between Naturalism and Religion*, 212.

³Habermas, *Between Naturalism and Religion*, 213

fact, Kant is rather dismissive of and disparaging of the religions of the Tutsi, Hawaiians, Hindoos and Sino-Tibetans in rather racist terms as the people belonging to species whose reason is not yet cooked, is rather ‘raw humanity,’ looked upon as ‘immature’ with only the more primitive or aboriginal sensibilities.¹ Simply lost to Habermas, or beyond his eurocentric purview, is Gandhi’s discourse ethics and critique of modernity, by contrast, which while not based on a strict adherence to Enlightenment rationality, has had a far wider and profound universal impact in the lived world than Habermas’ communicative ethics is likely to have.²

Agnes Heller once said that the Hegelian adventure of World Spirit was not consciously meant to be a fiction, but neither was it meant to be the reconstruction of facticity.³ One must wonder then what it was meant to be? A script for a dinner party? Clearly, such grandiose philosophical histories become weapons in the hands of unscrupulous colonizers of one sort or another, and while Hegel and Schopenhauer may have fallen

¹Purushottama Bilimoria, “Postcolonial Critique of Reason: Spivak between Kant and Matilal,” *Interventions: International Journal of Postcolonial Studies* 4: 160-167.

²Habermas in particular questions the very presence of the term – *post* – as a sign of the problem being addressed rather than an epistemological and political solution disclaimed in these intellectual fads, something that might however pass in time, as all trends do. Dipankar Gupta, “Gandhi before Habermas: The Democratic Consequences of Ahimsa,” *Economic and Political Weekly* 7 (2009), 27-33.

³Agnes Heller, “Moses Hsüang-Tsang and History” in Eliot Deutsch, ed. *Culture and Modernity: East-West Philosophic Perspectives*, Honolulu: University of Hawaii Press, 1991, 535-547, 540.

out of favour in modern or post-modern scholarship their ghosts still haunt the modes of discourse within the academy and outside it, in the underside of modernity and in the phenomena of 'Orientalism' (external and internal) and neo-colonialism.¹

And finally to Slavoj Žižek, who seems to have embarked on the path of resurrecting despite his – or perhaps in cohorts with – commitment to Left-Marxist anti-capitalist anti-liberal-democratic-multiculturalism and intensely postsecular and political, even revolutionary ideals, the Hegelian rebirth. How so? By bringing the political into the erstwhile formulations of Cartesian subjectivity as the common ground (commonality) for the universal. Of course, neither subjectivity nor the universal are as they stood in Descartes' cogito, the subject, and Hegel respectively; rather in contemporary discourse they appear to be stripped of their excessive, unfreedom, repressive and exclusivist paradigms, which has led to the rejection of the unified transcendental Subject (God, Man, Nation, etc.), the universality and instead is a void proliferated by decentered multiple subjectivities (gay, feminine, ethnic, religions) corresponding to the theoretical movements of postmodernism, postcolonial theory, and their ideological compliment, New Age Gnosticism – all of which he finds unpalatable. "Žižek confronts these false alternatives by using Lacanian psychoanalysis to reappraise the standard narrative of German idealism, mainly of Schelling and Hegel."² The subject in what Žižek calls its 'night

¹Enrique Dussel, "Modernity, Eurocentricism, and Transmodernity: In Dialogue with Charles Taylor" in *The Underside of Modernity: Apel, Ricoeur, Taylor and the Philosophy of Liberation*, translated and edited by Eduardo Mendieta, Atlantic Highlands: Humanities Press, 1996, 129-159.

²Mandair, *Religion and the Spectre of the West*, 398.

of the self’ is a paradoxical creature, not without self-contradictions and inner tensions, etc. It follows that if that is what the particulars are constitutive of in the world/void then there cannot be a conception of the universal of human subjectivity, other than the purely abstract. “Rather, universality is a site of unbearable antagonism ... or minimal difference with itself. So subjectivity becomes a ground play of the political and awaited universalization.”¹ And here, like Habermas, Žižek does not rule out the role of religion, indeed in the postsecular ideology it is a necessary dialectical force to be reckoned with. However, the ‘return to the religious’ – the phrase is something of a cliché now – is cast not in terms of the old authoritarian, orthodox, God-centred, anthropocentric, Church-decreed religion of faith and revelation. Rather, it is a matter of the kind St Paul discovered on the road to Damascus; and here he follows in the footsteps of Tsou Bidou who has also written approvingly on St Paul. At a key-note address to the American Academy of Religion three years back, Žižek provocatively aligned Jesus not with the Incarnational divinity within the Trinity (the possible polytheism aside) but with the hero of the Young Marx and Engels, the frontline fighter and social struggler dear to all Marxists-Leftist revolutionaries: “That is the Jesus I would put my rational faith on!”² Here is Žižek’s theo-humanist confession in more concise terms, discoursing on the true nature of dialectic:

And that is why I have always liked the radical eschatological Christian vision whereby the idea is that when humanity fights for salvation, for good against evil, then this is something that not only concerns humanity but,

¹Mandair, *Religion and the Spectre of the West*, 398.

²www.egs.edu/faculty/slavoj-zizek/videos/

in a way, concerns the faith of the universe and the fate of God Himself... The whole point is to historicize the so-called eternal questions, not in the sense of reducing them to some historical phenomenon but to introduce historicity into the absolute itself... And here again, we are back to Hegel and Schelling, because if there is anything to learn from German idealism it is precisely this dialectical attitude. This can also be found in Heidegger and the perspective of how the disclosure of Being requires the human in the sense of *Dasein* (being-there). That is to say, the contingent humanity is at the same time the only site of disclosure of the absolute itself.¹

What Žižek knows of and says about Europe's 'Other' is derived from his Occidental predecessors, Hegel, Nietzsche, Marx, Husserl and Heidegger in his references to the 'pre-modern societies' and what is lacking in them and why their anti-colonialism is not as fantastic an achievement as critiques of Orientalism have assessed it to be. So Mandair asks rightly: "But does Žižek not make the same move in his effort to reconstitute a "progressive /leftist Eurocentrism out of Christianity's self-sacrifice?"²The secular or 'secularization' that is born of a "disenchantment of the world,"³ it seems, is not without its own disenchantments.⁴

¹Slavoj Žižek and Glyn Daly, *"Conversations with Žižek,"* New Jersey: John Wiley & Sons, 2004, 88-89.

²Mandair, *Religion and the Spectre of the West*, 409.

³Discussed in Christopher Partridge, *The Re-Enchantment of the West*, vol. 1: *Alternative Spiritualities*, New York: Continuum, 2004, 8-9.

⁴Rob Warner, *Secularization and Its Discontents*, New York: Continuum, 2010.

3. The Complex Indian Experience of ‘Secularization’

I want now to thus proceed to put to test, demonstrate and elucidate the above argument – vis-à-vis Taylor’s programmatic of secularity as it applies to the Indian case – by analysing the troubled relation between the majority Hindu and a minority Muslim population respectively precisely on the question of the role and function of religion and religious community-law in the public qua political domain of a nation whose Constitution (in its Preamble at least) declares it to be a “secular, socialist, democratic Republic.”¹

The continuing presence of the Muslim in India is a symbol of the ‘failure’ of the Indian nation. That presence is a sign of a lingering disease, a psychotic split to be precise, in the discourse of Indian nationalism between the ‘secular’ and the ‘properly Hindu.’ This sense of failure is what Partha Chatterjee calls an unresolved contradiction between the (post)colonial nation’s (European) enlightenment project and its nativist consciousness of difference. That difference is inscribed in the discourse of communalism which was introduced during the Raj and used by the colonial state, then by the Muslim League; and the major Indian nationalist factions carried it into independent India to put limits, if not brakes, on the dominance of secularism. The paradox is that there has been at least two senses of secularism operative within the Indian nationalist discourses: and both have been seen as the *cause célèbre* or the failure of the Indian nation, while both claim to represent the ‘true nation.’ More pertinent though, it is the hermeneutics, including an intervention in moral governance and juridical processes, that

¹Purushottama Bilimoria, “The Pseudo-Secularization of Hindutva and Its Campaign for Uniform Civil Codes,” *Nidan: Journal for the Study of Hinduism* 18 (2006), 1-21.

puts the respective claims into practical test in *real politik*. A fledgling Hindu nationalism, apprehensive of its own marginalization under both the colonial state and, later, the secular nationalist's stigma of Hindu communalism, would place itself in the interstices of the variant political nuances, claiming that both have reached their limits and are therefore 'pseudo' (*banawati*), meaning, 'pretend only,' and hence hides beneath its sanguine crust a civilizational failure.

Put in another way, Hindu nationalism turns the coat or *dhoti* of secularism inside out, and points to the obfuscation over the precise interpretation of what this entails in the Indian context – and this is nowhere more apparent than in the pervasive polemic of 'pseudo-secularism' that the Sangh Parivar ('family organizations' or network of Hindu rightist groups) and in particular the Bharatiya Janata Party leadership have all too readily utilized in criticizing the nation's serious lapses in not being able to deal with its 'Other.' But this polemic is made possible to a large extent by the inherent ambiguity in the very concept of 'secularism' and, more significantly, its apparent failure in the Indian context. This claim is not original to the Hindu right or the ideologues of a strident Hindutva. The version of secularism that has failed, as scholars such as Ashis Nandy, T. N. Madan, Mushirul Hasan, and Pratap Banu Mehta have argued, is one that seeks to distance religion and collective religious aspirations from the political structuration and legal processes of a society in a multicultural and pluralist environment (Taylor's sense 1 moderated by the Nehruvian attitude). This was an impossible project for India. As Mushirul Hasan observes: "Delinking of state and religion remains a

distant dream; secularization of state and society an ideal.”¹ But secularism, in the nuances taken on board by the Constitution makers and markers, adverts to a healthy diversity and harmony of all religions, *ceteris paribus*.

What the term ‘pseudo-secularism’ undergirds then is a convoluted attack on both nuances; and to an extent rightly so. The former nuance – a legacy of the Enlightenment – is being seriously undermined in world politics; and it was never true of pre-British India and much of the Christian and Islamic principles of governance. The Indian society is basically religious, historically and continuing into the vanishing present. The latter nuance is shown to be rather weak in the face of real challenges, short-changing of religious rights, etc., in the state’s agenda for tighter political control and an uneven economic liberalization. In the climate of communalization, any group in control or through certain manipulative machination could engender a situation of insufferable compromises to the religious freedom, rites and rights of another group, while at the same time placing the onus of the Constitutionally-nuanced project of secularization on the doormat of the weak-kneed state which for its part abrogates the executive responsibility of reining in harmony and culture of toleration. As I will demonstrate, this is precisely the argument used in the show of force with which the charge of ‘pseudo-secularization’ is meted out by the ideologues of Hindutva. They are the ones on the losing end, the slippery slope of the secularizing promise, since it is their religious freedom that has been severely compromised. Appeasing the minority communities is communalism abetted by Nehruvian ‘pseudo-secularism.’

¹Mushirul Hasan, “Minority Identity and Its Discontents,” *South Asian Bulletin* 14 (1994), 24-40.

The idea of secularism that prescribes a complete separation of church/religion and state had much appeal in the elite fragments of the nationalist freedom movement, for which Nehru has been accorded most credit (though in fact, part from licensing favouritism in the industrial planning agenda, Nehru was a tolerant secularist). The Constituent Assembly on the other hand was all too cognizant of the diversity of the highly politicized religious communities, and so its recommended draft Constitution reflected a series of accommodations and compromises on the design of the secular state and the normative order. It reasoned that a state can in principle be secular but its disposition towards the society made up of divergent religious community could be one of (principle #1) toleration, regulatory neutrality and reformative justice (principle #2).¹ And a corollary to this would be a careful calibration of an active rather than a passive principle (#3) of 'religious freedom' which covers a range of liberties, including the right to beliefs, rituals, religious institutions, and non-discrimination on grounds of religion, race, and gender. Nevertheless, on substantive issues, such as for example the extant and manner of religious reform, social welfare, caste justice, gender issues, education, the Constitution chose to remain silent or 'neutral' and at best relegated these to either the perfunctory articles under the Fundamental Rights or to the unenforceable Directive Principles. Still, with Indira Gandhi's addition to the Preamble, ironically, of the very hitherto absent place-marker (with the term) 'secular,' there could be no

¹Rajeev Dhavan, "The Road to Xanadu: India's Quest for Secularism" in Larson James, ed., *Religion and Personal Law in Secular India*, Bloomington and Indianapolis: Indiana University Press, 2001, 301-329, 311.

argument, in principle, that the nation was ready to make a firm commitment to an inclusive and mutually tolerable co-existence of different faith-traditions, thereby affording respect to the Articles in the *Adhikarapatra* (Bill of Fundamental Rights, Constitution of India, adopted 1950, with Amendments) that enshrine and protect the right of each religious community to profess, propagate its own faith and, by being free to establish places of worship, educational institutions and self-sufficient procedural means, realize its own values and aspirations.

It is here that the Hindutva Parivar and political cohorts have focused their attention in isolating a single group as the cause of this failure, and are grieved that even as the majority populace its own religious rites/rights, representation, preferences and needs are not being honoured by the secular state, nor respected by the minority community (or that there is some kind of collusion between the two).

Even more than the political shifts, or stagnation, or back-firing, one platform on the national scenario that is likely to sustain and feed the continuance and re-growth of the Hindutva ideology is the silent symptom in the nation’s alleged pseudo-secularism, namely, United Civil Code (UCC), or its absence. The question of common civil law covering all citizens doubtless occupies centre-stage in any discussion of community identity or gender justice,¹ but it takes a more saffron shade under the *diya* (lamp) of Hindu nationalism. Hence you had Anglo-Muhammandan Law and Anglo-Hindu Law; and Christian and Parsis retained their own Personal Laws.²

¹Zoya Hasan and Ritu Menon, eds., *In a Minority: Essays on Muslim Women in India*, Delhi: Oxford University Press, 2005, 7.

²Personal Law (PL) in India constitutes a legacy from the British Raj whence a hybrid system of Law based on an egregious bifurcation

Along with the Penal Codes of the previous two centuries this system has survived with some modifications into the twentieth and twenty-first centuries and it has been a source of much anguish, strife, and debate in post-independent India. PL of Hindus have been largely codified, i.e. traditional laws are reconfigured in the light of secular humanitarian standards via the so-called Hindu Code Bill (1955-57). Thus the Hindu Marriage Act, 1955, reins in prohibition against the practice of bigamy. Hindu Succession Act gave widows right to absolute maintenance, and daughters the right to inherit. Family courts had also been set up. While the Hindu Code eased the pressures on divorce and marital difficulties, property rights and inheritance among Hindus, it created other barriers and difficulties – Ambedkar resigned from Parliament in his disillusionment or Weberian disenchantment – for it did not override the proclivities of caste, patriarchy and race under Mitakshara law. For example, under Hindu law, sons can claim an independent share in the ancestral property, but the daughter's share is based on the share received by the father. Hence a father can effectively disinherit a daughter by renouncing his share of the ancestral property, but the son will continue to have a share in his own right. Additionally, married daughters, even those facing marital harassment, have no residential rights in the ancestral home. Hindu Law remained ambivalent over issues such as the inheritance rights of tribal

of customs and textual sources into the 'private' and 'public' was instituted. Civil codes governed the criminal arenas, commerce, public safety, and so on. The private sphere of morality, largely Family Law – marriage, fiduciary partnerships, divorce, maintenance, inheritance, succession, and adoption – were brought under PL.

women, coparcenary rights in matrilineal communities, widow re-marriage among certain caste Hindus and so on, not to mention being unable to weed out the practice of sati, dowry, bride harassment, child marriage, and bigamy. And just who counts and does not count as ‘legal Hindu’ is also a matter of some debate: should the Code apply unequivocally to Sikhs, Jains, Buddhists, and tribals (such as of Nagaland, without exemptions as an after-thought?) Careful case studies have shown that Hindus, particularly in rural area, remain largely ignorant of the Hindu Code Bill or the Special Acts and continue to follow localized legal traditions, such as Mitakshara, Deobarg and so on. The State for its part also fosters patriarchal relations in negotiating political power and global capitalism.¹ Hence the tension between ‘tradition’ versus ‘modernity’ cuts both ways, and it does not augur for a movement toward sanguine common code. And it was the Hindu nationalists and secularists who foiled many opportunities to effect comprehensive gender equity on the grounds of preserving patriarchy.²

Nevertheless, in the eyes of the Hindu nationalists, Hindu PL is far ahead for its time, it is much secularized and this reformative feat has been achieved indeed at almost a ‘civilizational’ cost, implying –and here is the rub – the minority religious communities continue to enjoy the glories of their own archaic and unsecularized PLs, and the secularist vote bankers support in particular the Muslims and Christian through a forged hermeneutic of the Fundamental Rights, ignoring the mandate of the Constituent Assembly (Article 44 under the

¹Srimati Basu, “The Personal Law and the Political: Indian Women and Inheritance Law” in Larson, ed., *Religion and Personal Law in Secular India*, 163-183, 180.

²Basu, “The Personal Law and the Political,” 164.

Directive Principle) wherein it is decreed that the Indian “state shall endeavour to secure for the citizens a uniform civil code.” It must be emphasized however, that this non-judicial directive does not say the State should univocally legislate or enact the UCC in the fashion of Justinian Roman Law or the Napoleonic Code, but through gradual reform and initiatives undertaken by the communities concerned. As we see with Hindu Code Bill, this is a step in that direction, but codification, and specially under a universalist strain – that is, locating a common denominator in terms of justice and equity, across all religious communities, – may simply be consolidatory rather than reformative “on the ground.”¹

Returning to the Hindutva imagined charge sheet, the claim is that PL of Muslims, Christians and Parsee is a system alien to the majoritarian ethos and the larger trajectory of nation-building: a unified nation with a common code. And why should the Hindus alone have to bear the burden of the regulatory and reformative agenda under the watchful eyes of the secular state, bent on secularization every aspect of Hindu faith and life, while the Muslim is exempted and is a willing claimant to the Constitutional license to continue with their own religiously sanctioned social practices, customs, and laws?

Indeed, this sort of qualm had reared its head quite a few times, in the Maha Sabha assembly, in the writings of Savarkar and Golwalkar, with the passing of the Muslim Sharia't Act in 1937. It had exacerbated the debate in the Constitutional Assembly on a three-way divide, between those who, like the self-proclaimed leader of the so-called ‘untouchables,’ since retermed as ‘Dalits,’ Bhimrao Ramji (Dr B R) Ambedkar, desired a uniformity of codes on a rigid platform of secularism across all

¹Dhavan, “The Road to Xanadu: India’s Quest for Secularism,” 317.

communities – religious caste, non-castes – and those like Nehru who while they desired uniformity of codes thought India was not developed enough to adopt such a fully-secular judicial system, and in any event it is better to reform Hindu PL and worry about the minorities later. And worry they did.

The Sangh’s most explicit and vociferous stance on Muslim PL that propelled a campaign for UCC, surfaced in the aftermath of the famous 1985 Shah Bano case. Here a 75 year Muslim woman’s petition for increasing the amount of maintenance from her ex-husband was upheld and judged in her favour under the Section 125 of the Criminal Procedure Code – that prevents vagrancy due to destitution, desertion or divorce. The husband’s argument was that the claim is in violation of Muslim PL provisions as inscribed in Islamic law. In the landmark Apex Court judgment Justice Chandrachud pronounced that the judgment was consistent with Qur’anic injunction in respect of the right of a woman to be properly maintained by their divorcing husband. The bench also remarked on the desirability of moving towards common code.

There was a nation-wide uproar. While progressive Muslims declared it was consistent with the Qur’an; the conservative Muslim orthodoxy was up in arms for this beacons the death forever of Muslim PL; feminists and progressives, communists and hard-core secularists, welcomed this as a step in the direction of women’s rights.¹ And they unwittingly banded together with Hindu nationalists to attack the principle of communal personal law itself, calling instead for uniform civil code, which the Muslim community remained opposed to. The ulema issued a fatwa against the Apex Court’s

¹Paola Bacchetta, *Gender in the Hindu National: RSS Women as Ideologues*, New Delhi: Women Unlimited, 2004, 122.

judgment, and the then Prime Minister Rajiv Gandhi panicked. Opposing the judicial verdict became the cornerstone of its policy of appeasing Muslim clerics who, he believed, controlled the minority votes for ever. He did not listen to the most rational Muslim voice in his own Parliament in support of the judgment, and instead responded by hurriedly passing the Muslim Women's (Protection of Rights on Divorce) Bill, to specify the rights of Muslim divorced women at the time of divorce that effectively barred the Muslim women from access to the Criminal Procedure Code for redress after divorce; she has to bring her case and grievances under Muslim PL, unless her marriage was under secular civil code. A non-converted Hindu woman married to a Muslim man in a *nikah* ceremony and divorced would face the same constraints.

The Hindu nationalists were incensed at the retrogressive intervention by the state on what was a judicial pronouncement to circumvent Muslim PL. As Bacchetta notes:

Although they took the same position as progressives and feminists their underlying motives differ(ed) sharply. The progressives and feminists sought to defend women's rights, and they favoured the enactment of a secular uniform civil code. The RSS's motive was to divide Muslims along gender lines, and to use Muslim women to denigrate Muslim men.¹

So they played the card of majority-minority relations and identity politics. In the 1990s the political wing of the Sangh, the BJP, took up the enactment of UCC as one of the three agendas for the national cause: indeed the 'ideological mascot' of Hindutva in achieving Ram Rajya. As late as 2004 the BJP remained committed to the enactment of a uniform civil code,

¹Bacchetta, *Gender in the Hindu National*, 123.

but with a slightly altered its rationale: primarily as an instrument to promote gender justice. But social and political consensus has to be evolved before its enactment. Overall, there has been no real change in the BJP’s stance on the minorities. A further anomaly that has gone unquestioned in the Parivar stance, and especially the mechanizations of BJP politics, is the precise template for and contents of the prescribed UCC, the manner in and means by which it is to be promulgated (if not imposed *ab extra*), and their position on the rights of religious communities, balanced against rights and equality of citizens, equal respect and religious liberty of all religious communities, and civic equality of minorities, Constitutionally protected.

It is palpably clear that the Hindu nationalists respond in part to the Muslims when they allow themselves to be used as vote-banks by the established parties, or when they evade the imperative of Hindu populism by playing up the issue of minority rights, and trumping the juridical avenues opened up to them post-Shah Bano judgment and the now mollified Muslim Women’s Act. Muslims fall in-between the wedge of two strands of nationalism, secularist and Hindutva; in that regard, the protagonists of the latter continue to charge the nation with perpetrating the pseudo-secularist agenda, when in fact it is the Muslim who have been caught up in the agenda from both ends. Muslim cannot be part of the cultural nationalism as the definition of Hindutva does not permit it, how can then the political machinery bend backwards to accommodate their inclusion in the Ram Rajya nationalism?

My claim here is that keeping the issue in this obscure terms and juxtaposing it to the polemics of pseudo-secularism is a deliberate strategy to gain support of the majority community and to forge alliances with conservative parties, especially in the North and the South. While ameliorating its stance on a range of

social and economic issues, but holding steadfast to the deafening call for UCC – even though when in power, the BJP did little or nothing to reform PL or enact legislations towards UCC. Meanwhile, the judiciary largely in its own wisdom since the Shah Bano judgment, remains opposed to any such move, in the interest of preserving democratic liberties. In their own way, in judgment after judgment across the country, the Muslim Women’s Act is interpreted to encompass wider meaning and in more liberal terms than might have been the original intent, without disregarding, indeed informed by, the Criminal Procedure Code and other civil liberties that are afforded to the disadvantaged under Constitutional rights. This is attested to in cases brought by divorced Muslim women to the High Courts in Kerala, Bombay, and Calcutta. Thus, as Rajeev Dhawan astutely notes: “[I]f personal laws are discriminatory to women, they would have to be tested against the doctrine of equality, and then struck down if found to be discriminatory and unreasonable.”¹ In terms of the principles of secularism, both the state and society have to develop a consensus for social change; it may cautiously empower the society to do so; neither is there scope for unlimited religious freedom, nor should the state exceed its neutrality in matters of religion, or discriminate against a religion, or favour one over another. The principles of secularism (the third, especially, of regulatory reform), in the triadic vision of Gandhi-Nehru-Ambedkar, “was certainly not devised to arm political Hindu fundamentalists to chastise Muslims for not making their law ‘gender just,’ or vice versa.”² If, again as Dhawan notes, “the ‘uniform civil code’ was once a serious constitutional objective, it has now been trivialized into

¹Dhawan, “The Road to Xanadu: India’s Quest for Secularism,” 316.

²Dhawan, “The Road to Xanadu: India’s Quest for Secularism,” 316.

becoming a tragic farce. Politics has taken over. Hindu politicians, who are not really concerned about personal law reform, use the idea of the uniform civil code to chastise Muslims for not emulating the Hindu example.”¹

What we have shown is the explication of the thesis that Mendieta sums up aptly in the following adage: “Religion remains not just an inexhaustible fountain of moral inspiration, but also an uncontainable, and undomesticatable source of both social cohesion and social intolerance.”² A post-Hindutva yuga or truly post-secular era would only arrive when the Muslim ceases to be the symbol of the failure of the Indian nation, and the pseudo-secularization that underpins the call for UCC is set aside; not the secular project as such, which awaits integration in the nation’s agenda, but with the inclusive voice of Indian qua Indian Muslims, Sikhs, Christians, Jains and Parsee, as indeed of women and other marginalized, minority, and disadvantaged groups or communities.

4. Conclusion

I began by showing that the real threat for Hegel from the colonized was not physical but intellectual (even in the lurid abstractionism or ‘polymorphic-perversity’ of Hindu gods and goddesses that end up in the concept of Brahman) – a threat to the very design of the *Concept*. Hence Hegel’s ontotheological schema can be considered as a diagram of power – a discourse of knowledge as power, as Foucault critiqued – that at the same time provided a means for controlling the constituent and subversive forces within Europe, as well as a negation of non-European desire. For Hegel, the Orient was as much a failure in

¹Dhavan, “The Road to Xanadu: India’s Quest for Secularism,” 316.

²Mendieta, “Society’s Religion,” 237.

the march of Reason heading toward the self-realization of the *Geist* as the Muslim is a failure in the Hindutva march toward Ram Rajya. This is not a matter of coincidence, but one of convergence of a trajectory set for the successors of the colonial epistemography within the subcontinent.¹ Invention (or essentializing) and gerrymandering of religion as we saw with Hegel affords several reincarnations. But even Marxists and those committed to secular modernity fail to see “the polyvalent nature of the Hegelian schema as a diagram of power that exerted a theoretical and practical influence on colonial, neocolonial [experience]...,”² and now postcolonial/globalized formations of power. This legacy has had an indelible influence on the Humanities and Social Sciences, the history and philosophy of religion included, and has worked its way into the Frankfurt Critical School also, whose key representative Habermas is as much guilty of its imbrications as were a galaxy of neo-Hegelians in the previous century.

Enrique Dussel³ in his deconstruction of the concept of ‘modernity’ – as Joseph Prabhu observes –

points out that thinkers as different as Charles Taylor, Stephen Toulmin, and Jürgen Habermas in their accounts of modernity have presented it as an exclusively European occurrence centering around the key events of the Reformation, the Enlightenment, and the French

¹Gayatri Chakravorty Spivak, *A Critique of Postcolonial Reason: Towards a History of the Vanishing Present*, Cambridge: Harvard University Press, 1999, 134-56.

²Mandair, *Religion and the Spectre of the West*, 155.

³Dussel, *The Underside of Modernity*, 1996. Dussel Enrique, *Beyond Philosophy: Ethics, History, Marxism and Liberation Theology*, ed., Eduardo Mendieta, New York: Rowman & Littlefield, 2003.

Revolution, and in Toulmin’s case, the Renaissance. This Eurocentrism is most explicit in Max Weber when he introduces the “problem of universal history” with the question: ‘To what combination of circumstances should the fact be attributed that in western civilization and in western civilization only cultural phenomena have appeared which (as we like to think) lie in a line of development having universal significance and value?’¹

According to this model, Europe had exceptional internal resources that allowed it to supersede through its superior rationality, disenchantment and organizational power all other cultures. What is forgotten in this account is that the history of European world conquest and the wealth and power that Europe acquired through such conquests and the misery visited on the native peoples. The solipsism of Descartes’ ‘res cogitans’ is the mirror image and resonant expression of this inward-looking modern subjectivity, unwilling to acknowledge the oppression it causes to the subjected peoples of the New World.

Critics of modernity in South Asia have then moved to argue from the Indian experience that, however well-intended and benign the initial impetus towards the grand concept and promises of secularism, whether in the abstract or as the practical project of secularization, there is also an underside to it that in time surfaces as secularism’s many infelicities, inadequacies and instabilities. If the signs of these entropy have not shown up sufficiently in Western experience since the Enlightenment railed in the ‘force of secular law’, then one could arguably bear witness to it in non-Western sites, particularly in the largest democracy in the world. To be sure, India’s success

¹Joseph Prabhu, “Philosophy in an Age of Reason,” *Australian Religious Studies Review* 25, 2 (2012), 123-138, 134-5.

and reputation as the largest (not necessarily the best or the most successful) democracy is yielded in part by virtue of the nation-state's commitment to a secular ethos, unlike in its neighbouring theocratic state of Pakistan, or China for that matter. However, by the same token, the fault-lines in cementing and sustaining a rigorous democratic structure also, paradoxically, as I have shown, lies very much in the imbrications of secularism, particularly as it is unable to come to terms with the long history of the nation's religious fabric and is held to ransom by one community that feels woefully marginalized and underprivileged by apparently excessive rights another religious community seems to enjoy with impunity, all under the protective canopy of the secular ideology which in the Indian rubric made the concept malleable to religious inclusiveness and pluralism of law. Secularism, in the eyes of the critics, in the Indian context at least, becomes something of a farce, if not exactly, a form of 'pseudo-secularism' as the aggrieved Hindu Right has been claiming. There are obvious lessons to be learned for those in the West who believe, as Charles Taylor does, that the time has come in the West when the old rigid concept of secularism is perched to give way to a more robust and open-ended conception of 'secularity'. Gandhi's uncompromising repudiation of modernity emphasized the transcultural benefits of a non-violent sociality. The oppressors, he maintained, had to be liberated from their own worst selves. And secularism is part of the tethers.¹ And so the hermeneutic circle is complete: secularism is born from the underbelly of modernity as the "disenchantment of the world"; the postsecular marks the birthing of the "disenchantment of secularity."

¹Leela Gandhi, *Postcolonial Theory: An Introduction*, New York: Columbia University Press, 1998, 137.

DIALECTICS OF POLITICS AND ETHICS IN GANDHI AND TAYLOR

Connections, Dilemmas, and Convergences

Joshy V. Paramthottu ♦

1. Introduction

Evolution of 'secularism' and the decline of the social role of religions can be seen as instrumental in changing the paradigm of ethics and politics in modern times. Apparently, the relationship between religion and politics came up with a contemporary predicament of secular ethics in politics as against religious ethics which was its primary or earlier form or foundation. The *ambivalent* nature of Indian secularism – political and religious (ethical) has its history against the background of the western secularism which arose against the background of Christianity. At this juncture, an analysis of Charles Taylor and a re-reading of Mohandas Karamchand Gandhi can be relevant in our attempt to understand the dialectics of ethics and politics in the present times.

'Political Ethics'¹ have been debated for decades without finding any definite conclusions. Perhaps more politicians

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¹Political ethics (also called political morality or public ethics) is the practice of making moral judgments about political action, and the

might approve of the statement like “when the end is good ... it will always excuse the means”¹ than it used to be a few decades in the past. Definitely Gandhi will stand for his political and ethical principles and to a greater extent Taylor would also do the same. They too can be seen as discussion pointers of living ethically and acting politically.²

2. Nature of the Dialectics between Gandhi and Taylor

Both Gandhi and Taylor have written extensively on topics or questions that diverge and converge on similar concerns. My focus is on specific areas where I believe we find clear connections, convergences and important differences. The fear of an engulfing influence of western materialism and industrialism, specifically of Great Britain, was the background against which Gandhi brought to light his alternative conception of a self-identity with a specifically moral definition. For him, the term *irreligious* is inter-changeable with immorality. With his footing in the North-Atlantic context, Taylor has a similar fear, but without any specific ‘outside threat’ as Great Britain, of the influence and articulations of materialistic, naturalistic, and atomistic trends that definitely

study of that practice. As a field of study, it is divided into ethics of process (or the ethics of office), focussing on public officials and the methods they use and ethics of policy (or ethics of public policy) dealing with judgments about policies and laws. Both draw on moral and political philosophy, democratic theory and political science. http://scholar.harvard.edu/files/dft/files/political_ethics-revised_10-11.pdf <08.26.2013>.

¹Machiavelli, *The Prince*, Bk. I, ch. IX, London: Routledge, 1883, 62ff.

²Melissa A. Orlie, *Living Ethically and Acting Politically*, London: Cornell University Press, 1997.

has roots in the scientific development and enlightenment thinking. He sees a decline of religion, especially Christianity with which he is mostly associated, together with a decline in our understanding of self-identity. For both Gandhi and Taylor politics and ethics are closely related aspects of human self. Politics cannot be separated from its ‘moral/ethical’ implications since human search for ‘authenticity’ can only be achieved on the basis of the moral evaluations on human actions and attitudes inclusive of political activities. Here I present some of their connections or agreements, dilemmas and convergences in view of finding aspects where one can read them especially to have insights on politics and ethics.

3. Connections and Comparisons

Gandhi and Taylor can be read from a number of distinct perspectives, as political philosophers, moral philosophers, and religious thinkers. Neither of them claims to have achieved a finished product of thought from their writings and activities. However, they articulated their positions convincingly. Here I present some areas of connections and comparisons which will help to find a bridge between their worlds of ideas.

3.1. *Moral Sources for a Phenomenology and Ontology of Morality*

Taylor’s *Sources of the Self* has an outer source and inner source. Self, understood as being in a moral space, is inevitably intertwined with such sources. The way human being understand the concept of ‘good’ and the way they are related to the ‘outer’ moral source which is bigger than an individual self, is significant for Taylor. “Selfhood and the good,” Taylor states, “or in another way selfhood and morality, turn out to be

inextricably intertwined themes.”¹Any external activity of the self inevitably influenced by its notion “good” or “ethics” including its involvement in active politics. In this existential milieu, a self is not capable of defining itself without retrieving and narrating the bigger picture of moral sources to which one is embedded and engaged. Taylor regrets that the connection between the *outer* sources and self has been given a *narrow* definition in most of contemporary moral philosophy. He says, “This moral philosophy has tended to focus on what it is right to do rather than on what it is good to be, on defining the content of obligation rather than the nature of the good life;² and it has not conceptual place left for a notion of good as the object of our love or allegiance...” (SS 3). There is a necessary and universal foundation of morality which Taylor intends to articulate in order to reaffirm what he views as losing ground to modern, limited definitions of self-identity. “We are dealing here with moral intuitions which are uncommonly deep, powerful, and universal” (SS 4). Taylor contends that while we feel certain moral intuitions at depth approaching what we might call instinct, in fact moral life extends beyond instinct to a relation with transcendental being. He argues that “a moral reaction is an ascent to, an affirmation of, a given ontology of the human” (SS 5). The ascent of morality goes beyond its

¹Charles Taylor, *Sources of the Self: The Making of the Modern Identity*, Cambridge: Harvard University Press, 1989, 3 (Henceforth SS will be given within the body of the text).

²Apparently political ethicists have emphasized the concept “right” more than the concept “good.” That which is legally right need not necessarily be good for the human society. I think political liberalism has been influenced by this tendency where they are quick to legalize things without considering its pros and cons.

rational, sociobiological, psychological, political and natural scientific explanations since there will always be an *inarticulacy* proper to its very nature. Taylor warns that,

... it doesn't follow from this that moral ontology is a pure fiction, as naturalists often assume. Rather we should treat our deepest moral instincts, our ineradicable sense that human life is to be respected, as our mode of access to the world in which ontological claims are discernible and can be rationally argued about and sifted (SS 8).

The use of *should* in the foregoing statement indicate the way Taylor persuades his readers of positions to which he is committed. A phenomenology of a moral realism which was, is, and will be, arguable is explicit in Taylor's work.

In his book *Ethical Religion* Gandhi seems to have shared Taylor's willingness to root moral life and action in a transcendental relation, and even to therefore use morality and religion interchangeably:

The common idea is that morality and religion are distinct things; still this chapter seeks to consider morality as a religion. Some readers may think the writer is guilty of confusion. That reproach may come from two sides from those who regard religion as more than morality, and from others who thinks that, where there is morality, there is no need for religion. Yet the author's intention is to show their close relationship. The societies spreading ethical religion or religious ethics believe in religion through morality.¹

¹http://www.mkgandhi.org/ethical/morality_religion.htm and also in *Ethical Religion*, Section on “Morality as a Religion.” Accessed 12.08.2013.

Here again we see an appeal to the *inescapable background* out of which 'good' customs and practices developed and preserved through history. There are *religious* people involved in *immoral* deeds and *irreligious* people involved in *moral* deeds. Hence, the question is to define good from a necessary and universal ontology of morality by which to relate action to value and transcendence.

Though Gandhi preferred to consider religion and morality as intertwined, he does clearly distinguish between morality and religion. For example he says that the seed of morality is watered by religion and without water it withers and ultimately perishes and so, "it will be seen that true or ideal morality ought to include true religion."¹ Gandhi's concept of Truth and its interchangeability with the concept of God makes it easier for him to distinguish between morality and religion while nonetheless refusing any real separation between them. Taylor struggles to give a better ontology of morality, whereas Gandhi simply provides one. All of the above notwithstanding, it does seem that Taylor's commitment to religion is not far from Gandhi's position in finding moral foundation for politics and social action.

His work *A Secular Age*² has developed a narration of the conditions of secularity in relation to the conditions of religion, especially Christianity. After explaining the external *sources of the self*, demonstrating the *new reflective forms* of religion, it is suggested that we may return to religion and God in a new

¹http://www.mkgandhi.org/ethical/morality_religion.htm and also in *Ethical Religion*. Accessed on 12.08.2013.

²Charles Taylor, *A Secular Age*, Cambridge: Belknap Press of Harvard University Press, 2007, (Henceforth SA will be given within the body of the text).

way, in order to ultimately find the real foundation of good and indeed morality itself. It is apparently clear that all the world religions are in solidarity with substantial moral principles. Hence, Gandhi and Taylor being political activists and thinkers, the themes of morality and religion go hand in hand in them. The decline of one or the other will have an impact on the other political involvement.

3.2. Ambivalence of the Secular and the Spiritual

There is an ambivalence of the secular and spiritual in both Taylor and Gandhi, which shows up frequently though never quite compromises the prominence of the spiritual. As we have seen, Gandhi does not separate between religion and morality as done by many modern scholars engaged in rational debate on politics and ethics. Instead, he appeals to three resources for discussing religion: reason, faith, and commonsense. He considers the second of them to be the heart of it, and never believed in the power of rational argument to convince one of religious truth. His Indian cultural context is simply at work here, in this outline of the sources of an identity where the secular and sacred are closely intertwined. Chatterjee states,

His personal experience of living in a society where the distinction between sacred and profane was a somewhat unnatural one, and where people of very different ethnic types and ways of life were actually living side by side, gave him a unique advantage in thinking out what the shape of a future community might be like.¹

Gandhi touched the point of contact between his conception of religion and selfhood and political identity, at different

¹Chatterjee, *Gandhi and the Challenge of Religious Diversity*, New Delhi and Chicago: Promilla and Co. Publishers, 2005, 10.

instances of his life. He always tried to achieve a *spiritualized politics* which is not to be confused with *theocratic politics*. Personal moral values of the politician and their impact and influence in the making of a modern society were major concerns here. He underscored:

In my opinion unity will come not by mechanical means but by change of heart and attitude on the part of the leaders of public opinion. I do not conceive religion as one of the many activities of mankind. The same activity may be either governed by the spirit of religion or irreligion. There is no such thing for me therefore as leaving politics for religion. For me, every, the tiniest, activity is governed by what I consider to be my religion.¹

Gandhi's religion and his understanding of the principles of morality are inseparable. Immorality is what he means by irreligion which is explicit in his work *Hind Swaraj*.² Religion is the proper foundation of morality and irreligion is the foundation of immorality. But it is not just a matter of morality alone rather ultimately it is a matter of self-realization. The distinction between secular and spiritual demonstrate human orientation from the immanent to the transcendental. There is a balanced middle between the political and spiritual which Gandhi's pursuit of life inspires one to accomplish. In time of political turmoil, ideological schism, and religious fanaticism, Gandhi appeared to be a secular person with deeply spiritual insights who put forward his own political and economic ideas together with great ideals of religious pluralism for the

¹Iyer, ed., *The Essential Writings of Gandhi*, Oxford: Clarendon Press, 1986, 125. A Letter written on May 30, 1932.

²M. K. Gandhi, *Hind Swaraj and Other Writings*, ed., Anthony Parel, Cambridge: Cambridge University Press, 1997.

building of a new India. His style was integral, his aim was harmony, his pursuit was for truth, his life was for service, and his life goal was to attain self-realization.

Taylor’s navigation between the secular and spiritual is identifiable in his numerous works, most clearly in his *The Varieties of Religion Today* but also in the *Sources of the Self* and *A Secular Age*. In *The Varieties of Religion Today*, after analyzing the Jamesian position of religion he comes out with his own take on it, setting forth his account of the contemporary religious situation, using a genealogical method to show how it has grown out of previous religious dispensations in European history. Taylor is not convinced by the extreme secular narrative of the modern enlightenment thinkers. The first step is to call for an unbiased outlook and open mindedness on the part of modern thinkers, so that one may see a bigger picture of reality that itself modernity sees. This is the effort of *Sources of the Self*, which takes the added step of identifying moral sources which he sometimes calls moral inquiry or inescapable frames.

Taylor also appeals to postmodernist thinkers who trust less in the power of philosophy to prove the existence of truth than in the power of language to persuade us of the possibility of belief.¹ He observes that what were once naïve forms of religion have become reflective in our times, when the distinction between the immanent and transcendental, or the natural and supernatural, is clearly identified in a manner that permits people to choose one or the other in a way that was

¹John Patrick Diggins, “The Godless Delusion,” Review of *A Secular Age*, by Charles Taylor, *New York Times*, December 16, 2007, Book Review, <http://www.nytimes.com/2007/12/16/books/review/Diggins-t.html?pagewanted=all>.

quite unthinkable in former times. In these and other cases, a distinction is first recognized before an integral harmony is sought. As we have seen, this frank *integral pluralism*¹ is also found in Gandhi's thinking and action, though of course neither modernity nor secularity are quite the same in India as in Taylor's North-Atlantic.

4. Dilemmas in the Dialectics between Gandhi and Taylor

None of the points of contact or parallel lines that I have identified in the work of Gandhi and Taylor can take away the fact that there are important differences. Taylor is largely a professor in the academic world and on the other hand Gandhi an activist and political figure. Gandhi was an Indian and Taylor a Canadian; Gandhi was a Hindu and Taylor a Christian; Gandhi is remembered as a towering spiritual authority and Taylor is one of the most famous intellectual figures of our times. Gandhi was a strong critic of the western civilization and Taylor is a product of the western civilization; Gandhi was passionate about his religious life and Taylor is more passionate about his philosophical and political aspects of life as compared to his religious beliefs; Gandhi was a pre-modern person with many modern ideas and Taylor is a modern person with many post-modern, post-analytic, and post-religious concerns. They lived in different times, spoke different languages and worked in different cultural contexts. Let us look some more closely at some of this.

¹Fred Dallmayr, *Integral Pluralism: Beyond Culture Wars*, Kentucky: The University Press of Kentucky, 2010.

4.1. Differences of Emphasis, Articulations, and Purposes

Gandhi, it may seem, tends to sacralise the secular and the moral aspects of human beings, whereas Taylor’s orientation seems to be toward a spirituality that recognizes and does justice to both the ethical and the secular. Gandhi depended heavily on his religious tradition, practices, and experience to infuse his private life. In other words, his private life and his political action were oriented toward a transformative sacrality. This makes him an example of what Richard Kearney means by ‘sacramental-praxis,’ as a model for doing political activity with a religious foundation.¹ It also means that in his thinking and in his writing, he resorts to a *descending method* of narration, where religious and moral flavour that comes from the Absolute eventually makes the secular relatively sacred. Taylor, in contrast, seems to develop an *ascending method* of narration, where the secular feels itself limited and limiting in its secularity, and searches for something that will make its flourishing meaningful and transcendental. His appreciation of the secular immanent frame does not prevent him from exploring an openness toward transcendental realities. Above all Taylor looks for an intellectual contribution to the modern world, and perhaps therefore hesitates at the prospect of a developing a robustly religious ontology and phenomenology. Gandhi never had this reservation or hesitation, and spoke out often, many times prophetically, about his morality, and in fact that they rest on religion. Gandhi was not seeking to develop an ontology and phenomenology of morality, rather a re-reading of Gandhi after reading Taylor makes it clear to us that

¹Richard Kearney, *Anatheism: Returning to God After God, Insurrections: Critical Studies in Religion, Politics, and Culture*, New York: Columbia University Press, 2010.

Gandhi has resources to support an ontology and phenomenology which Taylor carefully and deliberately brings about.

Both seem to have in view some complex relationship of 'transcendent' and 'immanent.' This is developed with special care in *Catholic Modernity*,¹ where Taylor re-interprets the Gospel in order to stress its plural, secular, and worldly emphasis in order to make the secular some way open to the sacred. This holds for both the *ascending* and *descending* methods, mentioned earlier.

4.2. Moral Realism and Practical Idealism

Taylor undertook his narrative of a comprehensive theory of morality and self-identity by way of retrievals made within a wider range of moral sources than what modern secular reason tends to accept. There are numerous narrower and one-sided theories of morality and self-identity. Most of these are, according to Taylor, erroneous, biased and unconvincing. Still, whatever its practical implications, the project of Taylor is basically an intellectual one. His grand narratives can take the reader into numerous streams and strata of human intellectual, moral, and religious developments. His effort, and also his skill concentrate on making a reader engage with authors, themes, and concerns in a different way.

When one turns from Taylor to Gandhi, one sees enacted many of the elevated moral, cultural, political and religious concepts the philosopher has retrieved and proposed for our

¹Charles Taylor, *A Catholic Modernity? Charles Taylor's Marianist Award Lecture, with Responses by William M. Shea, Rosemary Luling Houghton, George Marsden, and Jean Bethke Elshtain*, ed., James L. Heft, Oxford: Oxford University Press, 1999.

consideration. Here the contrast is between intellectual/rational theories of ethics for modern self-identity, and a realistic or pragmatic exposition of similar ethical concepts in one’s own life. And of course, what can be articulated with intellectual precision is often quite inarticulate of the moral life the person attempting to live by it. This is far from questioning Taylor’s capacity to measure up to his own concepts, but only to underline Gandhi’s spiritual and public interest in being an example of what he said – Gandhi lives out what Taylor is theorizing.¹

The tension between rational moral concepts and concrete action is a Kantian theme. When Kant states that ‘when I choose for myself, I generate a principle for everyone to follow,’ he basically leads us forward in an attempt to reconcile personal experience and choice with a principle of universal relevance that might not be either convincing or satisfactory at the level of moral life, even if it is rationally consistent. Much of Taylor’s work can be considered to respond to exactly this danger where rationality and its autonomy is solely the decisive factor of human moral aspirations. A rationally ‘generated’ morality is not convincing since it is again mechanistic and proceduristic in the way it uses reason. Taylor’s self is more connected and inter-dependent compared to the autonomous self of Kant. Likewise, but now at a practical level, Gandhi’s notion of *satya* and *satyagraha* seems to offer us a better way of universalizing morality by showing us how to internalize personal choices in a religious understanding that can be conducted into the public realm. In

¹Gandhi once said, “I am not a visionary, I claim to be a practical idealist.” M. K. Gandhi, *Young India*, Ahmedabad: Navjivan, 1919-1932, 11-8-1920.

Gandhi we find an example of what Taylor attempts to describe, and neither can be reduced to only a defence of rational principle. Gandhi would reframe Kant's moral statement in a form something like 'when I choose for myself, I set an example for everyone.' When one sets an example one is not purposely generating a principle.

4.3. Autonomy, Authenticity, and Holistic Harmony

Both Taylor and Gandhi give importance to the autonomy of the self and state. Freedom of the individual and the state is never far from their minds. Taylor's *Politics of Recognition* distinguishes equal dignity for all and recognition of difference of ethnicities. The former concerns (self) autonomy and the latter state concerns (self) authenticity. The distinction is important, for liberal politics ignores many differences in order to make autonomy possible and Taylor opposes the concept autonomy. However, he does not handle this distinction between 'equal dignity' and 'recognition of difference' with complete consistency. As Maeve Cooke has observed,

there is an unacknowledged tension in Taylor's essay¹ between the ideals of autonomy and authenticity, and these results in contradictions and confusions in his account of the politics of difference. Furthermore, Taylor's reading of the politics of difference is marred by his failure to distinguish sufficiently carefully between various

¹Charles Taylor, "The Politics of Recognition" in *Multiculturalism and the "Politics of Recognition,"* ed., Amy Gutmann, Princeton: Princeton University Press, 1992, 1-112.

interpretations of the demand for recognition of specific identity.¹

Taylor seeks a method of standardization that recognizes qualitative distinctions between goods and which would be grounded in an ontology that transcends particular contexts and sets of values. His approach is of course narrative, and aimed at opening practical links to transcendental conditions.

Gandhi gives priority to authenticity, of which autonomy is a tool. Yet in both cases – or in any movement toward autonomy: national, political, economic, spiritual – Gandhi is oriented finally to self-realization. But at that point, the idea of autonomy, of self-rule, ceases to be strictly political and instead becomes metaphysical where both autonomy and authenticity becomes means to his self-realization in the sense that he has better access to the Truth. Here one gets the deep roots what Gandhi means by ‘self-rule’ which again appears quite close to what the *Bhagavat Gita* means by *sthitha-prajna* which refers to a self-ruling, spiritually free person. But this is achieved not through others and not by freeing oneself from others but instead by performing – or entering into agreement with – one’s own *dharma* and *karma*. This notion is fully holistic and integral, as is the freedom it entails.

In summary, then, Gandhi’s understanding of authenticity, unlike that of Taylor, is not a child of the Romantic Period but rather an offshoot of his assimilation of self-rule with self-realization, on which he depended heavily in his *Experiments with Truth*. In simple terms, we might say that Taylor’s understanding of authenticity does not reach to the level of Gandhi’s self-realization, but Gandhi’s practice of self-

¹Maeve Cooke, “Authenticity and Autonomy: Taylor, Habermas, and the Politics of Recognition,” *Political Theory* 25 (1997), 256-258.

rule is inclusive of Taylor's notion of authenticity. At some point he grows up to the level of even abandoning both autonomy and even authenticity not for any intellectual theorizing but for his own self-realization.¹

5. Conversions and Convergences

I have come to propose some points of convergences on the basis of analysis and reflection of the philosophies of Taylor and Gandhi.

5.1. Exclusive Perspective of Ethics and Secularism to Inclusive Ones

Western secularism has developed from the context of Christianity. Historical instances like renaissance, reformation, counter-reformation, and enlightenment effected the disintegration of Catholicism in the Europe. The evolution of secularism as a movement against the existing religion can be traced back to this particular context. This unique context and the particular form of secularism (anti-religious or exclusive secularism) cannot be attributed to any other context in the world. Encounter with a single religion can never be a reason to speak about the origin and development of secularism in India. In India, I argue, secular constitution was formulated in order to equally recognize all the religions. Constitutional reservations and special recognition of minorities can be seen as a problem and as a prospect of Indian secularism. The

¹Chatterjee unravels a deeper possibility of understanding Gandhi's use of terms 'self-realization' and 'God-realization.' This can be understood as the distinction between *Ātman/Brahman* identity and their realizations. Chatterjee, *Gandhi's Religious Thought*, 108.

principle of recognition is better taken care of in India though its limits have to be acknowledged.

Western liberal notion of secularism tend to move to a purely humanistic, naturalistic, rationalistic, and finally individualistic direction, without seriously caring for the religious needs of the people. I am not convinced of the potentiality of western secularism to meet the religious needs or expectations of the people since it originated as an anti-religious movement. Here I propose a conversion from an ‘exclusive secularism’ to an ‘inclusive secularism.’

5.2. A Post-Secular Turn to a Post-Religious Affirmation of Religion

Much of this investigation has concentrated on politics and ethics, but not without taking notice of the religious dimensions of Gandhi and Taylor. Contemporary social, political, and religious thought includes a growing number voices claiming that secularism, especially in the western world together with a kind of politics and ethics it propagates, has come to an end and hence we are passing to a new stage. Habermas, in this line, has emphasized the need for a perspective capable of mutuality. He states “Both religious and secular mentalities must be open to a complementary learning process if we are to balance shared citizenship and cultural difference.”¹ Thoughts like this seem to concede that the modern claims for ‘secular religion’² and ‘civil religion’¹ have

¹Jürgen Habermas, “Secularism’s Crisis of Faith: Notes on Post-Secular Society” in *New Perspectives Quarterly* 25 (2008), 17-29.

²‘Secular religion’ is a term used to describe ideas, theories or philosophies which involve no spiritual component yet still claim to possess qualities similar to those of a religion.

proven unable to diminish or redefine the importance of traditional religion around the world. In fact, as Habermas rightly states, "As the well-to-do, developed societies become progressively more secular, a world society is becoming increasingly religious as a result of higher birth rates in the poorer developing countries."²

I hope to have shown that Taylor's suggestion of a new modern moral identity in fact goes beyond the tenets of secularism; to that extent, he too is a post-secular thinker. But for Taylor, secularism brought home a more reflective religion. Moreover, it called the traditional religions to give more emphasis to the ordinary life of the faithful and their worldly human flourishing together with their spiritual orientation in a life after death. We might also say, with great care, that he is thus post-religious, in so far as he interprets and re-affirms religion in a new way, after a long process of dialectics between the secular and the spiritual, and has accepted that abandonment of a time and a way of life in which traditional religion is taken for granted as the ultimate frame of all meaning.

The thesis of "Morality without religion"³ has occupied many thinkers for a long time. From the dawn of philosophical

¹In the eighteenth century, with the growing secularization due to the Age of Enlightenment, Rousseau called for a 'civil religion' based on the duties of the citizen, to provide a non-metaphysical alternative to traditional religion.

²Habermas, "Secularism's Crisis of Faith," 6.

³Certain kinds of *Morality without Religion* designate the aspect of philosophy that deals with morality outside of religious traditions. Modern examples include humanism, freethinking, and most versions of consequentialism. Ancient roots of the same trend can

thought, there has been a tendency to attempt to free philosophy from theology and myth, on the understanding that the latter served only to support moral development until intellectual maturity no longer needs them. Now, a post-secular outlook enters into positive dialogue with religion, knowing the pathos and positives of religion, though without pretending to simply dissolve the complementarity of the secular and the spiritual’ that has motivated much of this present study. Perhaps this is clearer in Taylor’s work. But there is an implicit awareness of or may be anticipation of, the spiritual-secular ambivalence in Gandhi’s willingness to use the terms ‘religion,’ ‘politics,’ and ‘morality’ as if interchangeable. At important moments, ‘religion’ seems to have a deep and fundamental meaning, inspiring, as we have seen, the action in which it is enacted:

Religion is dear to me, and my first complaint is that India becoming irreligious. Here I am not thinking of Hindu, the Mohamedan, or the Zoroastrian religion, but of that religion which underlies all religions.¹ We are turning away from God.²

be seen in Scepticism, Epicureanism, Stoicism, and the *charvaka* school of thinking in India. For most such outlooks “Man is the measure of all things.” This position also can be identified as *morality without a God*.

¹ “[...] religion which underlies all religions” is a very important concept in Gandhi’s political philosophy. Throughout his book *Hind Swaraj* religion can be seen as understood in two senses: as a sect or organized religion and as an ethic which is grounded in some metaphysics. Gandhi, *Hind Swaraj*, 42.

²Gandhi, *Hind Swaraj*, 42.

Gandhi's notion of religion has gone beyond particular traditions, castes and tribes. This notion of a 'religion which underlies all religions' frames true action in the moral and political sense, but is or could be always embodied in and through particular traditions that are in the world. Gandhi's extensiveness of the understanding of God is comprehensive enough to include almost everything as we see it in his following statement:

God is that indefinable something which we all feel but which we do not know. To me God is Truth and Love, God is ethics and morality. God is fearlessness, God is the source of light and life and yet. He is above and beyond all these. God is conscience. He is even the atheism of the atheist. He transcends speech and reason. He is a personal God to those who need His touch. He is purest essence. He simply Is to those who have faith. He is long suffering. He is patient but He is also terrible. He is the greatest democrat the world knows. He is the greatest tyrant ever known. We are not, He alone Is.¹

Gandhi thus has a more forceful argument for religion than does Taylor, for whom religion is more of an unmistakable – and important – source, than an immediate practical necessity. Taylor's tendency to even go beyond Christianity and particularly Catholicism will place him a parallel to Gandhi's vision of religion that underlies all religions. In simple terms, while Gandhi gives the impression of looking to religion for the one conception of goodness that can save us, Taylor readily sees 'good' even where 'God' seems not to come into the picture.

¹Gandhi, *Young India*, 5-3-25, 81.

As I understand, there is an ongoing ‘anti-foundationalism’ in Taylor as he continues to retrieve and narrate his story which also can function as a legitimization of his post-metaphysical turn. It is well-known that the late modern attacks on metaphysics aim mainly at the metaphysics that proposes to found all meaning, including religious meaning. In his essay “Overcoming Epistemology,” he opposes a mode of philosophy which he calls ‘foundationalism.’ Human knowing cannot be a disengaged from the life, the activity of reason. In his *Sources of the Self*, where Taylor exhibits a post-metaphysical view and yet an inclination toward at sympathy with theism, he states,

I am obviously not neutral in posing these questions. Even though I have refrained (partly out of delicacy, but largely out of lack of arguments) from answering them, the reader suspects that my hunch lies towards the affirmative, that I do think naturalist humanism defective in these respects – or, perhaps better put, that great as the power of naturalist sources might be, the potential of a certain theistic perspective is incomparably greater ... But I recognize that pointed questions could be put in the other direction as well, directed at theistic views. My aim has been not to score points but to identify this range of questions which might sustain our rather massive professed commitments to benevolence and justice (SS 517-518).

At this point, I argue that one may say that the specific sense in which Taylor’s thinking is post-metaphysical represents the necessary link between his understanding of the transcendental frameworks of morality and his own personal theistic commitment to Catholicism. It also explains why he can involve his Catholicism, as the mediating context for his own thinking and acting without dealing directly with the concept

of Christian God or of Jesus. Though he was against metaphysical foundations which restrict the meaning of 'transcendence' to mere epistemological and ontological concerns, he has great concern for a metaphysics that respects transcendence that sometimes goes beyond ordinary realms of rationality. This is explicit from his argument for *inescapable frameworks* and his conception of dialogical selfhood.

6. Conclusion

The wide range of themes and topics common to Gandhi and Taylor makes any attempt to study them a 'tough road to travel.' For me this has been a challenge for my own pursuit of truth, which always has an aspiration for new horizons and a fusion of different ones. Both Gandhi and Taylor have inspired thousands and perhaps millions in their pursuit of the meaning of an authentic self and its relative achievements. While Taylor's scholarly comprehension and acuteness excite the reader, Gandhi's emphatic articulation and demonstration of the importance of *experiential* aspects of truth also call powerfully to us. The way they navigate between, and thus normalizes what is otherwise great ambivalence between the secular and the spiritual, religion and politics, ethics and politics, and immanent and transcendental give us much that is important to consider in a new, richer way. The genuineness of their pursuits and realism they express have the power to inspire generations to come.

Perhaps they are most inspiring for us today for integrating politics and ethics, which we accept as modern conditions of our being. An analysis of Gandhi and Taylor from the perspective of politics and ethics has been insightful in many respects. This also has unravelled numerous aspects of the human self-authenticity and its interaction with politics,

ethics and religion. With all his elaboration Taylor admits that he is not competent to engage with the non-western world. Even master narratives like that of Taylor’s can be a mere intellectual (instrumental) exercise. Even his attempt at *re-enchantment*¹ does not seem to have its impact on the modern world for deeply engaging with God, world and human self. Perhaps the way Taylor wants to re-engage with society, nature and religion could be done better with the model of Gandhi’s engagement and disengagement. ‘Godless delusion’ of Taylor still gives an ambiguity of the importance of religion in his *A Secular Age*, though he wants the self to endorse the goods from it. Taylor’s reaffirmation of a moral ontology for the modern world is a positive inspiration for a modern reader. Taylor’s contribution to pluralism and multiculturalism through his concept of *The Politics of Recognition* and Gandhi’s single most contribution to politics and ethics through the concept of *Nonviolent Resistance* ever remain relevant for our dialectics on politics and ethics. It may be that no intellectual will ever again do quite what Gandhi was able to accomplish, and it may be that one great example is enough. But we still need to re-read and re-define such figures for our times. Here Taylor can help us. I think he can be a good interlocutor to have a conversation between the west and India for a constructive program for the future. He is a prolific writer and a skilled academician whose work in politics may make him unusually sympathetic to Gandhi.

Gandhi’s life and teaching continue to influence the world, especially through nonviolent resistance to forces rampant

¹ “Re-enchantment” is a term which Taylor borrows from Akeel Bilgrami.

everywhere. Only time will prove the lasting worth of any philosopher and his works. Thomism no longer dominates as it once did. Post-modern thinking has already receded. Secularism has been tested and is still being tested. Post-secular, post-religious, and post-metaphysical transitions hint at limitations within secularism. Regardless of these erosions, changes, and transgressions, it is my belief that Gandhi and Taylor will continue to influence us, since they did not limit themselves to mere parts, but rather tried to bring the greatest number of parts into a whole. Something of this effort will remain, even if other features become obsolete.

THE SHADOW OF TRUTH

Ethical Concerns in the Writings of Alexander Solzhenitsyn

Arvind Radhakrishnan ♦

“If only it were all so simple! If only there were evil people somewhere insidiously committing evil deeds, and it were necessary only to separate them from the rest of us and destroy them. But the line dividing good and evil cuts through the heart of every human being. And who is willing to destroy a piece of his own heart?”

Alexander Solzhenitsyn, *The Gulag Archipelago*

1. Introduction

Alexander Solzhenitsyn’s intellectual life is replete with paradoxes. His demise in 2008 put an end to that extraordinary life, a life committed to ideals of truth and freedom as can be evinced by his prodigious literary writings. A small town high school teacher scaled the heights of world fame. This fame was well deserved considering the quality of his literary works, in which he proved beyond doubt that he was a worthy successor

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♦ First published in *Journal of Dharma* 38, 3 (2013), 269-284.

to those giants of Russian literature, Dostoevsky and Tolstoy.¹ However one suspects that his worldwide fame rested quite heavily on his unusual courage, which he displayed in standing up to a criminally unjust Communist regime in Soviet Russia. His convictions and his stubborn refusal to yield to a totalitarian regime changed the course of history. This conviction impressed no less than a leading scholar like Walter Kaufmann to write: "My final example exhibits the most awesome courage: Solzhenitsyn. Rarely has it been so difficult for any man to stand alone, utterly alone, without any prop of any kind."² Yet his legacy today remains slightly clouded, as no writer in recent times has been so viciously attacked both home and abroad.

This paper seeks to examine the ethical concerns that Solzhenitsyn displayed in his writings as he fought against a political system that was totalitarian and had scant regard for individual freedom. The courage he displayed in resisting the brutal Marxist regime in Russia makes Solzhenitsyn one of the most important intellectuals in human history. His observations continue to inspire millions of individuals who lead terrible lives under totalitarian and undemocratic societies. The focus of this paper would be on Solzhenitsyn's famous work *One Day in the Life of Ivan Denisovich* and his

¹Alexander Solzhenitsyn was awarded the Nobel Prize in 1970. He was denied permission to visit Stockholm to receive the award. He was given his Nobel Prize in 1974 in a special ceremony. His Nobel citation read as follows: "The Nobel Prize in Literature 1970 was awarded to Alexander Solzhenitsyn *for the ethical force with which he has pursued the indispensable traditions of Russian literature.*"

²Walter Kaufmann, *Without Guilt and Justice: From Decidophobia to Autonomy*, New York: Peter H. Wyden, 1973, 45.

world famous Nobel Prize speech. It is very important to recall and analyze very closely what Solzhenitsyn had to say on some of the most important philosophical questions of our times.

2. Truth, Faith and Power

Alexander Solzhenitsyn was born to parents of peasant stock on December 11, 1918; but was raised entirely by his mother, his father having died before he was born. He went on to major in mathematics at the University of Rostov-na-Donu and he learned literature from correspondence courses at the Moscow State University. He fought in WW II and became a captain of artillery; but was arrested in 1945 for writing a letter criticizing Josef Stalin’s totalitarian government. He spent eight years in a variety of labour and prison camps and three more years in enforced exile. After his release, he settled in central Russia where he wrote and taught mathematics.

It is quite clear that Solzhenitsyn was inclined towards literary and philosophical pursuits from a very early age. At the age of ten he began keeping a journal containing his literary writings. He called it, rather ambitiously, *The Twentieth Century*. By the time he was in his late teens, he had ambitions to write on the events leading up to the Bolshevik Revolution. This would become his lifelong project, which he would pursue into his seventies, by then named *The Red Wheel*.¹ In his early youth he experienced ideological conflicts between his family’s deep Christian faith and values and his professor’s Communist indoctrination. This was in the least unusual in Russia at that time. He gravitated towards Marxism-Leninism and like any idealistic youngster joined Communist youth

¹Alexander Solzhenitsyn, *November 1916: The Red Wheel/Knot II*, London: Farrar, Straus and Giroux, 2005.

organizations. He would say much later "I did change internally and from that time I became a Marxist, a Leninist and believed in all these things."¹ However this ideological conflict was hardly resolved and would later become the seminal quest of his life.²

The Communists' idea of social justice appealed to his consciousness. He was also an 'October child' – born just after the Bolshevik Revolution. This generation were special targets of the regime and were expected to become the 'new Soviet men,' on whose shoulders rested the future of Marxism. As Solzhenitsyn would recount later "The Party had become our father and we – the children-obeyed ... I banished all my memories, all my childhood misgivings. I was a Communist. The world would be what we made of it."³ Later his firsthand experience of Soviet reality would cause him to reverse his attitudes towards the Bolshevik Revolution. He believed that it must be resisted on an ethical platform, on behalf of the human spirit.

Solzhenitsyn's transition from an idealistic communist to a prisoner of the notorious GULAG⁴ system is a journey of great

¹David Aikman, *Russia's Prophet in Exile: Interview with Alexander Solzhenitsyn*, Time, July 24, 1989, 59.

²Edward E. Ericson and Alexis Klimoff, *The Soul and Barbed Wire: An Introduction to Solzhenitsyn*, Delaware: ISI Books, 2008, 6.

³John B. Dunlop, Richard Haugh, and Alexis Klimoff, *Alexander Solzhenitsyn: Critical Essays and Documentary Materials*, New York: Collier, 1975, 537.

⁴The term "GULAG" is an acronym for the Soviet bureaucratic institution, *Glavnoe Upravlenie ispravitel'no-trudovykh LAGerei* (Main Administration of Corrective Labour Camps) that operated the Soviet system of forced labour camps in the Stalin era.

suffering and great courage. Gulag camps existed throughout the Soviet Union, but the largest camps lay in the most extreme geographical and climatic regions of the country from the Arctic north to the Siberian east and the Central Asian south. Prisoners were engaged in a variety of economic activities, but their work was typically unskilled, manual, and economically inefficient. The combination of endemic violence, extreme climate, hard labour, meagre food rations and unsanitary conditions led to extremely high death rates in the camps. While the Gulag was radically reduced in size following Stalin’s death in 1953, forced labour camps and political prisoners continued to exist in the Soviet Union right up to the Gorbachev era.¹ Solzhenitsyn described this transition in his words.

In 1941, a few days before the outbreak of the war, I graduated from the Department of Physics and Mathematics at Rostov University. At the beginning of the war, owing to weak health, I was detailed to serve as a driver of horse-drawn vehicles during the winter of 1941-1942. Later, because of my mathematical knowledge, I was transferred to an artillery school, from which, after a crash course, I passed out in November 1942. Immediately after this I was put in command of an artillery-position-finding company, and in this capacity, served, without a break, right in the front line until I was arrested in February 1945. This happened in East Prussia, a region which is linked with my destiny in a remarkable way. As early as 1937, as a first-year student, I chose to write a descriptive essay on “The Samsonov Disaster” of 1914 in East Prussia and

¹“GULAG-Many Days, Many Lives,” Online Exhibit, Centre for History and New Media, George Mason University, 2013.

studied material on this; and in 1945 I myself went to this area (at the time of writing, autumn 1970, the book *August 1914* has just been completed). I was arrested on the grounds of what the censorship had found during the years 1944-45 in my correspondence with a school friend, mainly because of certain disrespectful remarks about Stalin, although we referred to him in disguised terms. As a further basis for the 'charge,' there were used the drafts of stories and reflections which had been found in my map case. These, however, were not sufficient for a 'prosecution,' and in July 1945 I was 'sentenced' in my absence, in accordance with a procedure then frequently applied, after a resolution by the OSO (the Special Committee of the NKVD), to eight years in a detention camp (at that time this was considered a mild sentence).¹

Wartime experiences had exposed him to the viciousness of the Soviet regime but it had not demolished his faith in Marxism. The Gulags did. The first prison camps were located near the Moscow region. He found the psychological humiliation and the mortifying moral compromises unbearable. He began to gain hitherto unimaginable insights into the Soviets' systematic brutalization of innocent people. He discovered the nobility of spirit amongst the so-called 'enemies of the people.' Many of them were Christian believers and the deep sense of faith he saw in them began to influence him. His training in mathematics ensured his transfer from a labour camp to a Soviet *sharashka*, where scientific research was carried secretly in laboratories in the Soviet Gulag labour camp

¹Sture Allen, *Nobel Lectures-Literature 1968-1980*, Singapore: World Scientific Publishing Co., 1993, 9.

system. After a few months of transfer from various *sharashka*'s in the Volga region, he was consigned for three years to the *sharashka* at Marfino (just a few miles from Moscow).

It is very important to understand the significance of the *sharaska* and its impact on Soviet life to understand Solzhenitsyn's writings on the subject. From the very beginning of the Bolshevik era, the relationship between the political elite (both in the Party and state hierarchies) and the scientific and technical elite was fraught with tension. On the one hand, Party leaders such as Lenin, Bukharin, and Trotsky recognized that scientists and engineers would be indispensable in modernizing Russia. On the other hand, there was a deep suspicion of the scientific and technical intelligentsia because they represented all that the Revolution promised to destroy: bourgeois culture, elitism, and a proclivity for academic concerns removed from the practicalities of the day. Such tension also produced in Bolsheviks a feeling of vulnerability as more and more scientists and engineers became entrenched in key positions in the Soviet economy. As Kendall Bailes has underscored in his classic works, the Soviet leadership used two strategies to resolve this tension, first, they threw the 'old' specialists into jail, and second, they trained a new generation of so-called 'red' specialists, i.e., a younger generation who would be more loyal to the demands to the Bolshevik era. In the former case, the attack on the old scientific and technical intelligentsia was embodied most famously in the Shakty and Industrial Party trials of 1928 and 1930, respectively. Thousands were accused

of 'wrecking' the tempo of industrial production; many were sentenced, a few to death.¹

The years at Marfino would provide a lot of material for *The First Circle*, which many considered as Solzhenitsyn's best work. This work, composed between 1955 and 1968, has characters that are literary doubles of his fellow 'zeks' at Marfino.² Two of the key characters, Lev Rubin and Dimitri Sologdin, are based on Solzhenitsyn's closest friends in the *sharashka* Lev Kopelev and Dimitri Panin. Both of them have written memoirs that vouch for Solzhenitsyn's own descriptions in his novel.³ Gleb Nerzhin, the main protagonist of the First Circle, is based on the author himself. Panin considers this fictional character to be "an extraordinarily truthful and accurate picture" of Solzhenitsyn.⁴ Kopelev states that he was then a committed Marxist, Panin was a devout Christian and Solzhenitsyn was a sceptic, who would constantly challenge the positions of the other two. Kopelev writes "Solzhenitsyn said that he used to believe in the basic tenets of Marxism, but then began having more and more doubts. Because he could not believe in the historical analyses of those whose prognoses turned out to be wrong."⁵

¹Kendall E. Bailes, *Technology and Society under Lenin and Stalin: Origins of the Soviet Technical Intelligentsia*, Princeton: Princeton University Press, 1978, 69-158.

²Zek – a Russian slang term for a prison or forced labour camp inmate.

³Lev Kopelev, *Ease My Sorrows: A Memoir*, New York: Random House, 1983, 93.

⁴Dimitri Panin, *The Notebooks of Sologdin*, New York: Harcourt Brace Jovanovich, 1973, 263.

⁵Kopelev, *Ease My Sorrows*, 15.

Solzhenitsyn would constantly evolve during his years of confinement. This would provide material for all his major works. He was later shifted to a labour camp in Kazakhstan, which would provide the inspiration for his work, *One Day in the Life of Ivan Denisovich*.

The next part of the paper will deal with some of Solzhenitsyn’s major works. His idea of ethics can be understood only if all his major works are analyzed deeply. This paper seeks to examine one work of his as it is symptomatic of his other works. His first major publication was *One Day in the Life of Ivan Denisovich*. This work totally focuses on depictions of prison life in the gulag. The idea of writing such a novel came to him on a typically hard day in a prison camp located in central Kazakhstan. This was the same camp he would describe in *The Gulag Archipelago*.

3. Solzhenitsyn’s Vision: Closer to Havel than Sartre

One Day in the Life of Ivan Denisovich is a very powerful work of fiction and while it does possess similarities with his other works in terms of ethical concerns, it differs in the form and focus. In his longer works he examines the inner life of multiple characters, while in this work he crystallizes his attention on a single central character. This character is a simple peasant and not an alter ego of the educated author. Solzhenitsyn had originally sought to name his novel ‘Shch-854,’ the depersonalizing number on the protagonist’s prison uniform. Ivan Denisovich Shukhov was a German prisoner of war, who escapes to return back to Russia. On his return home, he is falsely accused of being a Nazi spy. Though this is a fictional account, Solzhenitsyn was merely representing the predicament of multitudes who shared the same fate. In this book he attempts to narrate the experiences of a man in the

Gulag, in one single day. The narrative is in third person, which conveys the protagonist's innermost thoughts. Yet the objective descriptions are akin to a first person narration. This mode of narration almost collapses the distinction between the protagonist and the narrator. His subjectivity is expressed in an unmediated form.

Life in the prison camp was a terrible ordeal for anyone. Ivan being a simple person, however, does not react to the terrible humiliation that the 'zeks' are subjected to. The descriptions of the living conditions tend to evoke a very strong reaction in the reader's mind. However the perplexing aspect is that Ivan himself is rather stoic about the whole thing. He is remarkably understated in his reactions to his brutal surroundings. The understatement is deliberate, a mode by which Solzhenitsyn drives home the book's central concern – Can a man who is warm understand one who is freezing?

Ivan possesses a deep ethical core, which shines through all the misery and squalor. He is part of a brigade whose job is to lay cinder blocks all day long in the terrible and bitter cold. Though he has no affection for his political masters (Stalin is always an unseen presence), he rather strangely takes pride in his work.¹ This could be interpreted as a case of existence not

¹Born on December 18, 1879, in Gori, Georgia, Joseph Stalin rose to power as General Secretary of the Communist Party, becoming a Soviet dictator upon Lenin's death. Stalin forced rapid industrialization and the collectivization of agricultural land, resulting in millions dying from famine while others were sent to camps.

affecting the true human ‘inner essence.’ Solzhenitsyn’s own life can be seen an excellent example of this principle.¹

Ivan’s essence is what makes him feel ‘content’ and he almost comes close to declaring this work day as ‘a happy one.’ The savage conditions have not brutalized his inner ethical core. He in fact remains overtime to finish his task of bricklaying. The political system cannot wipe out his humanism towards his fellow zeks. The book also showcases many other characters who share a similar worldview, especially Alyoshka the Baptist for whom a deep sense of faith is the solution to political tyranny.

He is a selfless and honest man whose deep faith in God provides him with answers to how the human spirit can overcome such terrible and unjust suffering. Ivan does not possess this ability. What makes Alyoshka’s suffering even more unjust is the fact that he and other Baptists have been handed out severe twenty five year prison terms for no other reason than for merely being religious. While Ivan agrees with Alyoshka that divine providence matters, he disagrees with him when the Baptist states that he is glad to be in prison because “here you have time to think about your soul.”

The focus of the writer remains Ivan Denisovich. There appears to an unarticulated life force that allows him to retain his humanity, even under the most degrading conditions. This is an unexplained essence that renders him humane even in unbearable situations. The book ends with Ivan thinking about this single day in his life. He ruminates over the day’s events

¹Karl Marx was of the view that one’s social and economic material conditions affect and shape one’s inner consciousness or ‘essence.’ This clearly opposed Hegel’s viewpoint that the essence shaped human existence. Marx had supposedly inverted Hegel.

and calls it “an unclouded day.” This would probably shock the reader because Ivan has been subject to so many humiliations during the day that one would rationally expect him to lash out violently against the system that has rendered him servile. However he refuses to do any such thing. His essence is unchanged and he does not transform into a violent creature, like the state that is punishing him.

One can explore more deeply the ethical dimensions that Solzhenitsyn raises by examining the writings of the French philosopher Jean Paul Sartre.¹ In his famous essay “Existentialism Is a Humanism,” Sartre proposes the idea that “existence precedes essence” meaning that a personality is not built over a previously designed model or a precise purpose, because it is the human being who chooses to engage in such enterprise. Therefore, to Sartre an oppressive situation is not intolerable in itself, but once regarded as such by those who feel oppressed the situation becomes intolerable. So by projecting my intentions onto my present condition, “It is I who freely transform it into action.” When he said that “the world is a mirror of my freedom,” he meant that the world obliged me to react, to overtake myself. It is this overtaking of a present constraining situation by a project to come that Sartre names transcendence. He added that “we are condemned to be free.”

¹Born on June 21, 1905, in Paris, France, Jean-Paul Sartre was a pioneering intellectual and proponent of existentialism who championed leftist causes in France and other countries. He wrote a number of books, including the highly influential *Being and Nothingness*, and was awarded the Nobel Prize in 1964, though he turned it down.

When it is said that man defines himself, it is often perceived as stating that man can ‘wish’ to be something – anything and then be it. According to Sartre’s account, however, this would be a kind of bad faith. What is meant by the statement is that man is (1) defined only insofar as he acts and (2) that he is responsible for his actions. To clarify, it can be said that a man who acts cruelly towards other people is, by that act, defined as a cruel man and in that same instance, he (as opposed to his genes, for instance) is defined as being responsible for being this cruel man. Of course, the more positive therapeutic aspect of this is also implied: You can choose to act in a different way, and to be a good person instead of a cruel person. Here it is also clear that since man can choose to be either cruel or good, he is, in fact, neither of these things *essentially*.¹ To claim that existence precedes essence is to assert that there is no such predetermined essence to be found in humans, and that an individual’s essence is defined by him or her through how he or she creates and lives his or her life. As Sartre puts it in his “Existentialism Is a Humanism”: “man first of all exists, encounters himself, surges up in the world – and defines himself afterwards.”²

This framework was challenged by the Czech writer, philosopher and statesman Vaclav Havel.³ Havel in speaking

¹Joseph S. Catalano, *A Commentary on Jean-Paul Sartre’s Being and Nothingness*, Chicago: University of Chicago Press, 1985.

²“Existentialism Is a Humanism,” by Jean-Paul Sartre, translated by Bernard Frechtman, was originally published in 1945, and reprinted in *Existentialism and Human Emotions*, New York: Philosophical Library and Carol Publishing Co., 1985.

³Václav Havel was a prominent participant in the liberal reforms of 1968, and, after the Soviet clampdown on Czechoslovakia, his

of life under a Communist type of totalitarian system, proclaimed that "The specific experience I'm talking about has given me one great certainty: Consciousness precedes Being, and not the other way around, as Marxists claim," thus showing the philosophical and spiritual importance of a political issue, arguing that the communist totalitarianism as such ran contrary to any and all intuitions of the general population, who held steadfast to their beliefs, customs and traditions, even in secret, despite the measures taken against them, who in effect continued to identify themselves as indigenous Slavic populations, and not as communists. Thus Havel argues that, indeed, essence (consciousness) *precedes* existence (being), and not the other way around, since human nature as such, i.e. the *conscious* act of self-reflection and – identification, embedded in, conditioned and cultivated by a traditional foundation will always remain present; even after having been 'liberated' from such 'superstition'.¹

Solzhenitsyn's position would be very similar to Vaclav Havel's. Havel would say in "The Politics of Hope": "In my own life I am reaching for something that goes far beyond me and the horizon of the world that I know; in everything I do I touch eternity in a strange way." With this grounding, politics becomes "the universal consultation on the reform of the affairs

plays, which explore the self-delusions and moral compromises that characterize life under a totalitarian system, were banned. Havel was elected president of Czechoslovakia in July 1990, becoming the country's first noncommunist leader since 1948.

¹V. Havel, "Politics and Conscience" in *Open Letters: Selected Writings*, ed. Paul Wilson, New York: Random House, 1985, 249-71.

which render man human."¹ Solzhenitsyn in this work as well as his other major works like *Cancer Ward* and *The First Circle* has protagonists like Oleg Kostoglotov and Gleb Nerzhin who while being intellectually superior to Ivan, share a similar worldview. Their inner essence remains unchanged, no matter what the political system tries to do to them both physically and mentally.

Havel exemplified this point in his lecture at the Stanford University. Havel referred to 'unconscious experience' as well as to 'archetypes and archetypal visions.' His point was that cultures formed thousands of years ago, quite independently of one another, nevertheless employ the same basic archetypes. This suggests that "there exist deep and fundamental experiences shared by the entire human race." Further, "traces of such experiences can be found in all cultures, regardless of how distant or how different they are from one another. . . . the whole history of the cosmos, and especially of life, is mysteriously recorded in the inner workings of all human beings. This history is projected into man's creations and is, again, something that joins us together far more than we think."²

The idea is extended even further: "After thousands of years, people of different epochs and cultures feel that they are somehow parts and partakers of *the same integral Being*, carrying within themselves a piece of *the infinity of that Being*." In the final take, Havel asserts that "all cultures assume the existence of something that might be called the *Memory of Being*, in which

¹Vaclav Havel, *Disturbing the Peace: A Conversation with Karel Hvizdala*, trans. Paul Wilson, New York: Vintage Books, 1990, 189.

²Vaclav Havel, "The Spiritual Roots of Democracy," retitled and published as "Democracy's Forgotten Dimension," *Journal of Democracy* 6, 2 (1995), 3-10.

everything is constantly recorded."¹ The guarantees of human freedom and personal responsibility lie neither in programs of action nor in systems of thought, but in "man's relationship to that which transcends him, without which he would not be and of which he is an integral part."² Solzhenitsyn's *One Day in the Life of Ivan Denisovich* as well as his later writings would also emphatically endorse this view of Havel.

4. The Responsibility of Writers: Evolving a Common Scale of Values

Alexander Solzhenitsyn always understood himself to be above all a writer rather than an activist. However the extraordinary range of his philosophical concerns, especially with ethics and the protection of human liberties and the long standing impact of his works on the human rights discourse make him something of an extraordinary figure. No other writer has had such an impact on the twentieth century. Which other writer could claim to have brought down the 'evil empire' built upon what Solzhenitsyn himself called as the twin pillars of violence and 'the lie.' The lie refers to the ideology of Marxism, which promised people a utopia on earth and gave them untold misery instead. He can be equated with Lev Tolstoy, who was considered by his countrymen as the 'second government,' a defender of humanism.³

¹Havel, "The Spiritual Roots of Democracy," 3.

²Havel, "The Spiritual Roots of Democracy," 7.

³The publication of *War and Peace* and *Anna Karenina* made Tolstoy so famous that one contemporary described him as Russia's second Czar. He used that position against the state, as well as the police, the army, meat eating, private property and all forms of violence.

Solzhenitsyn embodies multiple roles, that of writer, historian and philosopher. He adheres to a Russian literary tradition which refused to make distinctions between the concerns of literature, ethics and politics. This is against the traditions where the categories of fiction and non-fiction are seen as distinctive. The more seminal responsibility was to make sense of the real world with its social and moral problems. Solzhenitsyn prefers to depict the real world of communist Russia with its brutal Gulag system and its notorious secret police. It was a dystopian world where the free will of citizens was crushed beyond recognition.

Solzhenitsyn’s Nobel Prize lecture reveals the unity of his ‘social’ and ‘artistic’ concerns. The Nobel Lecture showcases the harmony between his literary and political concerns. It shows how one can write without overtly politicizing art or ignoring the obligation a writer owes to society. He talks about the social responsibility of artists and the role that ‘world literature’ can play in evolving a ‘common scale of values.’ He refers to how art is a gift that resists every human effort to master it. Art has been subject to various attempts by humans to “adapt it ... toward transient political or limited needs.”¹ However, art transcends such ulterior motives. He then talks about two kinds of writers. The first he calls the one with the ‘modern’ view of his role. Here the writer “imagines himself the creator of an autonomous spiritual world. He hoists upon his shoulders the act of creating the world and populating it, together with the total responsibility for it.”²

¹Alexander Solzhenitsyn, *Nobel Lecture*, New York: Farrar, Straus and Giroux, 1972.

²Solzhenitsyn, *Nobel Lecture*, 5.

Solzhenitsyn opposes this kind of writer, because he believes that no human being, not even a 'genius,' can build a 'balanced spiritual system' upon the illusion that man is the 'centre of existence.' He rejects 'anthropocentric humanism,' as he feels that it becomes a wilful confusion of man with God. It is very similar to Nietzsche's *Will to Power*, where man has declared the death of God and proclaims "We are the Gods." Solzhenitsyn rejects this Nietzschean tendency which seems amply evident in modern society.

According to him, there is the second kind of artist who recognizes above himself a higher power and works as a humble apprentice under God. This artist has a far greater responsibility than the first because he rejects every form of self assertion. This is the outcome of a self awareness that he did not create the world and hence has no right to even claim that he can control it. Here Solzhenitsyn introduces the concept of beauty. He is responding to the remark made by Dostoevsky that "Beauty will save the World."¹ He is of the view that the modernist approach rejects the role that beauty can play in providing an existential verification of the natural order. Solzhenitsyn states in his lecture,

One day Dostoevsky threw out the enigmatic remark: "Beauty will save the world." What sort of a statement is that? For a long time I considered it mere words. How could that be possible? When in bloodthirsty history did beauty ever save anyone from anything? Ennobled, uplifted, yes – but whom has it saved? There is, however, a certain peculiarity in the essence of beauty, a peculiarity in the status of art: namely, the convincingness of a true work

¹This remark is attributed to Prince Myshkin in Dostoevsky's work *The Idiot*.

of art is completely irrefutable and it forces even an opposing heart to surrender. It is possible to compose an outwardly smooth and elegant political speech, a headstrong article, a social program, or a philosophical system on the basis of both a mistake and a lie. What is hidden, what distorted, will not immediately become obvious. Then a contradictory speech, article, program, a differently constructed philosophy rallies in opposition – and all just as elegant and smooth, and once again it works. Which is why such things are both trusted and mistrusted. In vain to reiterate what does not reach the heart.

But a work of art bears within itself its own verification: conceptions which are devised or stretched do not stand being portrayed in images, they all come crashing down, appear sickly and pale, convince no one. But those works of art which have scooped up the truth and presented it to us as a living force – they take hold of us, compel us, and nobody ever, not even in ages to come, will appear to refute them. So perhaps that ancient trinity of Truth, Goodness and Beauty is not simply an empty, faded formula as we thought in the days of our self-confident, materialistic youth? If the tops of these three trees converge, as the scholars maintained, but the too blatant, too direct stems of Truth and Goodness are crushed, cut down, not allowed through – then perhaps the fantastic, unpredictable, unexpected stems of Beauty will push through and soar *to that very same place*, and in so doing will fulfil the work of all three?

In that case Dostoevsky’s remark, “Beauty will save the world,” was not a careless phrase but a prophecy? After all *he* was granted to see much, a man of fantastic

illumination. And in that case art, literature might really be able to help the world today?"¹

This idea is evident when one examines his *magnum opus* *The Gulag Archipelago*, which is very faithful to facts and contains profound discussions on historical and legal matters. However he subtitled the work as "an experiment in literary investigation," evidently anointing it as a work of art. This is probably the reason why in spite of so many books on the workings of totalitarianism or the dreaded Gulag system, none has moved our hearts and minds like this work.

Solzhenitsyn goes on to explore how literature can bridge the 'yawning chasm' that separates peoples and cultures in the world. What really inspired him to initiate this process is the difficulty people living in the Communist world had in making the Western world understand the totalitarian experience. The insensitivity and inability of people to understand suffering are linked, according to him, to how humans come to comprehend the world and forge their 'scale of values.'

5. Conclusion

Solzhenitsyn has through his extraordinary works and his own exemplary courage inspired generations of writers and defenders of human rights. His works have exposed the 'Lie' that Marxism perpetuated in the Soviet Union by indoctrinating millions of citizens and banishing those who questioned the ethical foundations of the Soviet state. Sadly while being a highly respected figure, his legacy has remained undervalued in the opinion of the author. When the Soviet Union collapsed and the Cold War ended, leaders like Ronald Reagan and Margaret Thatcher were praised to the high skies.

¹Solzhenitsyn, *Nobel Lecture*, 6.

The media extolled the virtues of the western political leaders who were credited for bringing down the ‘evil regime’ of communism.

Historians almost always seem to be obsessed with ‘great individuals’ and they almost singularly focus on their achievements. Historical epochs are identified with kings and military leaders who appear to be solely responsible for great military victories. This narrative seems to miss out on the contributions of ordinary people who have also played a major role in transforming history. An alternative to this is the theory of history put forward by the great Russian writer and social reformer Lev Tolstoy. In his great work *War and Peace* he expounds his theory of history. Tolstoy shatters the concept of individuals single-handedly transforming history. He looks at the French invasion of Russia in 1812 from a very different perspective. Most historians focused on the military genius of either Napoleon or Alexander I (the then Tsar of Russia) and attributed to them extraordinary qualities that apparently enabled them to change the course of history. Tolstoy disagrees: “In historical events so-called great people, are labels, giving a name to an event, who, like labels, least of all have a connection to the events themselves.”¹ For Tolstoy both Napoleon and Alexander I are ordinary men. *War and Peace* reflects these opposite tensions in the author’s own psychological make-up. It is a novel about aristocratic heroes, who are allowed their stories and sense of rational control, whereas history itself is driven by the inchoate passions of the masses – that ‘unconscious life of the human swarm.’ Nevertheless, as Tolstoy says: “In history fatalism is unavoidable in order to explain irrational phenomena.”

¹L. Tolstoy, *War and Peace*, New York: K. Doubleday, 2012.

History appears to have its own inevitability, and this, along with the negation of the possibility of leadership, raises the philosophical question of free will; it also raises another important issue for Tolstoy himself, a concern shared by Solzhenitsyn – the role of God in human affairs.¹

Tolstoy blames professional historians for making two seminal mistakes. They take one arbitrary strand of continuous events and examine them in isolation, and secondly they view the actions of one man, be he a tsar or a military general, as expressing the sum of the people's arbitrary will. He ends the section by proposing his own historical method, which is to leave aside tsars, ministers and generals "but to study the similar, infinitely small elements, which guide the masses," although he admits "No one can say to what extent it is possible for man to understand the laws of history by this means." Nevertheless, the study of history in its present form is highly subjective, as he will later suggest: "With every year, with every new writer, we see that the view changes of what constitutes man's good, so that, in ten years' time what seemed good is presented as evil and *vice versa*."²

Applying Tolstoy's theory of history Solzhenitsyn's legacy appears to take on a different hue. Solzhenitsyn and the millions of zeks who retained their sense of ethics by fighting the brutal communist system will be better represented by this approach to history. It was the effort of numerous individuals that changed history. As Solzhenitsyn would aptly put it "One word of truth will outweigh the entire world."³

¹S. Volkov, *The Magical Chorus: A History of Russian Culture from Tolstoy to Solzhenitsyn*, New York: Vintage Books, 2009, 5-7.

²Solomon Volkov, *The Magical Chorus*, 41.

³The conclusion of his Nobel Lecture speech.

POLITICS AND ETHICS OF WELFARE STATE

Cheriyā Alexander♦

1. Introduction

Fans of Charles Dickens will vividly recall the scene from the early pages of his novel, *Oliver Twist*, in which Oliver, the young orphan inmate of the workhouse, shocks the entire institution by daring to walk up to the master with his empty porridge-bowl and ask, "Please, sir. I want some more."¹ Oliver is quickly pummelled to the ground and bundled off to be apprenticed to an undertaker. Such episodes from the novels Dickens wrote did a lot to raise public awareness about the horrible conditions prevalent in the social welfare institutions of Victorian England. For readers today, it brings into sharp relief the paradoxes inherent in attempts to institutionalize charity.

A little earlier in the novel, Dickens writes about the motivation that animates the board that runs the workhouse, established on the basis of the laws passed by parliament:

The members of this board were very sage, deep, philosophical men; and when they came to turn their attention to the workhouse, they found out at once, what

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♦First published in *Journal of Dharma* 38, 3 (2013), 285-302.

¹Charles Dickens, *Works of Charles Dickens, Oliver Twist*, vol. 1, New York: Townsend & Co., 1861, 35.

ordinary folks would never have discovered – the poor people liked it! It was a regular place of public entertainment for the poorer classes; a tavern where there was nothing to pay; a public breakfast, dinner, tea, and supper all the year round; a brick and mortar Elysium, where it was all play and no work... With this view, they contracted with the water-works to lay on an unlimited supply of water; and with a corn-factor to supply periodically small quantities of oatmeal; and issued three meals of thin gruel a day, with an onion twice a week, and half a roll on Sundays.¹

The sarcasm with which Dickens treats the subject might make us think this was a cruel system because it appears that in the name of taking care of the welfare of the poor and disadvantaged members of society, the state was in fact administering a remedy that was worse than the disease. In its defence the state could very well have taken the line that a minimal level of assistance, even if it was humiliating, was better than total abandonment of the poor. It was a debate that was never quite settled and the ethical questions relating to welfare systems operated by the state don't easily resolve themselves even in our times.

2. Welfare State Model: The Present Crisis

The ideal and the practice of the modern welfare state, evolving as it did in stages from the 18th Century 'Age of Enlightenment' in Europe and finding its culmination in the cradle-to-grave security offered to citizens by governments in France and Scandinavia, has been hailed as the realization, on a large scale, of the ethical ideal of compassionate care articulated in all the

¹Dickens, *Oliver Twist*, 34.

major religious traditions. This was the thinking that also animated some of the founding fathers of the modern Indian nation. Ever since India emerged as a sovereign republic, the broad outlines of a state-directed welfare framework was enshrined in the Constitution and successive governments vied with each other to realize this or that component of the welfare state, albeit in a piecemeal fashion and through a process riddled with implementation hurdles and rampant corruption.

Today, all over the world the institution and the ideal of the welfare state are under siege. In countries which until recently proudly boasted social security protection for every citizen – the United States, Britain, France, Greece, and even some Scandinavian countries – the welfare state is to a significant extent being dismantled to the detriment of the most vulnerable segments of society. A case in point is the current situation in France, where it has become the unfortunate responsibility, ironically, of the *socialist* President, Francois Hollande to cut back on France’s celebrated pension and allied welfare schemes, owing to a number of inevitable factors. A key reason has been the demographic imbalance stemming from low birth rates and increasing life expectancy, leading to a much smaller working age population which can be taxed in order to fund pensions for the elderly. It is a well known fact today that communism in the former Soviet Union and its satellite nations in Eastern Europe simply collapsed (in the 1990s) because it couldn’t compete in an increasingly globalised economic system. China has retained communism in the political structure but has virtually abandoned it in the economic domain, embracing state-directed market capitalism to generate wealth. Cuba, a communist state that somehow managed to survive the collapse of communism elsewhere is now finding that it has to cut back on what the state can provide simply because it is difficult to get the revenue

needed to retain every feature of its once comprehensive welfare edifice. Earlier this year, the politburo member in charge of the government's economic reforms announced what amounted to a measure of privatisation, as this report from *The Economist* makes clear:

Mr Murillo, a burly economist who is in charge of implementing economic reforms (officially dubbed "updating"), stressed that the core of the system remained "social property". But he also talked of "wealth creation" and the need for "price signals" and "market factors". "Life has shown that the state can't do everything," he said. "Success will lie in how to maintain macro balance while giving space to the market and wealth creation."¹

Under 313 "guidelines" approved by a Communist Party Congress in 2011, Raúl Castro is trying to revive the island's moribund economy by transferring a chunk of it from state to private hands and by streamlining a cumbersome central-planning system. So far the changes have centred on farming and small business.²

Even in India there is an unstable see-saw between politically motivated populist welfare measures and cutbacks dictated by severe fiscal limitations. There are a variety of reasons for this – bureaucratic ineptitude, the rise of neoliberal

¹*The Economist*, June 22, 2013 <http://www.economist.com/news/europe/21579827-socialist-president-who-has-no-alternative-cut-pension-and-welfare-spending-faces>, <accessed on 1 November, 2013>

²*The Economist*, July 20, 2013 <http://www.economist.com/news/americas/21581990-and-eventually-perhaps-one-currency-tempo-reform-accelerates-money-starts>, <accessed on 1 November 5, 2013>

corporate vested interests, the profligacy of large government schemes that result in the benefits flowing to anyone but the intended beneficiaries, and so on.

3. Clash of Ethical Paradigms

When it comes to the philosophical level, there appears to be a clash between two broad ethical paradigms in our time – between the ideology of welfare economics and that of the ‘free’ market. Both claim ethical imperatives as their driving force. If the welfare state ideologies date back to religious and ethical injunctions ranging from Sabbath, Jubilee, Charity, (of Judeo Christianity), to socially engaged Buddhism and Loka Kalyana in Hinduism, the free-market emphasis on fiscal prudence and the work ethic, accompanied by condemnation of the social parasite can also be traced back to very early ethical frameworks, especially in the Judeo-Christian tradition and Confucianism.

This paper will attempt to provide a brief overview of the historical factors that led to the establishment of the welfare state and a brief analysis of its present state of crisis.

4. Social Welfare: A Brief History

In the sacred texts of Judaism (co-opted by Christianity under the rubric ‘Old Testament’) there are innumerable references to the creation of a just society as one of the imperatives that flow from divine action. The first book of the Torah (Genesis) inscribes the origins of the Sabbath, the weekly day of rest, into its mythos of the creation of the world by divine fiat (Genesis 2:2, 3). In the next book it is sought to be legitimized by nothing less than divine action, since God himself is presented as resting from his prodigious work of creation (Exodus 20:11). Decreeing a day of rest, especially in a context where the toiling masses constituted the majority, was undoubtedly a contribution to

their well-being. The Sabbath imperative is also applied to agricultural practice, as in the requirement to let the land lie uncultivated every seventh year, so as to make surplus food crops available to the poor (Exodus 23:10, 11).

Another notable feature of the social welfare system enjoined by ancient Judaism was the observance of the 'year of Jubilee' every fifty years. The twenty fifth chapter of the book of Leviticus is replete with instructions about Jubilee requirements. It was to be a time for universal debt cancellation. All debt had to be written off and properties taken as collateral had to be returned to the debtor who had pledged them, regardless of the quantum of repayment made. This reduced rural indebtedness and ensured that succeeding generations did not start life at a huge disadvantage owing to inherited debt burdens.

The question raised by Cain, "Am I my brother's keeper" is answered in the affirmative by the long line of Hebrew prophets starting with Isaiah, who conveys to the people God's emphatic words urging them "to seek justice, rescue the oppressed, defend the orphan, plead for the widow" (Isaiah 1:17).

The ethical basis of the establishment of a welfare state was further underscored by Jesus of Nazareth, whose life and teachings served as the inspiration for the founding of Christianity. Jesus, rooted as he was in the Jewish prophetic tradition, summed up his social ethic by re-stating the well-known golden rule in positive rather than negative terms: "Do to others what you would have them do to you" (Luke 6:31), thus offering a praxis of welfare rather than a mere doctrine. In the various traditions of Christianity, this injunction has been manifested as the commitment to charity and social welfare. In India, this can be seen in the numerous hospitals and schools started by Christian missions.

There is one recorded instance of a sort of early Christian ‘communism’ in the New Testament, which speaks of the followers of Christ in Jerusalem selling all their possessions and voluntarily redistributing the proceeds according to the needs of the members (Acts 4:32-37). The monastic traditions that later sprouted out all over Christendom can be seen as attempts at community living and need-based redistribution of resources, albeit on a small scale in isolated monasteries exclusively for celibate members, somewhat akin to the Buddhist monastic traditions. In the era of high capitalism that ensued after the Industrial Revolution, acts of philanthropy on the part of rich capitalists like John D Rockefeller were hailed as the extension into a secular age of the Christian ideal of charity.

In the Hindu tradition, the popular mantra “*Loka samastha sukhinobhavantu*” (May all beings everywhere be happy and free), points to the desire for the well-being of all. Mohandas Gandhi drew inspiration from Vaishnavite spirituality, the tradition in which he had been raised, to formulate his paradigm of social welfare – the idea that selfless service to the most disadvantaged sections of society was identical with service to God. In 1929, he wrote: “*Daridranarayan* is one of the millions of names by which humanity knows God who is unnamable and unfathomable by human understanding, and it means God of the poor, God appearing in the hearts of the poor.”¹ Social welfare and redistribution of wealth through charity is also a

¹M. K. Gandhi, *Young India*, 4-4-1929, 110 as found in E-book version of *The Mind of Mahatma Gandhi: Encyclopedia of Gandhi's Thoughts*, R. K. Prabhu & U. R. Rao, eds., Ahmedabad: Navajivan, 1967, http://www.mkgandhi.org/ebks/mindof_mahatmagandhi.pdf p. 194, <Accessed on Nov 5, 2013>

strong element in Islamic teaching, with the affluent being required to contribute to the welfare of the poor.¹

While the promotion of social welfare constitutes one of the core tenets of the ancient sacred traditions, they nevertheless also contain numerous warnings of the risks involved in institutionalizing charity. The book of Proverbs in the Bible contains ancient Jewish statements inveighing against subsidizing the lazy. One of them puts it this way: "Like vinegar to the teeth and smoke to the eyes, so are the lazy to their employers" (Proverbs 10:26). This critique has taken various forms all through subsequent history. The ethical argument invoked for the purpose is based on the injustice done to the hardworking members of society. Forcing taxes out of the latter to pay for the 'undeserving' poor has been seen as unethical by critics of massive welfare programs, regardless of whether these are undertaken by religious institutions or by the state.

Implicit in such critiques is also the argument that the poor are often to blame for their own poverty. In the case of the workhouse system as described by Dickens, the administrators of the welfare projects of Victorian England set up workhouses for able-bodied recipients of welfare funds from the public coffers. Following the legislations of the 1830s, there was an attempt to clearly differentiate between the 'deserving poor' and the 'undeserving poor.' In return for doles that kept them at mere subsistence levels, the undeserving poor could be made to toil away in workhouse settings that were deliberately kept somewhat bleak as a disincentive for the potentially indolent.²

¹"Muhammad and the Religion of Islam," *The Encyclopedia Britannica: Macropedia*, 15th ed., 2007.

²Richard D. Altick, *Victorian People and Ideas*, New York: Norton, 1973, 122-125.

The roots of the secular idea of a just social order can be traced back to two pan-European intellectual and cultural movements – the Renaissance (16th century) and the Enlightenment (18th century). As a result of the influence of these movements, the power of the church over people’s daily affairs began to weaken in Europe and the secular era began, bringing with it more secular articulations of the welfare ideal. The thinkers of the Enlightenment were among the first to present elaborate theories of society including the broad outlines of a system to secure social justice. For Adam Smith, the state could promote social justice by ensuring that its citizens were free to pursue their economic self-interest. Given such a condition, the free market would eventually settle the just price of each commodity as also the just wage of each person’s labour, both of which would be arrived at through the operation of what Smith famously called ‘the invisible hand’ [his metaphor for market forces]. John Locke argued for another essential requirement of such a paradigm, namely, the guarantee by the state that private property, acquired by the industrious through lawful means, would be protected. Beyond this, neither thinker advocates much of a welfare role for governments but would rather let private philanthropy take care of the desperately poor.

By the mid-nineteenth century, opponents of the classical laissez-faire doctrines articulated by thinkers like Locke and Smith began to express their contrarian positions. These were the early anarchists, socialists and, eventually, Marx and his followers. Proudhon made his now-famous declaration ‘property is theft’ in 1840, inaugurating an era of new debate on the ethicality of vast wealth in private hands. The idea of public ownership of the means of production became the cherished goal of the Marxist campaign for a just social order, a goal which could only be realized through the revolutionary uprising of the

international industrial proletariat. Marx and Engels held in contempt both the Christian notion of charity and its secular manifestation in the form of philanthropy. Friedrich Engels in his *Condition of the Working Class in England* (1845) denounces charity and philanthropy in strong words:

They who have founded philanthropic institutions, such as no other country can boast of! Philanthropic institutions forsooth! As though you rendered the proletarians a service in first sucking out their very life-blood and then practising your self-complacent, Pharisaic philanthropy upon them, placing yourselves before the world as mighty benefactors of humanity when you give back to the plundered victims the hundredth part of what belongs to them! Charity which degrades him who gives more than him who takes; charity which treads the downtrodden still deeper in the dust, which demands that the degraded, the pariah cast out by society, shall first surrender the last that remains to him, his very claim to manhood, shall first beg for mercy before your mercy deigns to press, in the shape of an alms, the brand of degradation upon his brow.¹

The Marxist ethical claim, then, was that whereas philanthropy was complicit in the exploitation of the poor, it was only the revolutionary overthrow of the hypocritical bourgeois order and its displacement by the dictatorship of the proletariat that could make life dignified and free for the downtrodden.

During the second half of the nineteenth century the claims of revolutionary socialism and communism caught the attention

¹Friedrich Engels, *Condition of the Working Class in England* (1845). Ch 13 as sourced from <http://www.marxists.org/archive/marx/works/1845/condition-working-class/ch13htm> accessed on 30 October 2013

of the youth and the intelligentsia. It wasn't long before governments in some industrial nations, often motivated by the desire to pre-empt violent revolution, began to legislate a slew of welfare reforms aimed at providing some measure of social security to vulnerable sections of their citizenry. The first to do so was the government of Otto Von Bismarck in Germany. In the 1880s, the government led by Bismarck introduced accident insurance and old-age pensions as well as a publicly funded healthcare system. This model of state intervention on behalf of the welfare of its citizens soon caught on and, as the decades went by, it became almost an axiom of democratic political thought that the state had a duty towards the economically vulnerable classes of society.¹

Following the economic shocks of the Great Depression, the Roosevelt administration in the United States began a programme of massive public spending in order to jump-start the collapsed economy.² Roosevelt's 'New Deal' programmes became immensely popular amongst millions of people who were dispossessed by the hard blows of the depression and he was voted back to power for an unprecedented fourth successive term, making him one of the most popular politicians ever to rule that country. Roosevelt's gamble worked, thanks in large measure to the tremendous economic boost that the Second World War brought with it. The New Deal ideology was essentially a welfare state ideology. It set up an enormous social security system funded by taxpayer money. The state could thus

¹Kenneth Barkin, "Bismarck," *The Encyclopedia Britannica: Macropedia*, 15th ed., 2007.

²Joseph A. McCartin, "The New Deal Era," *Oxford Companion to United States History*, Paul S. Boyer, ed., New York: Oxford University Press, 2001, 546.

claim to fulfil by proxy the comfortable citizen's moral duty of being his or her 'brother's keeper.' Successive administrations attempted to expand the safety nets of Social Security, culminating in the 'Great Society' legislations that Lyndon Johnson managed to get Congress to pass.

In India, the ideology of the welfare state informed the deliberations of the Constituent Assembly as it drew up the blueprint of the Indian republic. By incorporating a fairly elaborate section on the 'Directive Principles of State policy,' the Constitution makers were calling upon governments at both the centre and the states to begin the task of building, in stages, a viable welfare state. Coupled with this was the constitutional directive to set up affirmative action programmes for entire classes of the downtrodden (Scheduled Castes), who, by virtue of birth into their caste, were victims of grievous historical injustices. The aim was to make possible not just freedom from exploitation and humiliation but also equality of educational and economic opportunity to members of such groups. Politics in the early days of the republic revolved around the ideology of economic development along socialist lines, with the 'commanding heights of the economy' (Nehru's phrase) under public ownership and 'reservations' in educational institutions and in government sector jobs for the scheduled castes and other downtrodden, known today as the Dalits. It was hoped that this model of development, given enough time to work, would lift millions out of poverty and create security and well-being for the disadvantaged masses.

Meanwhile the USSR and China, role models for Indian socialist politicians and ideologues, were, by the 1950s, claiming to have realized the Marxian dream of the 'dictatorship of the proletariat' through their massively state-directed economies. Their mantra was centralized economic planning by the state. In

the early days the results were spectacular. Almost every aspect of life – food, housing, education, employment, recreation, healthcare, consumer goods, etc. – was directly run by the state for the welfare of its citizens. Nevertheless, the great economic achievements came at an appalling human cost. In the USSR, millions of lives were lost as the Stalin regime forced collectivization of agriculture and displaced large populations in massive social engineering projects.¹ In China, initiatives ordered by Mao, such as ‘The Great Leap Forward’ and the ‘Cultural Revolution’ – both ostensibly aimed at enhancing public welfare – also turned out to be catastrophic, with a very high cost in human lives.² By the 1980s, the internal contradictions of such vast state-run command economies soon exposed their fragility. The Soviet system imploded in 1989 and the Chinese radically changed course economically, albeit not politically, by adopting the model of the free market.

Meanwhile, in the developed world, politicians committed to wooing their electorates with more and more welfare measures found themselves running out of popular support, at least in Britain and America. By 1980, people in these countries had voted into power political leaders (Margaret Thatcher and Ronald Reagan) who vowed to conquer inflation and create more real economic activities by actually cutting back on welfare spending. For ideological and intellectual validation of their policies, these leaders cited the discoveries of the ‘Monetarist’ economists like Hayek and Friedman, who argued on the basis of another paradigm of ethics – that of fiscal prudence and the

¹Robert Conquest, *The Harvest of Sorrow*, New York: Oxford University Press, 1986, 299-307.

²Kenneth G. Lieberthal, “China,” *The Encyclopedia Britannica: Macropedia*, 15th ed., 2007.

work ethic (scripturally articulated in texts like the Book of Proverbs cited earlier in this article). Decades of welfare economics, they argued, had created large, inefficient public bureaucracies, caused populist politicians to promise fiscally unsupportable welfare benefits leading to oppressive increases in taxes for hard-working entrepreneurs, which, in turn acted as a disincentive to further entrepreneurial investments and thus to job creation. Add to this the reckless printing of paper money by governments to create funds in the face of loss of revenue from negative entrepreneurial growth and one gets inflation, which punishes the poor even further. The only way to climb out of this spiral, argued the Monetarists, was to re-incentivise entrepreneurship through tax cuts for businesses and cut back on bloated and inefficient government bureaucracies resulting from reckless and unsustainable welfare spending. The withdrawal of several easy freebies from the state would, they admitted, cause some misery initially, but, eventually these withdrawal symptoms would be overcome and, given time, businesses would bounce back and generate jobs and opportunities for all as the real economy would replace the illusory welfare paradise touted by populist politicians.¹

This was nothing short of a return to the paradigms of the classical economists like Adam Smith. The argument was that the unfettered pursuit of self-interest by the entrepreneurial class would create economic opportunities for all. Moreover, while economic inequality could not be eradicated, hardly anyone would be reduced to grinding poverty. For the deserving poor, it was argued, there was always philanthropy and even a modicum of support from the minimal state.

¹Manfred B. Steger and Ravi K. Roy, *Neoliberalism: A Very Short Introduction*, Oxford: Oxford University Press, 2010, 15-45.

The steady growth of globalization in trade was soon to facilitate the spread of this ‘Neoliberal’ economic philosophy to other parts of the world, particularly to developing nations like India. Historically these nations had just emerged from the long era of colonial rule during which their local economies were completely disrupted by the Industrial Revolution and the manipulation of global commerce by the colonial powers. With their traditional labour-intensive industries destroyed by cheap imports of manufactured goods and their traditional, ecologically sustainable system of mixed farming replaced by plantations producing ever cheaper cash crops for western markets, these nations were at an economic disadvantage vis-à-vis the developed world. They were now in a world where the prices at which the developed nations sold manufactured goods to them and the prices at which the same developed nations bought minerals, plantation produce and textiles from them were both largely determined by the developed nations. Soon developing nations, notably India, through the pursuit of a largely socialist objective of import substitution in manufacturing began gaining some measure of self-sufficiency and bargaining power in international trade. By the early 1990s, however, many developing countries, including India, were experiencing slow economic growth and mounting public debt. By this time it was becoming difficult to generate the revenue needed to sustain ambitious state-directed development programmes aimed at raising the standard of living of all citizens.

In India’s case, the attempt to deliver on the constitutional promise of comprehensive welfare for all through economic development had led to the creation of a very large and largely inefficient bureaucracy. Widespread corruption, a lax work ethic, especially in public sector enterprises, an overemphasis on

a discourse of rights and entitlements at the expense of an equally necessary discourse of duties, all contributed to the growing malaise of public indebtedness. Add to this a global trading system skewed in favour of the developed world and it is easy to see why India had not much choice but to seek funding from overseas institutional lenders like the International Monetary Fund. Development assistance from such agencies was conditional on the state agreeing to make massive cutbacks in its welfare schemes and to disinvest from the public sector industries it was running, including the ones that were doing well. This writer can recall the time in the late 1990s when at the behest of its chief creditors, the IMF/World Bank, the Government of Karnataka began phasing out its 'grant-in-aid' scheme in support of privately managed colleges catering to all sections of society, particularly the economically disadvantaged. The phrase bandied about at time was that higher education was not, in World Bank parlance, a 'merit good' and therefore not entitled to state subsidy.

The world over now this neoliberal paradigm is being imposed with the completely paradoxical result that recently (2008 onwards), when unethical business practices by big financial corporations caused a general economic collapse, the United States government used taxpayer generated public funds to bail out these failing corporations and banks in order to keep the markets afloat. Nevertheless, when President Obama attempted to push through a piece of legislation aimed at providing affordable health insurance for the most vulnerable sections of society, objections were raised in Congress about how unaffordable this was, given the debt-financed state of the public exchequer. Meanwhile the once robust social security system – hitherto the hope of single mothers, the aged, the disabled and the unemployed – has now shrunk significantly,

putting at risk the future well-being of many ordinary citizens. Increasingly, states are being compelled to transfer pension funds to private investment firms whose promise of future security is subject to market risk. Some of these investment firms have turned out to be run by outright fraudsters like Bernie Madoff, whose firm declared bankruptcy in 2009, plunging into misery the thousands of people who had invested their hard-earned money into pension funds run by him.¹

5. Social Justice: Theory and Practice

So, which one delivers a better hope for a just social order – the market or the state? In this context, we might do well to look at the issue from a philosophical vantage point. In 1971, John Rawls wrote his highly influential *A Theory of Justice*, in which he argued that mere economic inequality could not, *prima facie*, be deemed unjust; injustice begins only when the social system is so structured as to deny equal opportunities for all: “While the distribution of wealth and income need not be equal, it must be to everyone’s advantage, and at the same time, positions of authority and offices of command must be accessible to all.”² However, this, the ‘second principle’ of justice, cannot, according to Rawls, be allowed to compromise what he presents as the ‘first principle’: “Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.”³

¹*The Economist*, 18 December 2008, <http://www.economist.com/node/12818310>, <accessed on 15 October 2013>.

²John Rawls, *A Theory of Justice*, Cambridge, Mass: Harvard University Press, 1971, 60.

³John Rawls, *A Theory of Justice*, 60.

While Rawls's paradigm appears simply and elegantly phrased, it opens up a cascade of paradoxical reflections and he spends the rest of his voluminous treatise teasing out all its complex nuances and ramifications. When applied to societies like India's, with historically entrenched and discriminatory social hierarchies, the realization of the second principle often calls for a strong and assertive state, determined to create a level playing field in the interest of social equity. However, such a strong state is then highly likely to compromise on the first principle, that of upholding the liberty of each individual citizen. A telling example of this took place in India, during the period 1975 to 1977, when state functionaries, using the special powers conferred on them by the Emergency, attempted to push forward an otherwise well-intended component of the welfare agenda (population control) through a campaign of forced sterilisation, thus committing a gross violation of basic human rights.¹

Amartya Sen points out the problems involved when the state, in the exercise of its well-intentioned welfare policies, ends up willy-nilly *deepening* entrenched social inequality owing to its insensitivity to the interplay between the factors of caste and class. He employs the metaphor of 'friendly fire' (a military term denoting the situation when soldiers accidentally fire on members of their own army) to delineate the ways in which government welfare programmes, if not sensitively handled, can, ironically, cause *more* deprivation instead of enhancing the welfare of the poorest segments of society.² Sen goes on to

¹*Times of India*, Dec 29, 2010, http://articles.timesofindia.indiatimes.com/2010-12-29/india/28661327_1_slum-clearance-sanjay-gandhisterilization, <accessed on Oct 30, 2013>.

²A. Sen, *The Argumentative Indian*, New Delhi: Penguin, 2005, 206.

present a telling illustration of this in his discussion of the government’s food policy. The Indian state’s concern for the welfare of farmers leads to a policy of high support prices for procurement of grain from farmers. This helps stimulate an overall increase in food grain production which in turn leads to large buffer stocks in the government’s storage facilities. This is hailed as great progress – and rightly so – for a nation that in the not too distant past had frequently been dependent on foreign aid every time the monsoons failed. However, once the large bureaucratic machinery directing this process is set in motion, it rolls on without regard to the complexities of the realities on the ground, leading to an inordinate emphasis on storage. The result is the painful irony of large buffer stocks rotting in state-run warehouses while hundreds of thousands become victims of starvation and malnutrition. Sen’s analysis of this blatant contradiction is quite insightful:

The counterintuitiveness – not to mention the inequity – of the history of this development is so gross that it is hard to explain it by the presumption of mere insensitivity – it looks more and more like insanity. What could be the perceived rationale for all this? What could explain the simultaneous presence of the worst undernourishment and the largest unused food stocks in the world (with the stocks being constantly augmented at extremely heavy cost)?

The immediate explanation is not hard to find. The accumulation of stocks results from the government’s commitment to high minimum support prices for food grain – for wheat and rice in particular. But a regime of high prices in general (despite a gap between procurement prices and consumers’ retail prices) both expands procurement and depresses demand. The bonanza for food producers and sellers is matched by privation of food consumers.

Since the biological need for food is not the same as the economic entitlement to food (what people can afford to buy given their economic circumstances and the prices), the large stocks procured are hard to get rid of, despite rampant undernourishment across the country. The very price system that generated a massive supply kept the hands – and the mouths – of the poorer consumers away from food.¹

Amartya Sen points to a further irony that involves the subsidy side of the equation. In trying to make food prices affordable to the poorest, the government introduces a subsidy. But this does not result in any significant decrease in the price at which the poor buy food because much of the subsidy ends up paying for “the cost of *maintaining* a massively large stock of food grain, with a mammoth and unwieldy food administration (including the Food Corporation of India).”² This huge bureaucratic edifice, set up with the express intention of enhancing the well-being of the poorest, is in reality unresponsive to the exigencies in which the poor find themselves. It is thus tantamount to the denial of what John Rawls calls his second principle of justice, insofar as such a bureaucratic structure denies access to redress for the aggrieved segments of society. In this particular case, as Sen sees the problem, the political process, for all its declarations of fidelity to constitutional directives, is actually travelling in a direction that is subversive of democracy owing to the disproportionate influence of farm lobbies representing large and medium scale farmers. Sen concludes: “It is said that a little knowledge is a dangerous thing. So, unfortunately is a little bit of equity when its championing coincides with massive injustice

¹Sen, *The Argumentative Indian*, 213-214.

²Sen, *The Argumentative Indian*, 214.

to vast numbers of people. It is, again, a case of ‘friendly fire,’ even though the involvement of rich farmers’ pressure groups thickens the plot.”¹ For all his criticism of the state for its failure to ensure fair and equitable distribution of the basic necessities of life, Sen, nevertheless, steers clear of the neoliberal demand for a minimalist state. All he calls for is for a more sensitive framing of policy with a view to favouring the truly indigent sections of society.

Even a thinker as committed to libertarianism as John Rawls concedes the need for state intervention in the face of glaring social inequality, as is inevitable if his second principle of justice is to be realized. He invokes a form of social contract theory to delineate the imperatives that must necessarily flow from a commitment to the promotion of the public good that all rational citizens (standing in a hypothetical ‘original position’) can be expected to make:

Assuming that the public good is to everyone’s advantage, and one that all would agree to arrange for, the use of coercion is perfectly rational from each man’s point of view. Many of the traditional activities of government, insofar as they can be justified, can be accounted for in this way... The characteristic features of essential public goods necessitate collective agreements, and firm assurance must be given to all that they will be honoured.²

In India’s case, the politics and ethics of the welfare state inescapably revolve around the Directive Principles of the Constitution, which require the governments at the central, state and local levels to be committed to a range of publicly financed social welfare programs. The process of centralized economic

¹Sen, *The Argumentative Indian*, 215.

²John Rawls, *A Theory of Justice*, 267-268.

planning has indeed helped build capacity and employability in sectors like agriculture and industry. In July 2013, the Planning Commission brought out a report that declared that there had been a significant decline in the poverty ratio for the nation as a whole across the decade ending in 2012.¹ While the economic indicators surveyed for the report do indicate an increase in purchasing power for millions of underprivileged people, the absolute numbers of those continuing in poverty are still quite substantial. For the luckless millions who belong to that category democratic political processes still hold some hope. Politicians, in their perennial quest for dependable vote banks, make wild promises of making available basic commodities at unbelievably low prices. As welfare measures these have temporary value and may well be defended by appeal to the Constitution's directives, but they are virtually impossible to sustain from a long-term fiscal standpoint and in the end the poor are left high and dry waiting for the next populist demagogue. It appears that the enormous structure (political, legal, and bureaucratic) set up to dispense welfare is itself so expensive to maintain that what trickles down to the intended beneficiaries is simply not adequate to lift them out of endemic poverty. There are simply too many 'transmission losses' at every stage of the journey of subsidy from New Delhi or the state capital to the lowest and the least in the smallest rural hamlet. According to political analyst Atul Kohli, the problem often lies at the local level:

India's local governments have generally been quite ineffective in pursuing either redistributive policies or poverty alleviation programmes. Of course, there has been

¹Press Note on Poverty - Estimates, 2011-12 Government of India, Planning Commission, July 2013, http://planningcommission.nic.in/news/pre_pov2307.pdf, <accessed on October 30, 2013>.

some variation on this score, with some pockets of success, especially in states that have prioritized the welfare of the poor. On the whole, however, panchayats have not functioned very well because of the complicity of corrupt local politicians and bureaucrats on the one hand, and the powerful among the upper castes and classes in the village society on the other. A variety of distributive programmes sponsored in Delhi, or in state capitals, has thus failed to reach the intended beneficiaries.¹

6. Conclusion

When faced with such seemingly intractable problems and gross miscarriages of redistributive justice, neoliberal critics of the welfare state cry foul, arguing that it is blatantly unethical for government to squander honest and hardworking taxpayers' money on wasteful schemes that primarily enrich already prosperous bureaucrats and unscrupulous middlemen. On a philosophical plane they seek to validate what could well be called the 'ethical egoism' articulated by thinkers like Adam Smith. They see themselves as psychological realists in that they perceive self-interest rather than altruism as the natural motivating factor for human action. In their view, the state should restrict its role to that of a ruthlessly neutral umpire of a free market that is run on the principle of a level playing field for all economic players. The free play of market forces, in a zone kept free from unfair trading practices through government regulation, will then usher in a socially just society, they argue.

¹Atul Kohli, "Politics and Redistribution," *Oxford Companion to Politics in India*, Jayal and Mehta, ed., New Delhi: Oxford University Press, 505.

It is clear then that the philosophical and ethical conundrums involved in the debate between proponents of the neoliberal free-market model and those who advocate the welfare state model cannot easily be resolved. Both sides claim that their ideology is grounded in the soil of social ethics. Both accuse the other of sacrificing long-term goals for short-term benefits. Going forward, it will become necessary for both sides to engage in constructive dialogue with a view to benefiting ordinary people. Those who have known no other system save socialism will do well to realistically assess the limitations of a system that can produce both good and bad results – welfare for the deserving poor as well as bloated, corrupt and inefficient bureaucracies, too costly to maintain by the hard-working and enterprising sections of the tax-paying citizenry. Diehard votaries of neoliberal ideologies must, for their part, be able to realize that while the free market is a great discipliner and curtailer of fiscal irresponsibility, it can also be soulless and indifferent to real human suffering.

Whatever the philosophical implications of this dilemma, ordinary citizens from their street-level vantage point glimpse not just the exchange of accusations between the political class and the business class but also the numerous sordid cases of collusion between them to the detriment of the common good. All they can do, every once in a while, is to dare to ask, like *Oliver Twist*, for more of what is truly good for all.

GENDER POLITICS AND QUOTA FOR WOMEN IN INDIA

Davis Panadan♦

1. Introduction

Empowerment of women in the society is a myth until they are conferred equality before law.¹ The foundation of freedom, justice and fraternity is based on the recognition of the inherent dignity and of equal and inalienable rights to all women of the society. The Universal Declaration of Human Rights in Article 2 affirms that “everyone is entitled to all the rights and freedoms set forth in this declaration without distinction of any kind.”² The Constitution of India is based on the principles of equality. It prohibits discrimination on the basis of religion, race, caste, sex and place of birth under Article 15. Though the constitution envisages political equality for men and women under Articles

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♦First published in *Journal of Dharma* 38, 3 (2013), 303-318.

¹R. C. Kessler and J. D. McLeod, “Sex Differences in Vulnerability to Undesirable Life Events,” *American Sociological Review*, 49, 5 (1984), 620-631, 612.

²<http://www.un.org/en/documents/udhr/>, accessed on 24 September 2013.

325 and 326, women in India, by and large, have not benefited from this right.¹The inadequate representation of women in decision-making bodies is one of the major factors that have contributed to their low status in the society.²

The statistical records show that there has been only a marginal increase in the last few decades in the number of women candidates fielded during the elections in India. Women's participation in positions of power in both houses of the Parliament has never exceeded 15% of all seats. The exception has been the 1991-1996 elections wherein their representation was at 15.5%. The trend after has been one of decline stagnating at around 8 percent, indicating a continued marginalisation of women in these institutions.³ At the State level, their membership in the legislatures in many States is lower than their percentage in the Parliament. The latest data from the States show that Delhi (12.86%) has the highest proportion of women members followed by Andhra Pradesh (9.52%) and Kerala (9.29%). Similarly, women in the decision-making bodies of the major political parties range from a mere 5.1 per cent in the CPI (M) to 12.5% in the BJP.⁴

2. Quota for Women in Panchayati Raj Institutions (PRI)

For political empowerment of women, women quota system in PRIs has been one of the pioneering approaches. This will enable

¹Neera Desai, "Indian March towards Equity: A Review of a Decade and half of Action and Policy on Women," *Janata: A Journal of Democratic Socialism* 45, 8 (1991), 9.

²George Mathew, *Status of Panchayati Raj in the States of India*, New Delhi: Institute of Social Sciences, 2005, 23.

³Desai, "Indian March towards Equity," 18.

⁴Desai, "Indian March towards Equity," 67.

women to participate in local governance and will lead to better public decisions which reflect local priorities. This in turn will lead to greater efficiency in public expenditures, improved governance, and greater equity in the democracy. The 73rd and 74th Constitutional Amendment Act 1992 has reserved thirty three percent of seats for women in Panchayats and Municipal bodies respectively. With these constitutional amendments, over three million women are now actively participating in shaping the policies and programs of the country, though only at the local levels of governance and not at the State and Central levels. These amendments have given women the authority to deliberate, debate and participate in the process of formulating policy and in the choice and implementation of development programs that impact people’s daily lives.¹ The empowerment of women, through a well-devised system of reservation, has not only brought about a change in socio-political culture but has also led to a virtual transformation of the rural scene where people have increasingly become aware of their rights and have started demanding their share in power.

Rural India has a total of 225,000 Gram Panchayats with a membership of 2,250,000 elected representatives. Of these, women constitute 950,000 or a third of the elected members. There are 150,000 scheduled caste and scheduled tribe members of which 50,000 are women. Of a total of 225,000 chairpersons, again one third of them or 75,000 are women in the year 2005.² In fact, in 2005, nine States have gone beyond the 33% reservation quota and four states have gone above 40% – Kerala 57.24%,

¹E. K. Santha, *Political Participation in Panchayati Raj: Haryana, Kerela and Tamil Nadu*, New Delhi: Institute of Social Sciences, 2004, 37.

²George Mathew, *Status of Panchayati Raj in the States of India*, New Delhi: Institute of Social Sciences, 2011, 20.

Assam 50.38, Gujarat 49.30%, and Karnataka 43.6%. In 2011, 22 states have gone beyond their reserved quota. Currently, every five years, about 3.4 million representatives are elected by the people of whom one million are women. More than 60 city corporations, about 700 town municipalities, about 215 district panchayats, more than 2,330 block panchayats and about 10,010 gram panchayats, have women chairpersons.¹ A large number of hitherto socially excluded groups and communities like the tribals and dalits are now included in these decision-making bodies. A space has been created for Indian women to emerge as a formidable force to fight for social justice and human rights.²

This is a significant step towards achieving the constitutional goal of equality by making democracy more vibrant. Women's enhanced participation in governance is viewed as the key to redress gender politics and inequalities in societies, especially in India. The main premise of this research is that the quota for women in the political institutions strengthens the political empowerment of women and transforms the democracy in India. An affirmative state initiative is necessary to facilitate and enable women to participate at these levels of political action.

3. The Meaning of Political Empowerment and Democracy

The involvement of women in the political arena and in decision-making roles is an important tool for empowerment as

¹Nirmala Buch, *Women's Experiences in New Panchayats: The Emerging Leadership of Rural Women*, New Delhi: CWDS, 2000, 235-252.

²Jill M. Bystydzienski, *Women Transforming Politics: Worldwide Strategies for Empowerment*, Bloomington: Indiana University Press, 1992, 45.

well as monitoring standards of political performance in a democracy. World Bank describes empowerment as the process of increasing the capacity of individuals or groups to make choices and to transform those choices into desired actions and outcomes. It is the process of transferring decision-making power from influential sectors to poor communities and individuals who have traditionally have been excluded from it.¹

Political empowerment can be understood as a multidimensional social process by which people without means of self protection or control over changes affecting their lives, equip themselves with knowledge, skills and resources which increase their capacity to make choices and to transform those choices into desired actions and outcomes which in turn enables them to participate in, negotiate with, influence, control, and hold accountable institutions that affect their lives. In its broadest sense, empowerment is the expansion of freedom of choice and action. Political empowerment shows in the capacity to analyse, organise and mobilise.² It is a process that fosters power in people, for use in their own lives, their communities, and in their society, by acting on issues that they define as important.³ This results in collective action which is needed for collective change; a process for ensuring equity, equality and

¹Alsop Ruth et al., “Inclusion and Local Elected Governments: The Panchayati Raj System in India” Social Development Paper 37, *World Bank, South Asia Region, Social Development Unit*, <http://go.worldbank.org/S9B3DNEZ00>, accessed on August 15, 2013.

²Nanette Page and Cheryl E. Czuba, “Empowerment: What Is It?” *Journal of Extension* 35 (2002), 57.

³Page and Czuba, “Empowerment: What Is It?” 57-59.

gender justice in all of the critical areas of the lives of women, especially of political arena.¹

4. Political Women Empowerment

The institutions of family, religion, education, media, law, etc. have sometimes negatively impacted on the condition and position of women and different degrees of power are being sustained and perpetuated through these institutions.² The power and control exercised over women for a prolonged period of time has placed them at the lowest stratum of society. This was established by patriarchy which stresses the prevalence of unequal power equation between men and women. Patriarchy has been prevalent though several theories disprove that there is a natural justification for patriarchy based on biological differences between men and women. This discrimination ultimately gets reflected in the Human Development Index where one-half of the human beings have failed to make progress in the ladder of development.³ When looking into the corrective measures, suggestions came in the form of empowerment process of women, by which women gain greater control over material and intellectual resources and challenge the ideology of patriarchy and the gender-based discrimination in all the institutions and structures of society.⁴For the realisation

¹Oxaal Zoe and Baden Sally, *Gender and Empowerment: Definitions, Approaches and Implications for Policy*, Sussex: Institute of Development Studies, 1997, 123.

²Jill M. Bystydzienski, *Women Transforming Politics*, 45.

³Tony Addison, *Development Policy: An Introduction for Students*, New York: United Nations University Press, 2004, 9.

⁴Usha Rane Choudhury, "Political Awareness and Women's Participation in Politics," *Gender Perspective: Participation*,

of women empowerment, organising and acknowledging them as a political force is a primary requirement.

In the Indian context, this has been implemented through the 73rd and 74th Constitutional Amendment Act with which women are enabled to represent not only the problems of women but also the society at large. Generally women’s perspectives are significantly different from men’s as they are more associated with ‘welfare and protective’ activities. If these activities are intertwined with political power, the result would be potentially remarkable. The space created for women in governance is expected to bring such a conspicuous change.

The need for women’s presence in politics should not be judged merely in terms of equity, i.e., giving reservation. Rather the process should enable women to participate effectively for more socially responsive governance. But this is not going to be an easy task since this process strikes at the root of existing power relations.¹ The existing power structure in the form of patriarchy, ideology and other institutions would show stiff resistance to change. With this backdrop, the present study analyses the position of women in governance, the problems they encounter and their performance in village panchayats in India.

Women are brought forward into the local political arena through the method of reservation of seats and they form

Empowerment and Development, ed., Anil Dutta Mishra, New Delhi: Radha Publications, 1999, 131-139

¹Vasanthi Raman, “The Implementation of Quotas for Women: The Indian Experience,” *Quota Workshops Report Series No. 1*, Stockholm: International Institute for Democracy and Electoral Assistance, 2002, 22-31.

'critical mass'¹ which ought to result in governance more responsive to women. Even though the process of women empowerment is ongoing, this space for women in politics has become an important area of analysis, because the socialization process has created differences between men and women and has placed men at the top of the hierarchy, who would not allow women to exercise their political power. Women's perceptions are moulded with the ideology which they imbibed from the socialization process and there are external factors which try to bridle women by domination and restriction. The conundrum faced by women in this transmission process can be broadly classified under three heads, viz., ideological level, pragmatic level and domain level.²

At the ideological level, for a long period, women have been subordinated to uphold male power and this is deeply embedded in the consciousness of women. Ideology is a complex structure of beliefs, values, attitudes, and ways of perceiving and analysing social reality – virtually, ways of thinking and perceiving.³ Even though the objectives and policies of the state may be superficially egalitarian, the ideology has an upper hand in performing its task of sustaining unequal

¹Dahlerup Drude, "Using Quotas to Increase Women's Political Representation,"

<http://www.idea.int/publications/wip/upload/3_Dahlerup.pdf>, accessed on 30 August 2013.

²Kumud Sharma, "Power and Representation: Reservation for Women in India," *Asian Journal of Women's Studies*, 6,1 (2000), 74.

³George Mathew, "Panchayati Raj Institutions and Human Rights in India," *International Council in Human Rights Policy*, 2002, <http://www.ichpr.org/paper_files/116_w_04.doc>, accessed on 30 August 2013.

power structure. This can be challenged by the collective force where marginalized sections of society raise their voice and make themselves sources of social power. The ‘critical mass’ of women has to perform ‘critical action’ to shake the basic source of dominance against them.

When women in power deal with their proceedings, repression of patriarchy takes its own course in the form of domination, oppression, character assassination, agitation and all other activities which rapidly subjugate women. Men in the fear of losing their traditional power and control over women react sharply against women in power. They may not be ready to free themselves from their role as oppressors and exploiters, and try to re-establish their power and strike women hard, trying to shackle them with psychological blows (where women are vulnerable mainly due to their socialization process).¹ Therefore, the process of women empowerment should co-opt men and make them realize that this process will relieve men from gender stereotyping. Changing gender relations will bring a fruitful result in the power-relations also. The burdens of male and female can get exchanged, leading to the insurance of using the power resources sanely and safely.²

At the domain level, the state is not women-friendly. This has been witnessed in many areas like framing legal framework, policies and programmes. These are mostly gender-neutral instead of gender- transformative and ameliorative. In the era of globalization, the state is dominated by market factors and everything is equated in terms of production and profit. In this milieu, women are worse affected. In many cases it is observed

¹Stephen Castles, “Studying Social Transformation,” *International Political Science Review* 10 (2001), 13-32.

²Raman, “The implementation of Quotas for Women,” 22-32.

that when women show resistance, the legal framework fails to rescue them. The dominance shown by these factors ultimately affects the performance of women and the state fails to create conducive environment to empower them. This can be solved only by adopting a strategy by creating enabling conditions to change women's position. The collective voice from women will serve as a catalyst.¹

In all these three dimensions, the power balance is tilted towards men; hence the notion of power has to be re-defined. On the whole, the process should enable women to challenge and change these three dimensions. Even though this is a multi-layered and a prolonged process, the presence of women in grassroot governance for more than half-a-decade proves their capacity so far. Their able leadership provided in terms of pro-poor, pro-nature, pro-community, pro-women, and pro-dalit activities is a great stimulant to the empowerment process of women.²

Without considering the voices of women in governance, the concept of human development will be full of flaws. Therefore, the state has to create enabling conditions to change women's position; men should co-opt themselves in this process; and finally women have to bring a change at their ideological level to quicken the process further.

5. The Positive Impacts of Quota for Women in the PRI

Women being new to power are performing amazingly in spite of the problem posed to them by society. What they need is a

¹Ruma Bannerjee, "Women in Panchayati Raj: A Study in West Bengal," Calcutta: Development Dialogues, 1995, 14.

²P. V. Vinod, "Women in Panchayati Raj: Grassroots Democracy in India," *Experience from Malgudi*, Delhi: UNDP, 1999, 56.

helpful platform for their action. They consider the difficulties as an opportunity to show their ability but the hard fact is the mental trauma they undergo. Substantive measures should be taken in this regard by the civil society and the state. The major inferences drawn from cases which show the present condition and position of women in power are briefly explained and analysed below. These cases reflect their promising performance amidst the colossal problems.

Jesu Mary, the President of Michaelpattinam Panchayat of Ramanathapuram district is a lady with a strong determination; she first convinces her opponents to make her task easier.¹ There was no water source in the village and providing drinking water supply was the first priority in her village. she got her village included in the Tamil Nadu Water and Drainage (TWAD) Board drinking water supply scheme, When she attended a training programme, she came to know of the importance of rainwater harvesting. With the help of SHGs, she installed the structures in all the 340 houses, but it took several months for the people to realize the importance of these structures. People started believing only when they saw the water level rising in their wells. In the whole state it was the first Panchayat to do rain water harvesting in all the houses in the Panchayat. This activity has credited her with the award by the World Bank and she was sent to Washington to receive the award.

Jesu Mary got five other Gram Panchayat women leaders interested in this work and then five other Panchayats also carried out this work because of her influence. Seeing this success, the Government of Tamil Nadu made it mandatory to

¹K. Bunagan et al., “The Quota System: Women’s Boon or Bane?” in *Women around the World*, April 2000, www.cld.org/waw5.htm, accessed on 15 August 2013.

install rain water-harvesting mechanism in all the buildings of Tamil Nadu. According to Jesu Mary for all her success, her opponents are responsible. Whenever she wants to introduce anything she discusses with them. She feels that critics are needed for a healthy democracy and critics' arguments will help the Panchayats to perfect the administration.¹

Fatima Bi head of Gram Panchayat of Kalva has won the United Nations Development Programme (UNDP) Race Against Poverty Award from the Asia-Pacific region for her remarkable work as village council leader. Inspired in her new role by the angry, social-justice seeking heroine in a highly popular Andhra Film, Fatima Bi began organizing women for developing the village.² Through her efforts and leadership the village has roads, school building and check dams. She initiated a Rs. 200,000 scheme to dig a five kilometre irrigation canal and clear about 200 hectares of fallow land for paddy cultivation. On Fatima's encouragement, the women began saving a small amount of money every month and within a year, 40 thrift groups with 300 women members had saved Rs. 200,000. Impressed by this, the UNDP granted Rs. 1.2 million as an interest free loan to the Village Development Organisation in Kalva. Managed by a committee of representatives of women's self help groups, the village organization has Rs. 2.0 million and loans granted by it have helped many families to start small rural enterprises. Once poor and backward Kalva now stands out as a well-to-do village with modern amenities in almost all the houses.

¹M. Banerjee, "Women in Local Governance: Macro Myths, Micro Realities," *Social Change* 85 (1998), 87-100.

²Vinod, "Women in Panchayati Raj," 56.

Rani Sathappan, the President of K. Rayavaram Gram Panchayat in Pudukkottai District, is in her second term.¹ Sections/groups in a village community had a clash due to difference of opinion, particularly in a case related to temple celebrations. Two different groups claimed that the ‘Muthal Mariyathai’ i.e., the first honours, had to be given to its leaders. This resulted in the discontinuance of temple celebration for a decade. The Panchayat Council decided to bring the two opposing parties to a peaceful solution. Rani took special interest and played a vital role in bringing about a settlement between those groups and, at last the temple ‘Kumbabisekam’ was performed successfully along with the festival celebrations.

During the initial period, her focus was on the provision of basic amenities to the villagers. In course of time she came to understand the problems of farmers. There were three ooranies and four kanmais in her Panchayat. Two kanmais belong to the PWD and two are under the Union Panchayat, when there was an encroachment on the inlet channel by an individual belonging to a nearby village. The Panchayat decided to deal with the issue carefully, otherwise there would be a clash between the two villages. Rani attended the monthly grievance day and brought the matter to the attention of the District Collector, who arranged for an inspection by the revenue officials. The revenue officials twisted the matter, and threatened that they would book the Panchayat President, if she did not obey the officials. She complained against the revenue officials. It is more than three years of struggle with the bureaucrats, but the encroachment is not yet removed. “Efforts will bring about change” is the slogan printed on her official letter pad.²

¹Buch, *Women and Panchayats*, 100.

²Vinod, “Women in Panchayati Raj,” 63.

Another significant achievement is that she made her village plastic-free. Nearly ten animals died after swallowing polythene materials dumped in dustbins. Taking this tragedy to the Gram Sabha, she discussed this issue with the people. Having convinced the people she evolved the norm that no one should use plastic articles in the Panchayat area and that individuals who violated the rule would be penalized.

Bhavani Ilango, the President of Merpanaikadu Gram Panchayat, Pudukkottai district was opposed by a section of the men folk.¹ She was even kidnapped by the opposition group. She decided to move closely with other women. She formed 23 Self Help Groups (SHGs). These SHGs helped the Panchayat in desilting a tank, which provided drinking water to the entire area. Valuing the work done by the women worth Rs. 60,000/-, the officials helped the Panchayat by laying a pipeline for the supply of drinking water. She is confident that the Panchayats, especially women-headed Panchayats, can achieve many more things if they get the support of other women. She felt that men have not changed their perception and attitude towards women even after seeing the transformation effected by the women leaders in Panchayats. They are to be conscientized on the concept of gender and its implications.

The firmness of these women shows that they are able leaders. Steps taken by Bhavani Ilango in spite of stiff resistance through male dominance, Pappa's affirmative action against the politicians and bureaucrats, and Rani's action against the usage of plastics are a few examples of their resoluteness. Women act as an agent of change and once decided they will achieve their

¹Banerjee, "Women in Local Governance," 91.

desired result in spite of all the hurdles.¹ They are changing their position from (i) Subordination to resistance, (ii) Curbs to challenge, and (iii) Suppression to co-optation. Of course, this phase is going to be the toughest phase for the whole society and women in particular, but there is a hope that change in power relations will bring favourable situation for development.

6. Change in the Women’ Perception

Women have gained a sense of empowerment by asserting control over resources, officials and, most of all, by challenging men. It has also given many women a greater understanding of the workings of politics, in particular the importance of political parties. On the other hand, some women’s involvement in PRI has helped them affirm their identity as women with particular and shared experiences. This self-perception arises from two sources: from women’s own sense of their shared experience and from attitudes and imagery imposed on them by the men. It appears that gender can supersede class and party lines. Women have opened up the possibility for politics to have not only new faces but a new quality. Some of the ways in which women, through PRI, are changing governance are evident in the issues they choose to tackle; water, alcohol abuse, education, health and domestic violence. Women also express different values. Women value proximity, whether it is to a drinking water source, a fuel source, a crèche, a health centre, a court of justice

¹Evelin Hust, “Political Representation and Empowerment: Women in the Institutions of Local Government in Orissa after the 73rd Amendment to the Indian Constitution,” *Heidelberg Papers in South Asian and Comparative Politics*, <http://www.sai.uni-heidelberg.de/SAPOL/HPSACP.htm> Working Paper No. 6, August 2002, accessed on 20 August 2013.

or an office of administration. The enormous expansion of women's representation in decentralised government structures has highlighted the advantages of proximity, namely the redress of grievance and (most important of all) the ability to mobilise struggle at a local level where it is most meaningful. Thus women are helping to radicalize local government.

The self-confidence women gained through belonging to local organisations seems critical to enabling women to step out of unequal relationships.¹ This sense of freedom is even more profound when the group to which women belong is the PRI. This freedom is carried into the very activity of politics by these women. There is a visible difference, a sense of excitement, in the women of rural India.

Women's involvement in PRI has helped them affirm their identity as women with particular and shared experiences. A woman at a Panchayat meeting in Karnataka stated: "When we meet we work together as women, for our lobby. We don't take much notice of our party identities." Party politics, a necessary condition for classical democracy, is competitive, but the women bring a non-competitive or cooperative ethic as they are drawn to work together across party lines and seem to have similar interests. Gender can supersede class and party lines. Women have opened up the possibility for politics to have not only new faces but a new quality.

PRI has helped to change local government beyond simply increasing the numerical presence of women. Visible changes in the articulation of ideas and leadership qualities exhibited by this minority were noted in the survey between 1987, the first year, and 1990. Evidence from West Bengal and Rajasthan shows that when a woman is the chair of the local council, the

¹Banerjee, "Women in Local Governance," 102.

percentage of village women attending the open Village Assemblies rises. This confirms the common observation that the presence of women in politics improves the rate of political participation of women in general.

7. Arguments against Seat Reservation for Women in PRIs

Legal quotas to enhance women’s representation, while increasingly common, are still highly controversial and heavily debated. Regardless of whether a person thinks that an equal representation of men and women is desirable, there are a number of arguments that speak against the introduction of legislated quotas for women’s representation.

Some opponents to legislated quota claim that the women elected through quota are less competent than their male counterparts, and that the main reason for the low level of women candidates is that there are fewer competent potential women candidates.¹ Women are in this case are perceived to have been nominated only because of their gender; they are not perceived as being equally competent as their male counterparts. Women may therefore prefer to be elected without a quota.² Some argue that the basic freedom of choice of voters is taken away from voters if a certain number of seats in the legislature are reserved for women. Some argue that quota gives the erroneous idea that only women can represent women – while men can represent both men and women. This would work against women in gaining representation based on the political ideas they represent rather than on their gender. Legislated quota tends to benefit the wives, daughters, sisters, cousins, etc.

¹Bystydzienski, *Women Transforming Politics*, 46.

²Bystydzienski, *Women Transforming Politics*, 49.

of traditional male politicians, rather than women who have developed constituencies of their own.

Some argue that legal quotas are too difficult to pass and require a very strong majority in the legislature. From this point of view, legislated quotas would not work as a ground-breaking rule since a majority of both elected members and political party leadership must be committed to achieving gender equality already. Some argue that it is easier and just as effective to lobby for voluntary party quotas instead.¹ Some argue that legislated quotas place a ceiling on women's participation rather than a lower floor, and that this hinders women from achieving real parity. Some argue that reserved seats foster an environment where women compete against each other rather than working together to achieve more influence in politics.²

8. Conclusion

The state intervention in the form of reservation of seats for women through 73rd and 74th Amendment Act can indeed become a real source of power. But this political space is highly contested and men, the "previous stakeholders, may not easily accept the shift in power equations."³ This is the beginning of a long process and collective action is necessary to quicken the process further. The power exercised by women should be

¹Leslie J. Calman, "Women and Movement in Politics in India," *Asian Survey*, 29, 10 (1989), 940-958, 940.

²Khullar, Mala, "Women's Caring in India: The Intersecting Public and Private Sphere," *Asian Journal of Women's Studies*, 5, 3 (1999), 60.

³Leslie J. Calman, "Women and Movement in Politics in India," *Asian Survey* 940 (1989), 940-958.

meant for social, political, economic and cultural development.¹ Firstly, women have to articulate their oppression collectively since the critical mass has been evolved and it will be easier for them to raise their voice collectively. Secondly, in this process women should enter into collaborative action with other multi-lateral organizations, which work for the same cause. Finally, the critical action taken consciously by integrating the activity and strategy will show better results, which may help women to utilize the space for political participation effectively.²

As Annie Marie Goetz, UNIFEM adviser on Governance, Peace and Security observed,

Women’s effectiveness at promoting women’s rights once in public office, however, is dependent upon many other factors besides their numbers. Institutional changes are needed in civil society, the media, political parties, legislatures and the judicial system in order to support women’s policy agendas and to make the transition from policy to practice.³

The responsibility to create supportive environment for gender equality and advancement of women as shared responsibility falls equally on the national and international communities. Along with implementing an action plan designed specifically to increase women’s political empowerment, it is important to secure broad changes in the political system. This could be done through internal political party reforms to achieve higher levels of transparency, justice and gender equality. These broad

¹Khullar, “Women’s Caring in India,” 64.

²Bystydzienski, *Women Transforming Politics*, 58.

³Shantha Mohan, *Women in Politics and Decision-Making in the Late Twentieth Century: A United Nations Study*, Boston: Martinus Nijhoff Publishers, 1992, 70.

movements towards greater democratization should establish autonomy in the various political, legal, and social institutions. Let me propose some strategies:

1. The UN should develop a system of incentives for countries that work towards narrowing the gender gap in education, health and employment. Clear guidelines for modalities and implementation of affirmative measures that lead to empowering women and creating their ability to critically engage with the state and the society for a social change and gender equality should be developed.¹

2. Without changing socio-cultural, political and economic structural barriers at the national and international levels, the goal of gender equality in politics and development will remain impossible to attain. Access to education, health and employment is directly linked with women's ability to create space for themselves in politics and development. Women's consciousness of their political rights is another critical element for women's individual and collective agency. Political consciousness through building transformative communities is the sustainable way to transform politics and development. A strong women's movement and civil society is another condition of enabling environment that can influence the direction of politics and development in favour of women.²

3. The rules and regulations of the electoral system as well as for candidacy should be clear and well articulated in the community, especially for women. Increasing the awareness and

¹Santha, *Political Participation in Panchayati Raj*, 37.

²D. Bandhyopadhyay, B. N. Yugandhar and A. Mukherjee, "Convergence of Programmes by Empowering SHGs and PRIs," *Economic and Political Weekly* 20 (1992), 25.

knowledge about electoral laws and changes in structure and process will enhance women’s political participation.¹

4. Whatever the electoral system, women should be prepared to be candidates. Women need to organize themselves within and outside of political parties. Continuous awareness-raising activities such as leadership training/seminars are necessary to develop women’s skills and knowledge to prepare them for their political career.²

5. Strengthening networks continues to empathetically pressure various sectors. A resolute women’s movement translates memberships into votes, which means major parties which are mostly male-dominated, will be moved to include women in their list of candidates.³

6. The number of men in strategic positions within the party is always higher than women. This means that men are always in the list of party candidates. Women should be allowed easy access to resources and accurate and up-to-date information which can act as inputs for making decisions and as evidence to push for gender-equal legislation.⁴

¹Shantha Mohan et al., *Women and Political Participation in India: Baseline Report*, Malaysia: International Women’s Rights Action Watch Asia Pacific, 2004, 332.

²Carole Pateman, *Participation and Democratic Theory*, New York: Cambridge at the University Press, 1970, 223.

³Datta Rekha, and Judith E. Kornberg, *Women in Developing Countries: Assessing Strategies for Empowerment*, London: Lynne Rienner Publishers, 2002, 123.

⁴Zoe Oxaal and Sally Baden, *Gender and Empowerment: Definitions, Approaches and Implications for Policy*, Sussex: Institute of Development Studies, 1997, 123, 155.

7. The government must take immediate action to ensure that the Women's Reservation Bill be passed immediately. It is for the women's movement to demonstrate their political responsibility, not merely through the politics of protests, but also through direct intervention in the tasks of governance. And this is not possible unless larger numbers of women are present in all these bodies to collectively engender politics.

8. Certain electoral conditions do favour women's representation and can accelerate changes in the gender balance of legislatures. Local government, proportional representation systems, multimember districts and political quotas all provide favourable conditions for women's political empowerment.¹

Democratic restoration meant growing political spaces for NGOs and people's organizations, but a new political mode and language could not be developed overnight. Women are especially equipped for the task of redefinition for their movements have critiqued society in whole and in part through the lens of gender. Having dwelt in the margins for so long, women are well placed to challenge the concept of power as 'power-over' or domination, contrasting it with an understanding of power as empowerment.² Women are also equipped for the task of developing, or transforming, political practice for their culturally ascribed role of reproduction has developed in them such skills as nurturing, healing, and

¹P. Norris and R. Inglehart, *Cultural Barriers to Women's Leadership: A Worldwide Comparison*, New Delhi: IPSA, 1999, 68.

²Kathleen Bratton, "Critical Mass Theory Revisited: The Behavior and Success of Token Women in State Legislatures," *Politics and Gender* 93 (2005), 97-125.

negotiating. These human development skills are the currency of a transformative politics.¹

It is perhaps here that the NGOs can step in as a major player. Although the NGOs are actively involved in the empowerment exercise, they ought to assume a more dominant position, given the crucial role they have to enact. They need to equip women with capacity and the confidence to empower and motivate them to enter the political domain, to facilitate horizontal and vertical interaction of women elected at different levels of governance to enable the sharing of experiences and building solidarity and networking and to conduct political education and political training for women to realise the power of their vote, the need to seek and be accountable and to gender stream the political agenda.

¹Norris and Inglehart, *Cultural Barriers to Women's Leadership*, 75.

POLITICS AND ETHICS OF RESERVATION IN INDIA

James Massey♦

1. Introduction

Ethics is a well established discipline as the science or study of human conduct, individual as well as corporate.¹ Soman Das while talking about 'Christian ethics in a context' relates it to *ethos* and adds, "Etymologically, ethics have the onerous task of unveiling or unmasking the real reality as against the apparent reality – *maya* – which so often deceives and distorts our judgment."² Hunter P. Marbry in his work *Christian Ethics: An Introductory Reader* deals in detail with the concept and models of ethical behaviour where he refers specially to 'liberation model' which has developed in recent years, particularly in the developing world. According to him the roots of 'liberation model' can be seen historically in the struggles of the oppressed people who wanted to be free from dependence and exploitation. Marbry emphasizes that "the historical and temporal as the reason for the struggle of the oppressed and for

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♦First published in *Journal of Dharma* 38, 3 (2013), 319-336.

¹J. Russel Chandran, *Christian Ethics*, Delhi: ISPCK, 2011, 2.

²S. Das, *Christian Ethics and Indian Ethos*, Delhi: ISPCK, 2009, xi.

those who want to struggle with them." It should be taken seriously because in their struggle they are seeking: "(1) a radical break with an unjust social order, and (2) realization of salvation as a qualitative and not merely a quantitative dimension of life." He elaborates it further by saying "On one level this Liberation has to do with overcoming situations of economic, social and political conflict. But this is...only the first level. As a related level, oppressed persons are called not only to seek liberation from dependence but also assume responsibility for their own destiny, to struggle for a fuller life for all humanity, by helping to build a more just and salvific activity."¹

So in this way 'the liberation model' becomes the concern of whole 'ethics' and it is in this perspective that this paper intends to deal with it. It is also the perspective of 'various subaltern groups of India' who are the victims of caste based social order of our society. Their victimization on the basis of caste has been perpetuated by religion on the one hand, and implemented by various political powers at different stages of our history, on the other hand. The 'reservation' or reservation policies, meant for the benefit of the subalterns, has developed in the past under the same 'social order,' and carried on today by those people or groups who wield political power. It is important therefore to understand religio-political equation behind this 'social order' that ultimately influences the reservation policies in India, before we discuss the politics and ethics of reservation. In this paper attempt is being made to analyze this equation from the perspective of the 'subalterns,' particularly of Dalits and other Backward Classes.

¹Hunter P. Marbry, *Christian Ethics: An Introductory Reader*, Delhi: ISPCK, 2007, 18-19.

2. Caste-Based Ethics and Politics

The Rigveda is supposed to be the oldest literary source available to us that refers to the origin of four castes in its famous *Purusasukta* hymn. According to this hymn “The *Brahman* was his mouth; of both his arms was the *Rajanya* (*Ksatriya*) made; His thighs became the *vaishya*; from his feet the *Sudra* was produced.”¹

There are references and testimonies in the text of the *Upanishads* as well that reveal that by the time such texts came into existence, the issue of caste was getting entrenched in our society. For example, the *Chandogya Upanishad*, not only refers to the three upper castes, but also compares Chandala (outcaste) with a dog or a swine. The seventh verse in tenth *khanda* reads as follows:

Accordingly, those who are of pleasant conduct here – the present is, indeed, that they will enter a pleasant womb, either the womb of Brahman, or the womb of a Ksatriya, or the womb of a Vaisya. But those who are of stinking conduct here – the prospect is, indeed, that they will enter a stinking womb – either the womb of dog, or the womb of a swine or the womb of an outcaste (*chandala*).²

This verse testifies not only to the existence of caste, but also makes no bones about the social status of the caste-groups as it exists in Indian society. By calling the ‘womb’ of an outcaste a ‘stinking’ one, and by clubbing it with the wombs of a dog or a swine, an obvious attempt is made to further degrade the social status of the outcastes. After placing Dalits on the lowest rung of

¹Ralph T. H. Griffith, *The Hymns of the Rigveda*, Delhi: Motilal Banarsidass, 1986, 603.

²Hume, Robert Ernest, trans., *The Thirteen Principal Upanishads*, Oxford: Oxford University Press, 1971, 233.

the social order, they are now being told that their origin is utterly despicable. The verse also makes it clear that their present situation is because of their conduct in the previous birth.

Two great epics of our country, the *Ramayana* and the *Mahabharata*, reveal that the conditions of Sudra (Other Backward Classes) and Adivasi (Scheduled Tribes) deteriorated with the time. Scholars believe that the *Ramayana* was composed about fifth century BC¹ and the *Mahabharata* was composed later on, in different stages. According to a story in the *Ramayana*, a Sudra once undertook penance to attain divinity. In those days only three upper castes were permitted to do penance and meditation (*tapas*) to seek salvation. As a consequence of disregarding this rule by the Sudra, a Brahman boy died. The bereaved father complained to Lord Rama, who immediately went to question the Sudra. On meeting him, Lord Rama asked him:

You are indeed blessed. Tell me in which caste you have been born. I am Rama, son of Dasaratha...Tell me the truth. Are you a Brahman, Ksatriya or a Sudra?

The ascetic replied, "O King! I am born of Sudra caste. I want to attain divinity by such penance. And because I want to attain divinity, I won't tell lies. I am a Sudra by caste, and my name is Samvuka."

As soon as the ascetic uttered these words, Rama drew forth his sword and severed Samvuka's head.²

¹Zacharias, *An Outline of Hinduism*, Alway: Apostolic Seminary, 1956, 360.

²Sen Makhan Lal, trans., *Ramayana*, Calcutta: Rupa & Co., 1989, 699-702.

Then Lord Rama asked gods to restore the life of the Brahmin boy to life; he was told by the happy gods that the boy was already revived the moment the Sudra ascetic was killed.

There is an episode that reveals the degraded state of Adivasi in the *Mahabharata* also. The story of Ekalavya, an indigenous boy, recounts how he had to lose his ‘right hand thumb’ only because in spite of his being an Adivasi he dared to learn archery and even outdid Arjuna in the skill. In the days of Mahabharata low castes and the Adivasis did not have the right to education or learn anything apart from their own occupation.¹

Srimad Bhagavad Gita also not only authenticates the four castes (*chaturvarnyam*), but also tells that these had been created by Lord Krishna himself.² It also counsels the members of each caste to follow faithfully the duties prescribed for them on the basis of their caste.³

Among the literary sources that throw light on the further development of the caste and related problems is the *Manusmriti* (the ordinances of *Manu*, a handbook of life ethics), which was possibly composed during the period AD 1-700.⁴ The author(s) of *Manusmriti* went a step further in defining the status of the outcastes in the society; they were now shorn of the human identity by the law makers. *Manusmriti* accepts only three castes – Brahmin, Ksatriya and Vaisya – as twice-born; Sudra, who belonged to the fourth caste, was supposed to have only one

¹Jayadyal Goyandaka, ed., *Snkhipat Mahabhrate* (Hindi), Gorakhpur: Gita Press, 69-72.

²Swami Vireawaranda, trans., *Srimad Bhagwad-Gita*, Madras: Sri Ramakrishna Math, 1987, 128.

³Swami, *Srimad Bhagwad-Gita*, 506-508.

⁴Bumell Arthur Coke, trans., *The Ordinances of Manu*, New Delhi: Oriental Books, 1971, XXIII.

birth. *Manusmriti* also says that “there is no fifth (caste).”¹ To explain the existence of those who were not of the four castes, *Manusmriti* put forward the concept of ‘mixed caste’. ‘Mixed caste’ included those who were born out of inter-caste marriages. There were two main divisions in this group. One was named *anuloma*, in which the male partner belonged to the upper caste and the female partner belonged to the lower caste; and the other was named *pratiloma*, in which it was the other way round. Both the groups were considered lowermost in the social scale.² *Manusmriti* in 10.51.52 narrates the degraded non-human state of these groups in the following words:

The dwelling of Chandalas and Cavpacas (spaka) (should be) outside the village; they should be deprived of dishes (*apapatra*) their property (should consist of) dogs and asses. Their clothes (should be) the garments of the dead, and their ornaments (should be) of iron, and their food (should be) in broken dishes; and they must constantly wander about.³

By the time *Manusmriti*'s composition was complete (around AD 700), the caste system was fully established and had reached its climax and thereafter everyone had to follow the rule of life as his/her dharma or had to face punishment from the hands of the political power of the days like Samvuka and Ekalavya.

The tenets of *Manusmriti* prescribing strict social and religious discipline, governed the graded Indian society ever since. We have testimonies from later periods of Indian history

¹Coke, trans., *Ordinances of Manu*, 305.

²See for discussion on *Anuloma* and *Pratiloma*, Srivastava, Suresh Narain, *Harijans in Indian Society*, Lucknow: Upper India Publishing House, 1980, 25-28.

³Bumell, *Ordinances of Manu*, 312.

that show how the influence of caste-system continued even during the Muslim period (AD 700-1700). One of the visitors to India, Al-Beruni, wrote about India of AD 1030. While mentioning the condition of outcastes in Indian society he said:

The people called *Hadi, Doma* (Domba), *Chandala*, and *Badhatau* (*sic*) are not reckoned amongst any caste or guild. They are occupied with dirty work, like the cleaning of the villages and other services. They are considered like one sole class, and distinguished only by their occupations. In fact, they are considered like illegitimate children; for according to general opinion they descended from a Sudra father and a Brahmin mother as the children of fornication; therefore they are degraded outcastes.¹

3. Politics of Reservation and Presidential Order 1950

During the British period of Indian history, as far as the Indian religious and social practices were concerned, the British maintained the status quo and followed a policy of non-interference. In one of their orders it was declared that “due regard may be had to the civil and religious usages of the natives...”² As a result they actively upheld and supported the caste order. Their support of the caste order was to such an extent that “even the protection of caste was decreed (by them) by an Act of Parliament.”³

¹Al-Beruni, *India* (abridged edition of Dr. Edward C. Sachan's English Translation and edited by Qeyamuddin Ahmed), New Delhi: National Book Trust, 1988, 46.

²Marc Galanter, *Competing Equalities in Law and the Backward Classes in India*, Delhi: Oxford University Press, 1984, 19.

³John William Kay, *Christianity in India*, London: Smith, Elder & Co., 1859, 375.

However, the work of Christian missionaries influenced the socio-religious situation in India in many ways, particularly in challenging the various religious traditions to evaluate and rethink their approach to the poor and various Dalit groups.¹ But as far as the caste was concerned, the missionaries also upheld the established norm. They even accepted it in the Christian Church.² In such a scenario when both the British rulers and the Christian missionaries chose to accept the caste fetters, Dalits could have expected very little from them by way of help.

There was, however, one positive note. During the British period a number of movements were initiated which showed concern for Dalits. There had been tradition of such movements in India since Buddha and Mahavir. Even during Muslim period, the *Bhakti* Movement helped the cause of the Dalits, particularly in the spiritual sphere. This happened mostly through the *Bhakti* saints, who were either non-Brahmans or Dalits.³ The efforts made by the movements during the British period were different in nature. These movements focused on social reforms rather than at total change.⁴ The reformists who led these movements were Jotiba Phule, Ambedkar and Gandhi.

The reform movements and several actions initiated by Christian missionaries⁵ to improve the condition of Dalits and other subaltern groups ultimately influenced the British

¹See *Religion and Society* 36, 4 (December 1989), 26-28.

²Kay, *Christianity in India*, 30-33, 352-353.

³See for details, R. Sangeetha Rao, *Caste System in India*, New Delhi: India Publishers and Distributors, 1989, 106-116.

⁴Srivastava, *Harijans*, 247-43.

⁵See for summary of these movements and their work, Louise Ouwerkerk, *The Untouchables of India*, Oxford: Oxford University Press, 1945, 16-29.

Government also to do something in this regard. During this period new titles and phrases were coined to identify Dalits which ultimately led to the policy of reservation. For the first time the existence of the ‘Depressed classes’ was recognized in the text of the Act of 1919.¹ In 1931, the Census Superintendent of Assam made a suggestion to change the title ‘Depressed classes’ to ‘Exterior Castes.’ The argument for this suggestion was that it is a broader title and its connotation does not limit itself to outcaste people only. By ‘outcaste’ we refer to those people who are outside the caste system, while by ‘Exterior Castes’ we would also include those who had been outcastes because of some breach of caste rules.² However, till 1932 the term ‘Depressed classes’ continued to be used more or less for all kinds of ‘depressed’ people, including the ‘untouchables.’ No effort was made to define this term on the basis of any religion. It was in 1932 that for the first time the term ‘Depressed Classes’ came to be used only for the people who were untouchables. The British Government, which was at that time also trying to help all other minor communities such as Muslims, Christians, Anglo-Indians, and so on, excluded them from the ambit of ‘Depressed Classes’, and bestowed on them special benefits, such as giving them separate communal electorates. Earlier, in 1931 a special committee was also set up to draw a ‘Schedule’ of the castes and classes covered under the ‘Depressed Classes.’ In 1935 when the British government appointed Simon Commission the term ‘Scheduled Castes’ replaced the

¹G. S. Lokhande, *Bhimrao Ramji Ambedhar*, New Delhi: Intellectual Publishing House, 1982, 181.

²J. H. Hutton, *Caste in India*, Cambridge: Cambridge University Press, 1946, 167.

'Depressed classes' after it was embodied in the Government of India Act, 1935, in Section 305.¹

At the Round Table Conference held in London in 1931, Ambedkar demanded a separate electorate for the 'Depressed Classes,' whom he always referred to as the 'Untouchables.' At this Conference, Ambedkar also proposed that the 'Untouchables' be called 'Protestant Hindus' or 'Non-conformist Hindus.'² Gandhi objected to Ambedkar's demand for a separate electorate. To counter Ambedkar, Gandhi had also introduced his favourite term 'Harijan' to be used in a place of 'Untouchable.' This term was not accepted or liked by the untouchables themselves.³ As Gandhi and Ambedkar did not agree with each other at the Round Table Conference, no final decision was taken there.

Finally, the whole matter of a separate communal electorate was left to the Chairman of the Conference, Prime Minister Ramsay Macdonald, who in 1932 issued the Communal Award. In this Ramsay Macdonald also replaced the expression 'Depressed Classes' with 'Scheduled Castes'. From then on the Untouchables of India were known as 'Scheduled Castes'. Later the same expression was included in the Government of India (Scheduled Castes) Order, 1936.⁴ Gandhi opposed this Communal Award because of the fear that by this the Schedule

¹G. S. Ghurye, *Caste and Race in India*, Bombay: Popular Prakashan, 1979, 306.

²Harold R. Isaacs, *India's Ex-Untouchables*, Bombay: Asian Publishing House, 1965, 36.

³Isaacs, *India's Ex-Untouchables*, 39-41.

⁴See for detail discussion, *Bulletin of the Christian Institute for Religious Studies* 20, 1 (January 1991), 3-6.

Castes would be separated from Hindu society at large.¹ Consequently, he went on a fast unto death. This was a precarious situation for which nobody was willing to take the responsibility. Even Ambedkar had to bow and agree to alter the Communal Award in a manner satisfactory to Gandhi.² An agreement was reached between them: in place of the ‘separate’ electorate, ‘joint’ electorate for the Scheduled Castes with the caste Hindu majority was accepted. This according to Upendra Baxi was a defeat for a political liberal Ambedkar by his shrewd opponent Gandhi. “Gandhi gambled on Ambedkar’s self-restraint and won” says Baxi and “the costs of the victory would have to be recorded by the Untouchable historians of future India.”³ In this way one more chance of effective liberation and freedom was lost by the Dalits as well as by the other victims of the caste based social order. But Ambedkar at least got a larger number of seats for the Dalits which of course was an achievement.⁴

In the post-independent India the reservation policy continues to use the same vocabulary and expression for Dalits. To impress this point a well known document dealing with ‘reservation’ issue, the Constitution (Scheduled Castes) Order 1950 (also known as 1950 Presidential Order) is being referred

¹Bulletin of the Christian, 66-67. See Louise, *The Untouchables*, 4.

²Upendra Baxi, “Political Justice, Legislative, Reservation for Scheduled Castes and Social Change,” *Dr. Ambedkar Memorial Lectures*, 1978, University of Madras, 9.

³Baxi, “Political Justice,” 9.

⁴Zelliot Eleanor, “The Psychological Dimension of the Buddhist Movement in India” in G. A. Oddie, ed., *Religion in South Asia- Religious Conversion and Revival Movements in South Asia in Medieval And Modern Times*, New Delhi: Manohar, 1991, 188.

here. Article 341 (1) of the Indian Constitution empowers the President of India "... by public notification, (to) specify the castes, races or tribes or parts or of groups within castes, races or tribes which shall, for the purpose of this Constitution, be deemed to be Scheduled Castes..."¹ The Constitution, without defining Article 366(24), only refers to the power given to the President of India in Article 341.² But once the President has given such an order, this list prepared on the basis of Article 342(2) for Scheduled Castes can be changed only through an Act of Parliament.

While exercising the powers conferred in Article 341(1) on him, the President of India promulgated an Order in 1950, known as The Constitution (Scheduled Castes) Order 1950. In drawing the list of the Scheduled Castes, this order almost re-enacted the list of the Government of India (Scheduled Castes) Order 1936,³ which means that as far as identifying the Scheduled Caste people of India was concerned, the Constitution has followed the basis that was laid down by the British Government in 1936. This applies not only to the list, but also to the criterion, which the British Government had used to define the term 'Scheduled Caste.' In almost the similar manner the third paragraph of the Order 1950 reads: "Notwithstanding anything contained in paragraph 2, no person who professes a religion different from Hindu, shall be deemed to be a member of a Scheduled Caste." This paragraph was changed in 1956 by Parliament to "Hindu or Sikh;" and in May 1990, to "Hindu or Sikh or Buddhist." It clearly means that the position taken by the President and Parliament of India is the same as that of the

¹*The Constitution of India*, 178.

²*The Constitution of India*, 203.

³See Galanter, *Competing Equalities*, 132.

British Government in 1932-36; both have used “religion” as the criterion to define the Scheduled Castes in the country. The right wing Hindu political party, Bharatiya Janata Party (BJP) has emphasized the correctness of this stand time and again. On June 12, 1990 at Thiruvananthapuram in South India for example, L. K. Advani, a senior leader of the BJP, had given a statement clarifying his party’s stand on this issue. He said:

The BJP is stoutly opposed to any move by the V. P. Singh government to extend reservation to converts to Islam and Christianity from Scheduled Castes and Scheduled Tribes. It has supported the extension of reservation to SC/ST converts to Buddhism because under the Constitution Buddhists and Sikhs and Jains were classified as Hindus. Reservation to converts to other religions would violate the recommendation of the Constituent Assembly.¹

This poses the basic contradiction before the Constitution of the country and those responsible for its implementation. The view expressed by Advani and decisions based on such views, not only violate the fundamental rights of the Indian citizens (as in Article 15.1), but also raise the question of human rights based on the principle of equality. The Presidential Order looks good on the surface from all aspects, but if one tries to analyse the spirit of this Order, one realizes how it could be used to aggravate Dalit problem by the powerful religious lobby. Ambedkar had assured that the Constitution of our country rightly maintained the spirit of secularism while guaranteeing full freedom of religion to every citizen (Articles 25, 26, 28, 30); it also forbade any kind of discrimination by the state on the basis of religion (Articles 15, 16, 29, 325). But then the Presidential Order 1950, by making selection on the basis of religion, had not

¹*Indian Express*, New Delhi, 13 June 1990, 9, column 3.

only violated the spirit of the referred Articles of the Constitution, but had also literally gone against every word of those Articles. Interestingly to commit these constitutional violations, the Supreme Head of the country had been used.

The other fact which needs to be noted is that by adding the term 'Hindu' in the Presidential Order 1950 once again officially India as a nation has constitutionally upheld the system of caste. In this way what Gandhi had won through his 'fast unto death' in 1932 has been affirmed in post-Independent India by the Presidential Order.

4. Ethics of Reservation and Backward Classes Commissions

Marc Galanter helps us to understand the underlying values of various backward classes commissions especially the Mandal Commission Report (MCR) for reservation when he opens his work on *Competing Equalities: Law and the Backward Classes in India*, with these words:

Indian system of preferential treatment for historically disadvantaged sections of the population is unprecedented in scope and extent. India embraced equality as a cardinal value against a background of elaborated, valued, and clearly perceived inequalities. Her constitutional policies to offset these proceeded from an awareness of the entrenched and cumulative nature of group inequalities. The result has been an array of programmes that I call collectively, a policy of compensatory discrimination.¹

This statement of Galanter, is possibly the best summary of MC's efforts and even why MCR. According to it, MCR is part of 'an array of programmes' launched by the Union Government in order to uplift those people or citizens of India, who in the

¹Galanter, *Competing Equalities*, 1.

history of India, have been kept forcibly and systematically at a disadvantaged level. To deal with this historical evil, which is an ongoing reality in our society, independent India has accepted ‘equality as a cardinal value’ for all her citizens. This truth has been stated right in the preamble of our Constitution. Also Articles 15.1.3 and 16.1.3 offer ‘equality’ as a fundamental right for all citizens of India. But then in the same Article, clauses 15.4 and 16.4 make a special provision for the care of those citizens who are socially and educationally backward, along with Scheduled Castes and Scheduled Tribes. Article 38 under the directive Principles of State Policy makes it clear that it is the duty of the State to promote the welfare of the people by securing a just social order. In the same Article, in clause 2, it is also said that, “The State shall, in particular, strive to minimise inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities...” The constitutional declaration under Article 38.1 also has an implied meaning that there was an unjust order in our country before the advent of the Constitution. Also our Constitution, through its Article 46 has put a responsibility on the State for the special care of weaker sections of the people in the areas of economic and educational interests and for their protection from social injustice and all forms of exploitation. Article 341 takes care of Scheduled Castes and Scheduled Tribes and Article 340 deals with the question of socially and educationally backward classes. It is Article 340 which gives power to the President to appoint a commission to investigate the conditions of the people of Backward Classes and also recommend steps, which can help to improve the conditions of these people.

Under Article 340 of the Constitution, the first Backward Classes Commission was appointed by the President on 29 January 1953 with Kakasaheb Kalelkar as its Chairman. This

commission submitted its report on 30 March 1955. As the task of the Commission included determining the criteria for identifying sections of the people who can be included in the list of Backward Classes, it was also supposed to suggest steps to improve their conditions. As for the criteria this Commission suggested 'caste', with which all the members of the Commission did not agree. At the same time the Central government also could not fully agree with this recommendation, so it came to the conclusion that an all India list of Backward Classes is not possible.

Ultimately the Central Government told the State governments, they can fix their own criteria for defining backwardness and can prepare a list of Backward Classes. As a result of which a number of states set up their state level commissions. All these states fixed their reservation quota for the Backward Classes between 66% (which is the highest by Karnataka) and 5% (which is the lowest by Punjab) in the government services, and in the educational institutions highest 68% in Karnataka and lowest 5% in Punjab.

The Second Backward Classes Commission, (known as Mandal Commission 1980) under the Chairmanship of the late B. P. Mandal, was officially appointed on January 1, 1979, and its report of the same was submitted on December 31, 1980. Besides presenting the report to the President, the Commission's main tasks included (1) to determine the criteria for defining the socially and educationally Backward Classes, (2) to recommend steps to be taken for the advancement for the socially and educationally Backward Classes of citizens so identified, and (3) to examine the desirability or otherwise of making provision for the reservation of appointments or posts in favour of such Backward Classes of citizens which are not adequately

represented in public services, and posts in connection with the affairs of the Union or of any State.¹

The Mandal Commission has made a thorough analysis of the root causes of the backwardness of those sections of people whom it ultimately recommended to be included in the list. According to the Commission, the caste system is the root cause of all kinds of backwardness. Its effects have gone right into the being of the people: “The real triumph of the caste system lies not in upholding the supremacy of the Brahmin, but in conditioning the consciousness of the lower castes in accepting their inferior status in the ritual hierarchy as part of the natural order of things.”²

In the Commission’s view, the caste system is not merely a social phenomenon; it is a well-worked out scheme based on scripture, mythology, ritual, etc. According to the Report,

The above scheme of social organisation, transfixed for over 3000 years, had far-reaching effects on the growth and development of various castes and communities. For instance, as exclusive custodians of higher knowledge, the Brahmins developed into a highly cultivated community with special flair for intellectual pursuits. On the other hand, the Shudras, being continuously subjected to all sorts of social, educational, cultural and economic deprivation, acquired all the unattractive traits of an unlettered rustic.³

The Commission’s discussion on ‘Social Dynamics of Caste,’ makes clear: “that despite the resolve of our constitution-makers to establish a casteless society, the importance of caste has

¹Report of the Backward Classes Commission, Government of India, 1980, vii.

²Report of the Backward Classes, 14.

³Report of the Backward Classes, 16.

increased in some of the most important spheres of our national life."¹The Commission has also recognised the weakening side of the caste system, particularly where the traditional features of the caste system are concerned.

But what caste has lost on the ritual front, it has more than gained on the political front. This has led to some adjustments in the power equation between the high and low castes and thereby accentuated social tensions. Whether these tensions rent the social fabric or the country is able to resolve them by internal adjustments will depend on how understandingly the ruling high castes handle the legitimate aspirations and demands of the historically suppressed and backward classes.²

According to MCR, the caste system contains in it a very large element of inequality and discriminations.³ The principle of equality is the factor, which the MCR has considered important for the understanding of the conditions of the people belonging to backward classes.

On the face of it the principle of equality appears very just and fair, but it has a serious catch. It is a well-known dictum of social justice that there is equality only amongst equals.

To treat unequals as equals is to perpetuate inequality.⁴

Here MCR has raised a vital question, which actually leads toward a contradiction of interests based upon fundamental rights, which are individualistic in nature, and the interests of society, which are given under Directive Principles of State Policy. Also MCR's overall concerns based upon Article 15.4 and

¹Report of the Backward Classes, 18.

²Report of the Backward Classes, 20.

³Report of the Backward Classes, 14.

⁴Report of the Backward Classes, 21.

16.4 are also in direct conflict with the fundamental rights. But this conflict is there, or at least has been felt from the beginning, when Indian Constitution came into existence. MCR quotes from a debate which went on at the time of the First Amendment Bill in 1951, when Pandit Nehru highlighted this conflict in the following words:

If in the protection of individual liberty, you protect also individual or group inequality, then you come into conflict with that Directive Principle which wants, according to your Constitution, a gradual advance or let us put it another way, not so gradual but more rapid advance, wherever possible, to a state where there is less inequality and more and more equality. If any kind of an appeal to individual liberty and freedom is to mean as an appeal to the continuation of the existing inequality, then you get into difficulties. Then you become static, the idea of an egalitarian society which I hope most of us aim at.¹

Pandit Nehru’s words on the said conflict can help the person, who is willing to see the positive side of the report.

Regarding the tests of a just and equitable order in a human society, MCR is clear that equality of opportunity and of treatment are not real tests, (About the first he says, “Equality of opportunity promised under Article 16(1) of the Constitution, is actually a liberation and not egalitarian principle as it allows the same freedom to everybody in the race of life.”² About the second, MCR quotes from H. B. Gans, who says, “... equality of treatment suffers from the same drawback as equality of opportunity, for to treat the disadvantaged uniformly with the

¹Report of the Backward Classes, 22.

²Report of the Backward Classes, 22.

advantaged will only perpetuate their disadvantage.”¹ MCR talks about the third test:

If a tree is to be judged by its fruits, equality of results is obviously the most reliable test of our aspiration and efforts to establish a just and equitable order. A formidable task under any circumstance, it becomes particularly so in a society which has remained segmented in finally graded caste hierarchy for centuries.²

About the questions of ‘merit’ and ‘privilege,’ the MCR makes a concluding remark in these words:

In fact, what we call ‘merit’ in an elitist society is an amalgam of native endowments and environmental privileges... The conscience of a civilized society and the dictates of social justice demand that ‘merit’ and ‘equality’ are not turned into fetish and the element of privilege is duly recognised and discounted for when ‘unequals’ are made to run the same race.³

According to the MCR the institution of the caste contains in it a very large “element of inequality and discrimination.”⁴ The Commission has considered the principle of equality important for the understanding of the condition of the people belonging to the backward classes. About this principle the Report says: “On the face of it the principle of equality appears very just and fair, but it has a serious catch. It is a well accepted

¹H. J. Gans, *More Equality*, New York: Pantheon, 1973, quoted in *Report of the Backward Classes*, 22.

²Report of the Backward Classes, 22.

³Report of the Backward Classes, 23.

⁴Report of the Backward Classes, 14.

dictum of social justice that there is equality only amongst equals. To treat unequals as equals is to perpetuate inequality.”¹

On 7 August 1990 when the Prime Minister V. P. Singh announced the implementation of the Mandal Commission Report, it shook Indian society. The various assessments and views, both for and against, were pronounced and are being pronounced even today. The Indian Express (August 18, 1991) published two short articles under the title *Is Mandal Still a Burning Issue?* S. S. Gill wrote in favour of MCR saying “Mandalisation is basically a question of sharing power ...” while according to Hiranmay Karlekar “It was clearly a cynical political move...”² To some extent, both these writers are correct: ‘sharing power’ and ‘a cynical political move’ are in a way judgments upon those who try to implement the Mandal Commission. But as far as Dalits are concerned, MCR and its recommendations are really the culmination of the age old struggle of oppressed human beings, who for more than 3000 years have been losing. Brindavan Moses wrote:

The extremely disturbing fact to be reckoned with in this context is that the upper and middle classes are not merely up in arms against the proposed reservations for the backward classes/castes in government jobs, but are also asserting their right to overlordship in perpetuity over those whom they treat with contempt as the incompetent and unqualified.³

¹Report of the Backward Classes, 21.

²*Indian Express*, New Delhi, 18 August 1991, 8.

³Moses Brindavan C., “New Delhi’s Elite’s Battle for Status Quo” in *Defenders of Mandal Commission: A Collection of Articles, Views and News*, Madras: LEAS, 33-34.

5. Conclusion

While summing up the discussion it can be stated that in the history of our country the three forces of caste, politics and religion are not only closely associated with one another, but these even change location with one another as per the need and wishes of the dominant caste groups. In fact the dominant section of our society has ingeniously used these forces as tools to keep them in power and control. The meaning given to various expressions coined by the dominants, were/are invariably covered in a mask of 'truth' that always regulated the thought process of our society. So for centuries we believed in the divine origin of the caste system given in *Purushasukta* hymn of the Rigveda, and we accepted the symbolic use of 'pleasant womb' and 'stinking womb' and its association with the 'good' and 'bad' conduct of the members of the society. All this shows how religion was used initially to cleverly establish a lie so that a big section of credulous, gullible people could be subjugated to serve the dominants. It also speaks volumes of the ethical thinking of the so-called upper caste people who could, for their advantage, dehumanize this section to such an extent that they could compare the womb where those people took birth to the womb of a dog or a swine.

In the next stage, after their lie was well established in the society, we see the interplay of politics in perpetuating that lie. So, Shudra boy was killed in the *Ramayana* for meditating and Eklavya was maimed in the Mahabharata for learning archery only to maintain the status quo in the society. In other words, those two children were harmed only to set an example so that no one dared to challenge the dominant section of the society. The mythical basis of caste division and the fact of dominance of the so-called higher caste in the society was formally authenticated by Lord Krishna in the *Gita*; its fundamental tenets

were also finally given shape in *Manusmriti*. So, it was by such clever interplay of religion and politics that the caste system got firmly entrenched in Indian society.

The grip of supremacy of the so-called upper caste people was never loosened after that. Even the powerful invaders like Mughals and British, who ruled the country for well over one thousand years, accepted that social arrangement. Sporadic movements no doubt were organized off and on against it, but their focus was either on spiritual emancipation of Dalits (as in Bhakti movement) or on their social elevation (as thought of by Mahatma Phule or Gandhi). Except Ambedkar, however, no one seems to have struggled to strike at the roots of the system as such, though there winds of change unmistakably entering Indian society. The introduction of English education and science was slowly lifting the veil from the ‘truth’ of the origin of caste system. The egalitarian religion introduced by the Christian missionaries forced reformation in Hinduism. The British political rulers were also contemplating to offer reservation to both Dalits and religious minorities so that they could share power.

Ambedkar gave a positive shape and strength to the struggle of Dalits and other historical victims of caste-based social order as never before. He framed the Constitution for Independent India to usher in many reforms in our society. With Independence a dawn of new hope began. But as we have seen, here too the dominant group of the society tried to usurp the Constitution and manipulate it to their advantage by linking specially the provision of Dalit reservation with religion. This would provide them with the handle to keep Dalits from converting to Christianity or Islam, and continue to remain as the exploited lot of the society. In doing so, the dominants not only violate the principle of fundamental rights that is enshrined

in our Constitution, but also act in utmost unethical manner by not allowing the downtrodden people to move ahead in life because that would take away the option of cheap labour from them. However, Dalit struggle continues in the post-independent India with special emphasis on their cultural, political and economic rights. Today the 'politics of number,' the issue of 'independent identity' and the policy of 'protective discrimination' are taking their struggle to fresh level.

It may be worthwhile here to refer to the views of Dr Ambedkar according to whom the spirit behind the Indian Constitution was to establish an 'ideal' or 'just society based upon the three universal principles, "liberty, equality and fraternity." He elaborated this by saying, "Justice is simply another name of these principles."¹ Ambedkar's 'just society', which he also called a 'democratic society,' involved two things: "The first is an attitude of mind, an attitude of respect and equality towards other fellow beings. The second is a social organization free from rigid social barriers."² At another place Ambedkar also warned that "those who continue to suffer from inequality in a society are sure to blow up (its) structure one day, if justice is not given to them."³ In other words, what he wanted to emphasize was that there cannot be a 'peace without justice'.

¹B. R. Ambedkar, *Dr. Babasaheb Ambedkar: Writings and Speeches*, vol. 3, compiled by Vasant Moon, Bombay: Education Department, Government of Maharashtra, 1989, 3-150.

²B. R. Ambedkar, "Ranade, Gandhi and Jinnah" in *Dr. Babasaheb Ambedkar: Writings and Speeches*, vol. 1, 222.

³*Constituent Assembly Debates*, Official Report, Book No. 5, Vol. XI, 14-11-1949 to 26-11-1949, New Delhi: Lok Sabha Secretariat, 1999, 979.

Dalit struggle today under the guidance of the present social and political leaders has acquired a broader outlook. The goal of their struggle now is not the liberation of Dalit community only, but also the liberation of their oppressors. In this way they could become the instrument of establishing a ‘just society’ where all will live with fuller redeemed dignity and recovered humanity. What else can be a more ethical society?

RELIGION AND ETHICS

ETHICS AND BUSINESS

Evidence from Sikh Religion

Charan Singh♦

1. Introduction

In recent years especially after the global crisis of 2008 there has been an awakening that ethics has an important role to play in business practices. This is mainly because of the sub-prime crisis in the US where a large number of businesses failed, and along with the US economy, rest of the world also suffered a financial crisis. The US economy has not been able to recover completely after more than five years now, and the global economy continues to splutter, reflecting the seriousness of the crisis. In addition, in Europe as well as many other countries there have been numerous cases of scandals and scams in the last few years.¹

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♦First published in *Journal of Dharma* 38, 4 (2013), 343-356.

¹In the 30's after the great depression a number of studies were undertaken, which finally led to the Glass-Steagall Act in 1933 after it was found out that the banks were following unethical practices. The Glass-Steagall Act, 1933 was repealed in 1999 and in about a decade the crisis had erupted again in the US.

In these periods of economic turmoil, it is obvious to consider whether religion has any guidance to provide. In this context, Sikh religion, relatively unknown and being of recent origin may have guidance to provide. Sikh religion originated during the late fifteenth century and was finally formalized in early eighteenth century.

In this article, an attempt has been made to examine the issue of ethics in business in the context of Sikh religion and their impact on economic growth. The paper presents the philosophical view based on the teachings of Sri Guru Granth Ji (SGGJ) and does not verify empirically the application of such philosophy in daily practice. However, according to a number of sociological studies undertaken in India, Sikhs, adherents of Sikh religion, have been economically successful in diverse fields of business and professions. The remaining paper is organized as follows. In section 2, a brief review of literature in the context of ethics and business is discussed. Section 3 presents the basic philosophy of Sikh religion as applicable to business environment. Section 4 discusses relevant elements that emerge from Sikh philosophy applicable to ethics and business and presents select quotations from SGGJ. Finally, broad conclusions are presented in section 5.

2. Review of Literature

In economic literature, the origins of ethics in business can be traced to Adam Smith who argued that competitive markets can lead to good economic outcomes even when people are acting in their self-interest. The concept of goodness is rather weak in economics which assumes that no one can be made

better off without making someone else worse off or what is popularly called as Pareto optimum.¹

Max Weber, in his work on *The Protestant Ethic and the Spirit of Capitalism*, emphasized the role of interconnection of religion and market place.² Miller developed a theoretical model called The Integration Box (TIB) which argued that men and women increasingly desire to live an integrated life, where faith and work are integrated and not compartmentalized.³ Historically, economic progress has been through four stages, agrarian, industrial, service and the experience economy⁴ and the industrial era reflected the bifurcation between religion and workplace. The result was workers were expected to check their brain at the door – managers were responsible for the thinking required in the work place.⁵ In recent years, there is a demonstrable and growing body of evidence which clearly demonstrates that when people are permitted to bring their ‘whole self’ to market place, the output improves; and religion and spirituality are considered by many to be a component of

¹N. Singh, “Truthful Living: Sikh Thought and Practice in Economic Life,” 3rd Sikh Studies Conference, Department of Sikh Studies, University of California, Riverside, USA, 2013.

²M. Weber, *The Protestant Ethic and the Spirit of Capitalism*, London: Unwin Hyman, 1930.

³D. Miller, *God at Work: The History and Promise of the Faith at Work Movement*, Oxford: Oxford University Press, 2007.

⁴B. J. Pine and G. Gilmore, “Welcome to the Experience Economy,” *Harvard Business Review* (July-August 1998), 97-105.

⁵B. Ashforth, and M. Pratt, “Institutionalized Spirituality: An Oxymoron?” in R. Giacalone and C. Jurkiewicz, *Handbook of Workplace Spirituality and Organizational Performance*, Armonk, NY: M.E. Sharpe, Inc., 2010.

'whole self.'¹ The 'occupy wall street' and other anti-business movements demonstrated that there was a problem with the management paradigm.² Marqus reported that a growing number of dissatisfied employees felt that they were not aware of the meaning of life in their work place.³

3. Basic Sikh Philosophy

In Sikh religion, business has an important place in life of an individual. In this section an introduction to basic elements of Sikh religion which have an impact on daily life, especially economic aspects, is presented.

The Sikh religion strongly believes that the universe is real but not eternal; everything that is visible has a lifespan. Additionally, Sikh philosophy believes that everything operates in the universe under principles set by God. The human mind has the potential to understand the principles set by God and the most basic principle is, 'As you sow so shall you reap.' This belief has been stressed repeatedly in the SGGJ: "The soul knows that as one sows, so will one reap" (SGGJ

¹I. I. Mitroff, and E. A. Denton, *A Spiritual Audit of Corporate America: A Hard Look at Spirituality, Religion and Values in the Workplace*, San Francisco: Jossey-Bass, 1999. L. Lambert, *Spirituality Inc.*, New York: New York University Press, 2009.

²B. Mahadevan, "Spirituality in Business: Sparks from the Anvil, in Conversation with Suresh Hundre, Chairman and MD, Polyhydron Pvt. Ltd.," *IIMB Management Review, Elsevier*, 25, 2 (June 2013).

³J. Marqus, "Spirituality, Meaning, Interbeing, Leadership, and Empathy," *SMILE Interbeing* 4, 2 (2011), 7-17.

1243).¹ This rule implies that everyone makes his/her own fate and cannot blame anyone else for their situation.

In terms of philosophy of the Sikh religion, the gift of life in a human body is considered unique and precious: “Of all the living species, God gave superiority to the human being” (SGGJ 1075). “All the other species are the water-bearers of the human beings; humans have hegemony over this earth” (SGGJ 374). It is unique because only when the mind is in the human body can the joyous experience of God through the soul be realized. In fact, as observed in SGGJ, the objective of human life is to attain spiritual merger in Paramatma: *Bhaee Parapat Manukh Deyharea Gobind Milan Ki Eh Teyri Bareea* meaning that blessed with human body; this is time to merge in God (SGGJ 378).

Human beings have the tendency to digress and simply follow the dictates of the body or the misperceptions of the mind, under the influence of ego, attachment, greed, lust and anger. Sikh philosophy does not fear the impact of these influences but rather promotes harnessing their potential. For this reason, Sikhs do not renounce the world but continue to live happily with a positive and serviceful attitude.

Sikhism believes in an active and full participation in life, an amalgam of worldly strength and spiritual faith. This is symbolised in different ways in Sikh religion. First, in associating the tradition of *langar* (nutritious meal served free

¹The translation used in this article is based on different sources and at places, the author’s own understanding and translation. This has been done, in view of the fact that there is lack of good translation available in English. The transliterated hymns/verses have been presented along with page numbers in SGGJ for easy reference.

of cost) with a Gurudwara, a place to congregate socialise and worship in a group. Second, the tradition of *miri-piri*, symbolised in *Harmandir* (meaning Gods' Temple, famously called as Golden Temple) and *Akal Takht* (meaning seat of the timeless) in close proximity, facing each other, in the temple complex at Amritsar. *Harmandir*, a place where only singing and recitation of hymns in praise of God are permitted symbolises spirituality (or *piri*, in Persian) while *Akal Takht* symbolises temporal authority (or *miri*, in Persian), where generally, political and social issues pertaining to Sikhs are discussed.

In the Sikh religion a very unique definition of *maya* has been given: *Eh Maya Jit Har Visray Moh Upjay Bhau Dooja Laya* implying that *Maya* is simply anything that makes the mind forget God, due to attachment and duality (SGGJ 921). So, it is not richness, wealth, or kingdoms that are *maya* but attachment to these which are a cause of concern according to Sikh philosophy.

As Sikhs believe that all things are created and inhabited by God, there is no scope for exploitation, cheating, or falsehood in the Sikh way of life.¹ Additionally there are no superstitions as to what are favourable hours, days, months or years within the religion. Therefore, the Sikh can work any hour or day of the week without any spiritual restrictions.

¹"In every particle of creation, God resides" (SGGJ 1427). "From one source has all the creation been created, so who can be called noble or inferior" (SGGJ 1349). "The sense of high and low and of caste and colour are illusions" (SGGJ 1243). "All creatures are noble, none are low – one maker has fashioned all of them" (SGGJ 62).

The practice of living on charity and begging, even in the guise of religion, is strictly prohibited in the Sikh religion. The Guru observes that *Is Bhaykhay Thavho Girho Bhala Jithho Ko Varsay* – Instead of wearing these beggar’s robes, it is better to be a householder and give to others (SGGJ 587). Sikhs are expected to earn their living by labour, out of which they must offer something to the needy. SGGJ states: “Only that individual knows the true way who earns with the sweat of the brow and then shares it with others. Those who go dressed like religious people begging or living on charity for their livelihood do not know the true way” (SGGJ 1245).

Finally, to conclude this section, according to Sikhism, to meditate and purify one’s action is the best religion. To quote, *Sarab Dharam Meh Sarayset Dharam. Har Ko Naam Jap Nirmal Karam* implying that of all the religions, the best one is to remember God, and be Pure in action (SGGJ 266). This principle helps the individual to perceive all human races as equal and to generate respect for all religions.

4. Elements in Sikh Philosophy that Contribute to Business Ethics

A Sikh is expected to work hard, and to firmly keep God in the heart. A Sikh is also expected to lead a disciplined life, and be always alert and aware: “Do not be lazy, do today as much as possible, nothing can be done or said, after uncertain death approaches” (SGGJ 1371). Additionally, each Sikh is expected to sleep adequately to fulfil the needs of the body, to meditate regularly, and to then, devote the rest of the time in earning a livelihood and building happiness within the family, immediate community and wider society.

General: A major emphasis within Sikhism is on ‘truthful living’ and Sikhs are required to have a sincere attitude in all

interactions and dealings. Guru aims to make a Sikh (meaning a student or a seeker) bloom spiritually, serene mentally and perfect morally and for this, life has to be based on righteous conduct. To attain purity in life, first and foremost requirement is truthful living. Therefore, SGGJ observes, *Sachahu Orai Sabh Ko Upar Sach Aachaar* meaning that Truth is higher than everything; but higher still is truthful living (SGGJ 62).

SGGJ guides that following a path of truthful living helps the individual to live respectfully in the world. To quote, *Sachay Marg Chaldeha Ustat Karay Jahaan* meaning that following on the true path, earns praise from all (SGGJ 136). Similarly, the individual is constantly guided to work hard and make efforts. SGGJ says *Udham Karendaya Jio Toon Kamavdeya Sukh Bhunch, Dhinandheya Toon Prabhu Mil Nanak Utri Chint*: make effort and you shall live and enjoy the fruits of earnings, meditating meet God and Oh Nanak, your anxiety will vanish (SGGJ 522).

Another important issue is the time of learning the principles of ethics. In Sikh religion, it is believed that it is the mother that plays an important role in developing ethics in a family and therefore it is interpreted that such teaching should start early in life. To quote, *Jin Har Hriday Naam Na Vasioh Teen Maat Kijhe Har Bhanja*: In those hearts where God has not been realized, their mothers should have been barren (SGGJ 697). The word God is an epitome of virtues and implies that principles of leading a virtuous life have to start early in life and mother has an important role to play in this context. Similarly, the guidance provided by SGGJ is *Mat Mata Mat Jio Nam Mukh Rama*: Make that teaching your mother that it may teach you to keep the Lord's Name in your mouth (SGGJ 172). At another place, Guru guides that *Mat Mata Santokh Pita Sar Sahj Samaho*: Wisdom is mother, and contentment is father; be absorbed in equipoise (SGGJ 1397).

In Sikh religion, democratic institutions and tradition are encouraged to provide equal rights to all individuals and participate in decision making. The religion encourages group thinking and group meditation, consultations and dialogue. A Sikh is expected to lead by example, to practice before preaching or expecting others to follow, be it a worker or a manager. SSGJ exhorts: “When the belief and actions are different, then false is the commerce, false is the capital and harmful is the sustenance derived” (SGGJ 471). A Sikh is advised to first practice and only then to preach others.¹ This has been implied to mean that a Sikh is practical in approach. On this aspect the advice is rather strict: *Avar Updesay Aap Na Karai; Aavat Jaavat Janmai Marai* – Preaching others but not practicing; will continue to come and go, born and die (SGGJ 269).

Literacy: Sikhism encourages every individual to be literate, without and discrimination as the *Shabad* (divine word) is given the status of Guru, as presented in SGGJ. The divine message of SGGJ is conveyed in simple plain language and in simple metaphors for the benefits of all of humanity.² The emphasis is on understanding Gurbani and contemplating on the meaning, as mentioned in SGGJ 840, *Boojoh Giani Shabad Vichar* meaning that “Oh wise one, realize through reflecting on the divine word.” The emphasis on literacy implies developing the skills to learn and discern about various aspects of life and live with a positive attitude.

Family Life: Sikhism encourages family life and living on earned income. All the Sikh Gurus, who were in the

¹*Prathme Man Parbodhai Aapne Paachhai Avar Reejhaavai*: First, control your mind only then go to preach others (SGGJ 381).

²P. Singh, *The Sikhs*, New York: Doubleday, 1999.

marriageable age, as also most of the others whose compositions are included in SGGJ,¹ were married and had children. Householder's life is accepted and certainly not considered a hindrance in spiritual advancement (SGGJ 385, 496). To maintain a family, it is necessary to earn respectfully and therefore, this edict to lead a householder's life is considered an important aspect of enforcing economic pursuit for an individual.

The Sikh gurus were particular in raising the status of women in society and prohibited wearing of a veil, or practicing female infanticide and sati, and encouraged widow remarriage and a healthy family life; a male child was not considered a must. Therefore, an attempt was made to change social norms and raise self-esteem of female population that constitute half of the work-force.

Healthy Living: The body is expected to be the temple of God, and therefore, should be kept healthy. In Sikh philosophy, for healthy living, restrain on consumption by both mind and body is necessary, as both are inter-related and affected by what is consumed. In terms of consumption by body, explicitly, some food items are prohibited – use of alcohol, betel leaf, tobacco and other intoxicants. They are prohibited as they make an individual senseless and devoid of reason (SGGJ 554). Similarly, some restrain on consumption by the mind through the sensory organs is also prescribed. The ears, eyes and tongue are advised to be filters and perceive only that is healthy for the mind and body. The sensory organs are expected to perceive truth and God in all things (SGGJ 921-22).

¹Contains compositions of many prominent spiritualists like Kabir, Farid, Parmanand, Ramanand, Sadhna, Namdev, Ravidas, etc.

Increased Workforce: In Sikh religion there is no discrimination based on caste, colour or creed. According to SGGJ, caste and honour are determined by deeds (SGGJ 1330). In Sikhism, as there is no belief in caste system, dignity of labour is stressed. The emphasis is on truthful living. To quote from SGGJ, *Jaatee Day Kia Hath Sach Parkhiay* – What good is social class and status? Truthfulness is measured within (SGGJ 142). At another place, Guru guides that *Garabh Vaas Meh Kul Nahee Jaatee Barahm Bind Tay Sabh Utpaatee*, i.e., in the dwelling of the womb, there is no ancestry or social status. All have originated from the seed of God (SGGJ 324).

Women have played a glorious part in human history and have proven themselves as equal in service, devotion, sacrifice and bravery, many a times. According to Guru Nanak, *So Kio Manda Aakhea Jit Jameh Rajaan*, i.e., why should she be called bad, she gives birth to kings (SGGJ 473). Therefore, women are considered as equal participants in development process and eligible for active participation in workforce.

In Sikh tradition, all males have last name as Singh and all females, Kaur, implying that there is no caste system and therefore anyone can work in any vocational area, given the need and specialization. As Sikhism does not believe in renunciation of householder’s life, each individual has to work hard for a dignified and honest living on earned income. The Sikh Gurus themselves led a professional life – farmer, shop-keeper and trader. Sikhism believes that one can meditate in heart and work physically to earn a respectful living (SGGJ 1376).

Attitude towards Investment, Work, Trade, and Business: A Sikh is expected to be enterprising and pursue progress in all walks of life. The guiding principle has to be sincerity and sharing with others the fruit of hard work. The Sikh has been

explicitly advised not to practice falsehood and hoard wealth but to have a long term vision and build a reputation of a truthful merchant (SGGJ 418).

As the emphasis is on house-holders life, Sikhism encourages active participation in economic and social activities without exploiting others, including natural resources. The general principle to be followed in trade and business is that in some ways everyone is in business and undertakes trade¹ but a trader should meditate too while trading.² An individual is advised to be careful while trading and not gather bad feelings while in the conduct of business and daily life.³

Sikhism has a positive outlook towards life. The attitude towards richness, wealth and success is that everything is considered good if the individual is meditating and contemplating on God. To quote from SGGJ:

Tin Ka Khadha Paidhaa Maya Sabh Pavit Hai Jo Naam Har Ratay

The food, clothes and worldly possessions of those who are attuned to God are sacred.

Tin Kay Ghar Mandar Mahal Sareh Sabh Pavit Heh Jinee Gurmukh Sayvak Sikh AbhiagatJaay Varsatay

At the homes, temples, palaces and rest stops are sacred, where the *gurmukhs*, the selfless servants, the Sikhs, the holy ones, go to rest.

¹*Sabh Ko Vanaj Karay Vapara*: Everyone is in business and undertakes trade (SGGJ 1064).

²*Vanj Karo Vanjareo Vakhar Leho Sambhal*: Traders, undertake trade and carefully meditate too (SGGJ 22-23).

³*Laida Bad Duaae Too Maya Karay Ikat*: Oh, why do you gather bad feelings from others, just for accumulating wealth (SGGJ 42).

*Tin Kay Turay Jeen Khurgeer Sabh Pavit Heh Jinee Gurmukh
Sikh Saadh Sant Charh Jaatay*

All the horses, saddles and horse blankets are sacred,
upon which the *Gurmukhs*, the Sikhs, the holy ones, mount
and ride.

*Tin Kay Karam Dharam Kaaraj Sabh Pavit Heh Jo Boleh Har
Har Ram Nam Har Saatay*

All the deeds and moral actions are sacred, for those who
utter the True Divine Name. (SGGJ 648)

General Attitude: The emphasis in Sikh religion is generally on soft speech.¹ The Guru also guides that the intentions while pursuing any activity should be pious otherwise the noose gets tightened around one’s own neck itself.² The general advice for a Sikh is to look forward and plan ahead.³ Also, laziness is abhorred and an individual is expected to be alert.⁴ An individual is advised to develop an attitude of

¹*Mith Bolaada Je Har Sajjan Soami Mora, Honh Sambhal Takhee Ji O Kadhe Na Bole Kodha:* Sweet spoken is my noble-hearted master – never within my recall has Master uttered a harsh word (SGGJ 784).

²*Nar chahaṭ kachh aor aurai ki aurai bhāi. Chitvaṭ rahio thagaur Nanak fasi gal pari:* Man wishes for something, but something different happens. Plotting to deceive others, O Nanak, instead finds noose around own neck (SGGJ 1428).

³*Aagha Koo Thraag Pishaa Faer Na Muhaddarra, Nanak Sijh Eivah Var Bahur Na Hovi Janamadaha:* Look ahead and don’t turn backwards. Oh Nanak, be successful this time, not to be born again (SGGJ 1096).

⁴*Kabir Kaal Karanta Abeh Kar Ab Karta Sohe Taal:* Kabir, that which you have to do tomorrow, do it today itself, rather do it immediately (SGGJ 1371).

hard work and sharing with others. As advised, *Ghaal Khaay Kichh Hathu Dey Nanak Raah Pachhaneh Say*, i.e., one who works for what he eats, and gives some of what he has – O Nanak, he knows the Path (SGGJ 1245).

To attain spiritual bliss, an individual is advised by the Guru to serve others in this world in the following words: *Vich Dunia Sev Kamaiai Ta Dargeh Baisan Paiai*: Serve in this world, and you shall be given a place of honour in Lord's presence (SGGJ 26). At other places, a similar viewpoint is stressed.¹ Similarly, a person is advised that if he/she is yearning for goodness, then serve others. To quote, *Jay Lorheh Changa Aapnaa Kar Punnhu Neech Sadaeay*: If you yearn for goodness, then perform good deeds and be humble (SGGJ 465).

In Sikhism, to build and cultivate trust is considered important because if trust is lost then business suffers. To illustrate, Guru observes that *Manmukha No Ko Na Vishee Chuk Gaiya Vaysas*: No one places any reliance in the self-willed; trust in them is lost (SGGJ 643). Similarly, the advice is not to be greedy because greed can lead an individual to do things which can betray the trust of others. To quote, *Lobhee Kaa Vaysaaho Na Keejai Jay Kaa Paar Vasaay Ant Kaal Tithai Dhuhai Jithai Hath Na Paay*: Do not trust greedy people, if you can avoid doing so. At the very last moment, they will deceive you there, where no one will be able to lend a helping hand (SGGJ 1417). The Guru also cautions that greed for wealth is not a good thing as wealth does not accompany a person after death. Therefore, an individual is advised to earn through hard work and ethical means.

¹*Sewa Karat Hoay Nihkaami Tis Kao Haut Parapat Suamee*: One who performs selfless service, without thought of reward, shall attain Master (SGGJ 286).

A Sikh is advised to stay steadfast in faith and approach, and not succumb to temptations or follow friends, even the best, on a path which is not spiritual. To quote, *Ati Piara Paway Khooh Kih Sanjam Karna; Gurmukh Hoe So Kare Veechaar Os Alipto Rahna*: If a friend jumps in a well, you should practice restraint. Guru’s followers should think and stay indifferent (SGGJ 953). This implies that an individual should not follow a wrong example, under any circumstances but learn from mistakes committed by others.

In Sikhism, to release tension which can build because of the modern way of life, the advice is constant meditation and introspection. The Guru advises that contemplation of God, an ocean of divine qualities, helps to relieve tension.¹ The prescribed formula to achieve this is also discussed in SGGJ and that is to work with your body but deep in mind continue to do meditation.² The Guru also mentions that regular introspection will help as well as the realization that in this world nobody will hold your hand or be your guide.³ Therefore, the advice is to carefully plan your steps accordingly move ahead in life.

Accountability: In Sikh religion, accountability is an essential ingredient of everyday life and helps to build an

¹*Saas Saas Simru Gobind. Mann Antar Ki Utray Chind*: Remember God by every breath. And your mind will be relieved of tension (SGGJ 295).

²*Haath Paavn Se Kaam Kar Cheet Niranjan Naal*: Work with your hands and feet while in your heart meditate on God (SGGJ 1375)

³*Bandey Khoj Dil Har Roj Na Fir Paraysani Mahey. Ih Jo Dunea Sihar Meyla Dastgiri Nahey*: Oh man, search your mind every day, then you will not be in trouble. This world is simply like a magic play and will be of no help (SGGJ 727)

ethical behaviour. In general, Sikh philosophy insists that each one is reaping the fruits of their own deeds.¹ Therefore, an individual is advised to plan long term as advised by SGGJ, *Dekh Lambhi Nadar Nilhalyah* (SGGJ 474).

The creator, given the rules of creation dispenses unbiased justice as mentioned in SGGJ, *Pura niao kare kartar* (SGGJ 199). Any violation of the practices is punished and adherences rewarded, as conveyed in the following words, *Jaikar Kio Dharmia Ka Papi Ko Dand Dioi*: God honours the righteous and punishes the sinners (SGGJ 624).

An individual is advised to avoid those activities which are not useful. To quote, *Fareeda Jini Kami Naahi Gun Te Kamre Visar. Mat Sarmindia Theevae Saain De Darbar*: Hey Fareed, forget those activities which are not useful. Then you will not be ashamed in God's court (SGGJ 1381).

On economic offences like corruption and bribe, SGGJ is very strict and observes that resorting to these is like consuming carcasses.² The Guru makes an observation about the psychological phenomena that generally a human mind waivers for the sake of *maya* which is not a good trait.³ And in

¹*Jaisa Bijeh Soh Lunay Karama Sandhara Khet*: As you sow, so shall you reap, this farm depends on deeds (SGGJ 134). *Dadaa Dos Na Deo Kisai Dos Karamaa Apnea; Jo Mai Keeaa So Mai Paiaa Dos Na Deejai Avar Janaa*: Don't blame others, it is your own deeds, As I sowed so I reaped, do not blame others (SGGJ 433).

²*Haak Paryaha Nanaka Uas Suar Uas Ghaye. Gur Peer Hama Tah Bhare Ja Murdhar Na Khaye*: Saith Nanak, to grab what is another's is evil. As pig's flesh is to them and cow's flesh is to them. Spiritual Guide will stand by only when carcasses are not eaten (SGGJ 141)

³*Nis Din Maya Karne Prani Dolat Neet. Kotan Mah Nanak Koho Narain Jeh Cheet*: Every day, just because of maya, human waivers

Sikhism, it is clarified that charity offered from money collected through unfair means yields negative results. To quote, *Je Mohaka Ghar Muhai Ghar Muhi Pitri De, Agay Vaast Sinjahaniay Pitri Chor Karey*: Giving money earned by unfair means in charity; such money is recognized in court of God and the dead person in whose name this charity is offered is also dubbed as a thief (SGGJ 472).

Concern for Environment: SGGJ mentions that though natural resources like water, earth, and air are free, they are precious and therefore, should be used wisely. In *Gurbani* water is categorized as the father, earth the mother and air the guru. To quote, *Pavan Guroo Paanee Pitaa Maataa Dharat Mahat* meaning that Air is Guru, Water is father, and vast earth is mother (SGGJ 8). SGGJ also guides that the air is from the True, and from air comes water.¹ Therefore, an individual is guided to respect the environment.

Management / Firm/ Industry: In Sikhism, the advice on labour relations is clear and the guidance is that labour should not be exploited. To quote, *Je Rat Lagey Kapre Jama Hoe Paleet, Jo Rat Peevay Mansa Tinkio Nirmal Cheet*: If blood touches the clothes, it becomes unclean. One who drink blood of others, why their minds will be clean? (SGGJ 140). The general instructions are that all seem to be partners in the enterprise and therefore there should be no exploitation of anyone. To quote, *Sabhay Sajheevaal Sadain ToonKisai Na Diseh Baahraa Jio*: All are known partners; you are not seen Outside of anyone, O! Lovable (SGGJ 97). Similarly, *Naa Ko Bairee Nahe Bigana Sagal Sung Ham Ko Ban Aae*: Neither there is a foe, nor an alien, we

regularly. In million, Oh Nanak, there is a rare one who has God in the heart (SGGJ 1427).

¹*Saachay Tay Pavnaa Bhaia Pavnai Tay Jal Hoy* (SGGJ 19).

are friendly with everyone (SGGJ 1288). Again, *Aval Alah Noor Upaia Kudrat Kay Sabh Bandy. Aik Noor Tay Sabh Jag Upjia Kaun Bhalay Ko Manda*: First God created light, all creation is product of nature. The whole world is product of the same light, who can be good or bad? (SGGJ 1349). The point to be noted here is that the words used are '*sabay, sabh and sagal*' implying all, and the Sikh interpretation of these usage of words is inclusive of labour, clients and even other inputs, including environment. The instructions are to treat everyone like a family.¹

In Sikhism, resolution of any crisis is care-based and once forgiveness is sought, normal relationship should resume. Forgiveness is considered divine. The guidance is as follows: *Sut Apradh Karat Hain Jetay, Janni Cheet Na Avas Thethe* – Son commits many mistakes, Mother does not remember any (SGGJ 478). Again, at another place the importance of forgiveness is stressed as follows: *Khimaa Gahee Barat Seel Santokhan* – To practice forgiveness is the true fast, good conduct and contentment (SGGJ 223). Similarly, the Guru guides that *Dhaul Dharam Daya ka Pooth, Santokh ThaaP Rakheay Jeen Sooth* implying that superstructure of religion is son of compassion, and contentment binds everything (SGGJ 4). Therefore, the interpretation is that compassion is an important component of daily life. It would imply that an entrepreneur and the businessman are especially guided to be kind to the weak and poor, employees and differently disabled people. In

¹*Naa Ko Doot Nahee Bairaaee Gal Mil Chaalay Aikai Bhaaee*: I have no enemies, no adversaries. I walk arm in arm, like brothers, with all (SGGJ 887).

general, compassion should be the guiding principle in interaction with all.¹

The advice offered to an employee is to be cooperative and not behave under the influence of ego with the bosses.² The stress is on communication between the employers and employees as well as with peers.³ Similarly, Guru guides that a cooperative attitude leads to prosperity.⁴

Sikhism seeks welfare of entire humanity in its daily prayer and every prayer ends with the utterance of a term – *sarbatda Bhalla* – implying prosperity to all. A Sikh recites regularly that *Sabh Ko Meet Ham Aapan Keenaa Ham Sabhnaa Kay Saajan*: I have made everyone my dear friend, and I am everyone’s friend (SGGJ 671).

5. Conclusion

In the last few years the role of ethics in work environment has gained importance. In Sikh religion the emphasis is on family life, active participation in social and cultural life and on honest earning. In terms of work force, by providing equal

¹*Gareeba Upar Je Khinjai Darri; Parbrahm Sa Agan May Sarri*: Getting annoyed with weak and poor. God will burn such people in fire (SGGJ 199).

²*Chaakar Lage Chaakri Naale Gaarab Vaad. Chaakar Lagai Chhakri Je Chalai Khasmai Bhaae*: An employee should work as desired by the employer and not show ego or indulge in argument (SGGJ 474).

³*Jab Lag Duneea Raheea Nanak Kichh Suneea Kichh Kaheea*: Till the time we live in this world, Oh Nanak: let us listen something, say something (SGGJ 661).

⁴*Khavh Kharche Raal Mil Bhai, Toat Na Ave Vaddho Jae*: Brother, consume and spend together, Decrease it shall not, ever increase it would (SGGJ 186.)

opportunities to all, including women, and insisting on no discrimination on the basis of caste, culture, religion or color, Sikh religion ensures an upward sloping curve of labour. The emphasis is on education, rational thinking, long term planning, modest consumption, high investment, self-employment, employment generation and regular contribution to charity.

Of the three main pillars of Sikh religion which are meditation, honest earning and sharing with others, last two are directly related to ethics in business while the third influences the thinking of the worker leading to cultivation of virtues. As is empirically verified, people who regularly practice meditation, generally perform better, are more disciplined and don't resort to absenteeism.

In view of the religious teaching that all human races come from one single God, therefore, universal brotherhood is strongly recommended and practiced. This leads to harmonious relationships at work place as well as in social life. The philosophy that human birth is a transitory phase in the long journey of the soul ensures that Sikhs plan with a longer horizon and are not intimidated by the immediate work culture. This ensures that Sikhs are detached from the immediate pressures of work and are able to speak the truth to their bosses as well as their peers. This also implies that Sikh workers are expected to perform without fear and malice for the progress of their enterprise. Thus, in general, Sikh philosophy helps in contributing to economic growth.

ISLAMIC ETHICAL FRAMEWORK TO TACKLE SCIENTIFIC AND TECHNOLOGICAL DILEMMAS

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1. Introduction

The rapid advancement made in modern science and technology has posed many benefits and opportunities for improving the quality of life in sectors such as public health, agriculture and food processing. At the same time, modern science and technology also brings out many challenges that require a comprehensive and prompt response from the society. As a result, a number of models that have been

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suggested in order to tackle ethical issues that result from the rapid progress in science and technology. Science and technology have the ability to adapt to demands. Ethics should be able to assist in providing sense into these demands.

Up until now, many of the debates on ethics for science and technology revolve around the more advanced regions of the world. These debates look at ethics from the secularistic, pluralistic and multidisciplinary points of view.¹ Islam, as one of the major religions of the world, also has something to offer to the ethical discussion set forth by the current wave of scientific and technological revolution.

2. Islam and Advancements in Science and Technology

From the Islamic perspective, knowledge is a gift from God to humankind in order to enable us to administer the world as His vicegerents (*khalifah*). Knowledge is also a gift from God to enable us to differentiate from right and wrong so that we will always be on the right path. The very first revelation (verses 1-5 of Surah al-'Alaq) in the Quran is: "Read! In the name of thy Lord and Cherisher, who created – Created man out of a (mere) clot of congealed blood. Read! And thy Lord is Most Bountiful. He who taught (the use of) the pen. Taught man which he knew not."

This important revelation is significant for a number of reasons. Chief among these reasons is, of course, the appointment of Muhammad Ibn Abdullah as the last messenger and prophet of God to humankind. The second significance is the instruction from God for humankind "to

¹R. J. Cook, B. M. Dickens and M. F. Fathalla, *Reproductive Health and Human Rights: Integrating Medicine, Ethics and Law*, Oxford: Clarendon Press, 2003, 65.

read” which, as many would attest, is the key to knowledge. Herein is the importance stressed by Islam on the need to continue to pursue knowledge. The third significance of this first revelation is the very scientific information provided by God to Muslims on embryology. This provides the indication that Muslims should give serious attention to science and technology in particular the life sciences. Finally, the first revelation is also significant in that it highlights the very character of knowledge which is always evolving and adapting from time to time. This can be seen in verse 5 of the first revelation, wherein God says to the effect that He “taught man which he knew not.” As we progress over time, more and more areas of knowledge are being brought to light, where things – that may be thought of before as impossible – is today very possible and very common.

For example, the developments in the area of biotechnology catapulted humankind into a new era known as the Bio-Century. While George Mendel in the 19th century is credited with establishing the field of genetics, it was not until 1953 when James Dewey Watson and Francis Harry Compton Crick suggested the double helix structure of the deoxyribonucleic acid (DNA) that genetics really took a quantum leap in terms of research and development. Much progress has been made since then – some of which are welcomed and embraced by man without disagreement, others meanwhile shrouded in great controversy. Developments in areas such as organ transplantation, human reproductive cloning, genetic modification of organisms, gene therapy, eugenics, and more recently, the three-parent IVF technique, have invited much debate and dispute all throughout the world. Various stakeholders such as ethicists, consumer groups, environmental activists, and religious groups have

raised concerns on science and technology seemingly tampering with the natural order of things.

It may be apt at this juncture to be reminded that all knowledge obtained through research and development is, in actual effect, a gift from God. If God does not will for humankind to obtain such knowledge, then such a thing will not happen. Only when God wills for a particular knowledge to be made known, would that knowledge be obtained. This is an important reminder for Muslims in particular because all knowledge that is made known to humankind is actually a sign from God for us to remember that God is All-Powerful and Most Benevolent. This is mentioned explicitly in verses 20-21 of Surah al-Dhariyat in the Quran: "On the earth are Signs for those of assured faith. As also in your own selves: will ye not then see?"

The Bio-Century has in fact shown the Signs of God's Might that could be found in our own selves. For those who think, then, these signs are very significant because they could strengthen one's belief and faith in God. The question now is, how best should we utilise this knowledge for the betterment of humanity? It is crucial in this day and age that we do not be led astray and transgress the natural order of the world as set forth by God, lest should we destroy the world and ourselves along with it.

3. Islamic Ethical Framework

Discussions on Islamic ethics on science and technology are quite recent,¹ compared to the more developed world.

¹A. Siddiqui, "Ethics in Islam: Key Concepts and Contemporary Challenges," *Journal of Moral Education* 26,4 (1997), 423-431.

Bioethics which began to be widely discussed in the 1970's¹ can be defined as “the systematic study of the moral dimensions – including moral visions, decisions, conduct and policies – of the life sciences and health care, employing a variety of ethical methodologies in an interdisciplinary setting.”²In the case of bioethics, it involves various moral dimensions in making deliberations on issues that arise out of biotechnology. As bioethics involves morality, it makes a strong case for the need to include religious perspective into bioethical discussions. It has been argued that religion should be a stakeholder in the development and discussion of scientific and technological issues.³

Equally interesting to note is that a number of proponents of bioethics are those with religious and theological backgrounds.⁴ It is heartening to observe that the number of Muslim scholars involving themselves in discussions on scientific and technological ethics from the Islamic perspective

¹W. T. Reich, “The Word ‘Bioethics’: Its Birth and the Legacies of Those Who Shaped It,” *Kennedy Institute of Ethics Journal* 4, 4 (1994), 319-335.

²W. T. Reich, ed., *Encyclopedia of Bioethics*, 2nd ed., New York: Simon & Schuster Macmillan, 1995, xxii.

³S. M. Saifuddeen, “The Role of Diverse Stakeholders in Malaysian Bioethical Discourse” in J. Schreiber, T. Eich and M. Clarke, eds., *Conference Proceedings of the International Conference: Health Related Issues and Islamic Normativity*, 176-182, Halle: MENALib, 2013.

⁴Among them, Joseph Fletcher (1905-1961) was professor of pastoral theology in Cambridge, Paul Ramsey (1913-1988) was professor of religion at Princeton, and Richard McCormick (1923-2000) was professor at the Kennedy Institute of Ethics.

has increased.¹ Siddiqui argues that the words 'ethics' and 'bioethics' are alien to Islam, he also points out that there is already awareness on the part of Muslims to focus on Islamic ethics as a discipline.² It can be argued that ethics in Islam is synonymous with *akhlaq* (good character), *adab* (right action) and *tasawwuf* (sufism). These three forms of knowledge revolve around character-building towards obtaining the pleasure of God.³

Looking at ethics from this perspective, we would like to put forth the idea that scientific and technological ethics in Islam is a study of how Islam evaluates the research activities, processes, products, and outcomes of science and technology. We can define scientific and technological ethics in Islam as a set of rules or principles that is in line with the Islamic Shariah which functions in providing guidelines to scientists, technologists, researchers, practitioners, policy-makers, and

¹In Malaysia, bioethics from the Islamic perspective are actively discussed at institutions such as the Institute of Islamic Understanding Malaysia, the Centre for Civilisation Dialogue of the University of Malaya, and the Ahmad Ibrahim Kulliyah of Laws of the International Islamic University Malaysia. Among those who are actively involved in the discourse of Islamic bioethics include Azizan Baharuddin who is Deputy Director-General of the Institute of Islamic Understanding Malaysia, Abu Bakar Abdul Majeed who is Assistant Vice Chancellor (Research) of Universiti Teknologi MARA, Putri Nemie Jahn Kassim and Majdah Zawawi, both at the International Islamic University Malaysia.

²Siddiqui, "Ethics in Islam," 423-431.

³E. Moosa, "Muslim Ethics?" in W. Schweiker, ed., *The Blackwell Companion to Religious Ethics*, 237-243. Malden: Blackwell, 2005.

other stakeholders who are involved in science and technology in making important decisions relating to ethical dilemmas.

As an example, contemporary bioethics lists down four principles namely autonomy, beneficence, non-maleficence, and justice.¹For Muslims, these four principles are not sufficient without basing them on the interpretation of legal and ethical principles as outlined in the two primary sources in Islam, namely the Quran and the Sunnah (tradition) of the Prophet. The Quran and the Sunnah are the central sources of references for the laws and principles that guide the Muslims' way of life. Further to this, the use of *ijtihad* (derivation and deduction of religious opinion) is also needed in order to tackle new problems within the ambit of the two primary sources.

The higher objectives of the Shariah (Islamic Divine Law) are the protection and preservation of the faith, life, intellect, progeny, and property. The injunctions of the Shariah are stipulated to preserve and protect human dignity, steer humankind away from harm and destruction and show the way towards success in this world and the hereafter. Whilst the Quran and Sunnah do not give specific solutions to social, health, and other issues that have emerged since the Quran's Divine Revelation and the teachings and traditions of the Prophet Muhammad, there are general guidelines from these two sources that could be analysed in providing an Islamic perspective on contemporary issues and problems. One of the basic guidelines provided in the Quran and the Sunnah allows humanity to fulfil the needs of the present day without straying into the path of destruction.

¹T. L. Beauchamp and J. F. Childress, *Principles of Biomedical Ethics*, New York: Oxford University Press, 1994.

In looking at Islamic ethics for science and technology, one practical framework that could be utilised is *maqasid al-shariah* or the 'higher purposes of the Islamic Divine law' which has a number of advantages as it looks at Islamic principles from a comprehensive point of view.¹ This approach involves the compilation of arguments from various verses of the *Quran* and traditions of the Prophet which are relevant to the issue at hand.

Jurists have classified the entire range of *maqasid* into three descending order of importance, namely *dharuriyyat* (essentials), *hajiyyat* (necessities), and *tahsiniyyat* (desirables).² Under the *maqasid al-shariah* framework, the most critical needs fall under the category of *dharuriyyat*. The five essentials, known in Arabic as *al-dharuriyyat al-khams*, are preservation and protection of faith, life, intellect, progeny, and property. These five essentials are essential in preserving and protecting the dignity of humankind.

4. Understanding the Framework of *Maqasid al-Shariah*

We argue that *maqasid al-shariah* is the best and most practical framework for Islamic ethics for science and technology. As such, in discussing matters pertaining to science and technology ethics from the Islamic perspective, the five higher objectives or essentials of *maqasid al-shariah* would become the focal point for deliberation which could act as a pragmatic ethical checklist. If any one of the five higher objectives or

¹A. B. Abdul Majeed, *Making the Best of Both Worlds*, vol. 1: *Faith and Science*, Kuala Lumpur: Institute of Islamic Understanding Malaysia, 2001, 121.

²M. H. Kamali, *Principles in Islamic Jurisprudence*, Cambridge: The Islamic Texts Society, 1991, 397.

essentials are at risk, then from the perspective of Islam, the research activities, processes, products, and outcomes in question would be deemed unethical and by consequence, would not be permissible. For Muslims, using the *maqasid al-shariah* framework is much more holistic compared to the four bioethical principles (autonomy, beneficence, non-maleficence and justice) as laid down by Beauchamp and Childress.¹ It can be argued that Muslims can look at the framework of *maqasid al-shariah* as a complement to the conventional ethical model.²

The first emphasis as laid down by the *maqasid* framework is the protection of the faith. This means that any and all scientific and technological activities, be they in the form of research, processes, products, and outcomes, must be in line with Islamic teachings and must not go against any ruling as set forth by the Quran and the Sunna as well as the *ijtihad* on contemporary matters made by the jurists.

The second essential of the *maqasid* framework is the protection of life. In line with this, scientific and technological advancements must ensure that human life must not be put at risk, nor cause any harm or destruction on humankind and environment but would contribute towards the betterment and promotion of life.

Next, under the framework of *maqasid al-shariah* is the need to ensure that the intellect is protected. This connotes that scientific and technological research must ensure that the intellect is protected, and should not be harmed in any way.

¹Beauchamp and Childress, Principles of Biomedical Ethics.

²S. M. Saifuddeen, N. N. A. Rahman, N. M. Isa and A. Baharuddin, “*Maqasid al-shariah* as a Complementary Framework to Conventional Bioethics,” *Journal of Science and Engineering Ethics* (2013).

The fourth component that is protected under the framework of *maqasid al-shariah* is the progeny. Similar to the previous aims of the Shariah or Islamic Divine law, all scientific and technological endeavours must ensure that the progeny is protected. This means that anything that can cause harm or destruction to the progeny would be prohibited under Islamic teaching.

The fifth focus which is protected under the framework of *maqasid al-shariah* is property. It is imperative to ensure that scientific and technological advancements do not result in the destruction of property.

It is of the view of the authors that ethical dilemmas involving science and technology could be resolved with the aid of the framework as outlined by the *maqasid al-shariah*. Only when these five higher objectives are taken into consideration would ethical problems and issues pertaining to science and technology be resolved satisfactorily for Muslims.

5. Using *Maqasid al-Shariah* for Science and Technology

There are many contemporary scientific and technological issues that require response from Islam. Most of these issues are not explicitly mentioned in the Quran or the tradition of the Prophet. In view of this, the opinions given by Islamic scholars on these matters are based on *ijtihad* based on Islamic legal maxims, which take into consideration the five objectives of *maqasid al-shariah*.

In this section, we will look at two of these contemporary issues of science and technology in the light of *maqasid al-shariah* to ascertain the permissibility of these scientific and technological developments. The issues that will be touched on are: (i) Organ transplantation; and (ii) Human reproductive cloning. In the case of organ transplantation, we will see how

the framework of *maqasid al-shariah* allows a form of treatment which would have traditionally been deemed impermissible, while in the case of human reproductive cloning, we will discuss as to how a danger posed on one of the higher objectives of *maqasid al-shariah* results in this technology be prohibited from the perspective of Islam.

5.1. Organ Transplantation

With regards to organ transplantation, it must be understood that the Quran nor the Prophetic traditions neither sanctions nor prohibits this form of treatment. This is because there is no specific mention of organ transplantation in both these primary sources of Islam. While this may be the case, modern Islamic scholars have been deliberating extensively on this matter ever since the 1950's when cornea began to be transplanted.¹

All Muslim scholars are of the view that the human body is sacred and its dignity must be protected. Therefore, any act that is deemed as an aggression to the human body and tantamount to body mutilation is regarded as impermissible. This is based the Prophetic saying, “Verily the act of breaking the bones of the deceased is the same as breaking the person’s bones while he is alive.”² Based on this prohibition by the Prophet of Islam, it is inferred that organ transplantation is prohibited because it involves the act of cutting up a dead body in order to take out organs and tissues.

¹S. M. Saifuddeen, M. R. Ramli, S. N. Mihat, N. A. Marsom and M. R. Masran, *Organ Transplantation from the Islamic Perspective*, Putrajaya: Ministry of Health Malaysia, 2011, 10.

²Ahmad Ibn Hanbal, *Musnad al-Imam Ahmad Ibn Hanbal*, vol. 42, Beirut: Mu’assasah al-Risalah, 2001, 431.

This view that Islam forbids organ transplantation is held by a number of Muslim jurists such as Muhammad Shafi' of Pakistan, Abd al-Salam al-Sukri of Egypt¹ and Shams Peerzadah of India.² The arguments used to prohibit organ transplantation are that the sacredness of the human body must be upheld, the human body is a trust from God, and the transplantation procedure allows for the human body to be subjected to material ends.³ If one goes against this prohibition, then one is considered to go against the directive of God and His Prophet, thus affecting the first higher objective of *maqasid al-shariah*, that is, to protect the religion.

While it is indeed true that Islam does not allow for any form of mutilation on the human body, it is also important to note that Islam also upholds human welfare. If and when there exists a genuine need for organs to be transplanted from a deceased person in order to save another person's life, then this necessity would overrule the prohibition. Islam views that all deeds are judged by their purpose or intent. In the instance of organ transplantation, the intention is to save a patient's life, which is one of the essentials under the framework of *maqasid al-shariah*. Quran encourages the act of saving other people's lives, "... and if anyone saved a life it would be as if he saved

¹A. F. M. Ebrahim, "Organ Transplantation: An Islamic Ethico-Legal Perspective" in *FIMA Yearbook 2002*, 70-72, Islamabad: Federation of Islamic Medical Associations, 2002.

²S. Peerzadah, "Grafting of Human Organs" in Q. M. I. Qasmi, ed., *Contemporary Medical Issues in Islamic Jurisprudence*, 26-30, Kuala Lumpur: A. S. Noordeen, 2007.

³A. F. M. Ebrahim, *Organ Transplantation: Contemporary Islamic Legal and Ethical Perspectives*, Kuala Lumpur: A.S. Noordeen, 1998, 56-61.

the life of the whole people...” (part of verse 32 of Surah al-Maidah).

In view of this, a growing number of contemporary Muslim scholars and jurists are of the view that organ transplantation is permissible. The Islamic Fiqh Academy in Jeddah has resolved that organ transplantation from the body of a dead person is allowed “if it is essential to keep the beneficiary alive, or if it restores a basic function of his body.”¹ This juridical opinion was released in 1988, and became the standard for viewpoints on organ transplantation in Islamic countries.

The Senior Ulama Council of Saudi Arabia has permitted corneal transplant ever since 1967.² Subsequently, the majority of the scholars who sit in the Senior Ulama Council of Saudi Arabia also permitted the transplant of whole or parts of organs from cadaveric donors to living persons when there is no alternative.³ Similar rulings were also made in other Islamic

¹Islamic Fiqh Academy, Resolution No. 26/1/4, “Concerning Organ Transplant from the Body (Dead or Alive) of a Human Being onto the Body of Another Human Being” in *Resolutions and Recommendations of the Council of the Islamic Fiqh Academy 1985-2000*, 51-54, Jeddah: Islamic Development Bank, 2000.

²M. A. Albar, “Islamic Ethics of Organ Transplantation and Brain Death” in I. Ibrahim and A. B. Yang, eds., *Islam dan Pemindahan Organ*, 2nd ed., Kuala Lumpur: Institute of Islamic Understanding Malaysia, 2010, 101.

³Purport of the Senior Ulama Commission, Decision No. 99, dated 06-11-1402H, in *Directory of the Regulations of Organ Transplantation in the Kingdom of Saudi Arabia*, Jeddah: Saudi Center for Organ Transplantation, n.d., 46.

countries such as Malaysia¹ in 1970 and Kuwait² in 1979, as well as countries with Muslims as minorities such as Singapore³ in 1986, India⁴ in 1989 and the United Kingdom⁵ in 1995.

The basis of the rulings made in these countries is that there is an urgent necessity to save the lives of patients, and that organ transplantation is a viable treatment that can safeguard the second essential of the *maqasid* framework, that is the protection of life. In essence, the need to save a life through organ transplantation overrides the inferred prohibition derived from the Prophetic saying disallowing the act of mutilation.

In general, Islam allows human organ transplantation based on two main reasons, namely to save lives and to avoid harm. Islam allows transplantation of organs such as heart, kidneys, lungs, liver and cornea because these organs and tissues are critical for saving lives and improving the quality of life. A person who receives corneas for instance will be able to live a better life and he would be able to be independent.

¹Saifuddeen, Ramli, Mihat, Marsom and Masran, *Organ Transplantation from the Islamic Perspective*, 16-22.

²Albar, "Islamic Ethics of Organ Transplantation and Brain Death," 105.

³Islamic Religious Council of Singapore, *Organ Transplantation in Islam*. Singapore: Islamic Religious Council of Singapore, 2007, 10-11.

⁴A. F. M. Ebrahim, "Organ Transplantation: An Islamic Ethico-Legal Perspective" in *FIMA Yearbook 2002*, 76-78, Islamabad: Federation of Islamic Medical Associations, 2002.

⁵R. Howitt, *Islam and Organ Donation: A Guide to Organ Donation and Muslim Beliefs*, London: NHS Blood and Transplant, 2009.

Similarly, while kidney patients may have dialysis as an alternative treatment, the best form of treatment for kidney failure is kidney transplant as the patient would be able to improve his quality of life. For a Muslim kidney patient who undergo kidney transplant, he would also have the opportunity to perform the pilgrimage to Mecca.

Islam, however, does not give a blanket approval on all types of organ transplantation. Testes and ovary transplants, for examples, are forbidden in Islam as these transplantations go against one of the higher objectives of *maqasid al-shariah* namely the protection of the progeny. Testes and ovary are organs involved in the formation of human gamete cells. Testes produce sperms while ovary produces ovum. Transplantation of these organs from one individual to another would also involve the ability to produce these gamete cells. It is feared that this will cause confusion on the progeny’s genetic make-up as the gamete cells produced from organs which do not belong to the progeny’s actual parents. Islam strictly prohibits the mixture of gamete cells outside legal marriage as the implication on the progeny is very significant.¹

The view that favours organ transplantation is based on the importance of saving lives, and that there is no other option of treatment for the patient. This is very much in line with the second higher objective of *maqasid al-shariah*, namely the protection of life. However, if transplantation is done other than for this reason, then it would not be allowed.

¹Islamic Fiqh Academy, Resolution No. 57/8/6 on “Transplant of Genital Organs” in *Resolutions and Recommendations of the Council of the Islamic Fiqh Academy 1985-2000*, Jeddah: Islamic Development Bank, 2000, 114.

5.2. Reproductive Cloning

Advancements in genetic research have made it possible now for doctors and scientists to initiate the process of life itself through various state-of-the-art technologies in assisted human reproduction (ARTs) such as *in vitro* fertilization (IVF), zygote intra-fallopian transfer (ZIFT), intra-cytoplasmic sperm injection (ICSI) and reproductive cloning. It is claimed that the first human embryo was produced *in vitro* by John Rock and Arthur Hertig in 1938.¹ Since then, the study of human reproduction in women was conducted in other laboratories.² The first human birth conceived from IVF technique was reported in 1978 when Louise Joy Brown was born near Manchester, England to an English working class couple, John and Leslie Brown.³ The earliest justification for an IVF procedure was specifically to by-pass a barrier to conception, for example tubal damage or blockage that prevented fertilization.⁴

¹A. T. Hertig, J. Rock, E. C. Adams and W. J. Mulligan, "On the Pre-Implantation Stages of the Human Ovum: A Description of Four Normal and Four Abnormal Specimens Ranging from the Second to Fifth Day Development" in *Contributions to Embryology*, 35, 1954, 199-219.

²A. T. Hertig, "Thirty-four Fertilized Human Ova, Good, Bad and Indifferent, Recovered from 210 Women of Known Fertility: A Study of Biological Wastage in Early Human Pregnancy," *Pediatrics* 23 (1959), 202-221.

³P. C. Steptoe and R. G. Edwards, "Birth after Implantation of a Human Embryo," *Lancet* 2 (1978), 366.

⁴R. G. Edwards, "Fertilisation of Human Eggs *in Vitro*: Morals, Ethics and the Law," *Quarterly Review of Biology* 49, 1 (1974), 8-14.

From the Islamic perspective, it is permissible for the ART techniques to be carried out provided that a number of conditions are met. The first condition is that the ART techniques used must involve a married couple when the marriage is still valid, where the sperms are those of the husband, and the eggs are from the wife. This is to ensure that the sanctity of the marital contract is never violated at any point in time during the ART process.¹

The second condition is that the Muslim practitioner of ART must guard the purity and legality of the sperm and ovum of the couple. Since the union of the sperm and ovum is occurring one step beyond the act of sexual coitus, the fusion must take place within the jurisdiction of a marriage contract done by a competent team to ensure conscientious handling of the process so as to ensure that the gametes of the husband and the wife are the ones actually being used in the procedure. In other words, “the dyad of the legal husband and wife must not be intruded by any third party.”²

At the same time, it must also be ensured that the appropriate number of fertilized eggs is transported in the uterus. This is critical in order to decrease the risk of triplets and higher order multiple pregnancies which increased risk of miscarriage and preterm delivery.³ In other words, the technique used should not pose greater harm to the mother.

¹H. E. Fadel, “Assisted Reproductive Technologies: An Islamic Perspective” in *FIMA Yearbook 2002*, 62-63, Islamabad: Federation of Islamic Medical Associations, 2002.

²M. M. Nordin, “An Islamic Perspective of Assisted Reproductive Technologies,” *Bangladesh Journal of Medical Science* 11, 4 (2012), 252-257.

³Fadel, “Assisted Reproductive Technologies,” 62-63.

This is very much in tandem with one of the higher objectives of the *maqasid al-shariah*, namely the protection of life.

While most ART techniques such as IVF, ZIFT and ICSI are conditionally allowed in Islam and are today seen as acceptable methods to overcome infertility, human reproductive cloning on the other hand is much more controversial. This technology, which was first reported to be possible in the early 1950's, has never failed to attract controversy. However, it was not until embryologist Ian Wilmut's announcement in 1997 of the birth of the cloned sheep Dolly that it dawned upon people that the possibility of human cloning was nearer than ever.¹ Cloning is a replication of the DNA from the donor where no actual reproduction takes place. Procreation involves a sperm and an ovum, where the baby would have both the parents' genetic codes. In contrast, cloning only uses the DNA of one person, in which the resulting baby is the DNA replica of the donor. It is also observed that the problems that human cloning creates goes further into society. Human cloning would no doubt allow women to reproduce asexually.

From the Islamic perspective, cloning a human is against human nature, and is therefore prohibited. The Jeddah-based Academy of Islamic Fiqh had unanimously agreed that human cloning is prohibited in Islam,² as Islam "insists on the necessity of preserving man's innate nature, by maintaining the five

¹M. L. Rantala and A. J. Milgram, *Cloning: For and Against*, Illinois: Carus Publishing Company, 1999.

²Islamic Fiqh Academy, Resolution No. 100/2/10 on "Human Cloning" in *Resolutions and Recommendations of the Council of the Islamic Fiqh Academy 1985-2000*, 208-213, Jeddah: Islamic Development Bank, 2000.

universal principles: religion, life, intellect, offspring and wealth.”¹ Reproductive cloning technology poses a threat to these five higher objectives of the framework of *maqasid al-shariah*, especially the protection of the progeny.

This juridical opinion was based on various verses in the Quran that state that reproduction involves the male’s sperm and the female’s ovum. Cloning, however, is a form of asexual reproduction which does not involve fertilisation of the ovum by the sperm. Islam places great importance on the family institution. If human reproductive cloning is allowed, then there is no longer a need for marriage. Reproductive cloning would disrupt the definition of *nasab* or lineage, which would then cause confusion to family ties, which in turn causes the problem of determining those who are in the prohibited degree of marriage, which later results in the destruction of the concept of family.² This confusion is a consequence of the absence of sperm in reproduction. Furthermore, this would lead to the increase of the number of single parents, thus reducing the role of men, and also would result in sexual acts as sources of pleasure which would lead to further social irresponsibility.³ Not only does human reproductive cloning poses a threat to the safeguarding of the progeny, it would also in the long run affect humankind, thus endangering the religion as well. These threats that human reproductive cloning pose became the main basis for its prohibition in Islam.

¹Islamic Fiqh Academy, Resolution No. 100/2/10 on “Human Cloning,” 209.

²M. Zawawi. *Human Cloning: A Comparative Study of the Legal and Ethical Aspects of Reproductive Human Cloning*, Kuala Lumpur: Institute of Islamic Understanding Malaysia, 2001.

³Zawawi, *Human Cloning*.

6. Conclusion

In actuality, the four principles to bioethics as proposed by Beauchamp and Childress are inbuilt within the framework of the *maqasid al-shariah*. For Muslims, the *maqasid al-shariah* framework would be more acceptable and practical as compared to the four principles of bioethics, as the latter is viewed to be secular.

It is critical at this juncture for Muslims to play an active role in the deliberation of ethical issues pertaining to science and technology. Failure to do this would result in Muslims being left out on ethical deliberations, and as such, Muslims' sensitivities and inputs would not be highlighted. In participating in ethical discourse pertaining to science and technology, Muslims could resolve the ethical dilemmas by utilising the framework of *maqasid al-shariah*.

CHALLENGES IN BIOETHICS

A Christian Vision

Lucose Chamakala♦

1. Introduction

Christianity has solid ethical vision and has been developing ethical convictions by profoundly engaging in serious scientific researches in all areas of ethics for many centuries. The ethical vision of Christianity is centred on the core Christian values or virtues of faith, charity (love), hope, justice, prudence, temperance, fortitude, forgiveness, compassion, generosity, simplicity, patience, service, etc., and founded on the Sacred Scripture. Christianity is always active in confronting bioethical issues and challenges with due importance and seriousness. In the fast developing technological revolution, there emerge a number of bioethical challenges, like biotechnology, genetic engineering, contraception, stem-cell research, war, human experimentation, euthanasia, capital punishment, terrorism, reproductive technologies, rising cost of health care, unethical practices in medicine, geriatric health care, and organ transplantation.

The focus of this paper is to present a Christian vision of two such challenges: capital punishment, and the use of reproductive technologies. The selection of these two challenges for this study is very significant because, for many

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centuries until the latter part of the 20th century, Christianity had been considering capital punishment as an indirect violation of life which could be morally justified. Similarly, very many people have the opinion that Christianity is insensitive to the problems and difficulties of the many infertile couples when it rejects the use of in vitro fertilization and surrogate motherhood. In order to facilitate the discussion on capital punishment and in vitro fertilization, a brief analysis of the Christian understanding of the value of human life and the direct violation of human life is made in the following sections.

2. Christian Understanding of Human Life

According to Christian teachings, every human life is sacred from conception till natural death because of the unique relationship of human persons with God. Since human persons are created in the image of God, God treats human life as sacred, and requires that all humans respect the sanctity of every human life. According to Psalm 139:14, every human being is fearfully and wonderfully made. No human being is a mistake. Every person has a unique and an irreplaceable place before God. Again, the sacredness of human life is further revealed in Incarnation, God becoming human in Jesus Christ. The divine Word gives human life its ultimate sanctity by assuming human flesh (John 1:14). The resurrection of Jesus Christ guarantees the sanctity and the eternal dimension of human existence.

Christianity, particularly Catholic moral tradition, holds that as human beings are created in the image of God, they have a special dignity and intrinsic worth. As Germain Grisez puts it, “bodily life is a constitutive aspect of human flourishing” and hence no bad condition can lessen the

intrinsic goodness and sanctity of human life.”¹ Disease, debility and mutilation reduce participation in the good of life, yet a person’s life remains an intrinsic good that its intrinsic goodness and sanctity are unaffected by such conditions.

Since a human person’s life always retains its goodness and sanctity, it must be always treated with respect. The respect for life includes a moral absolute forbidding the intentional killing of the innocent. Respect for life demands to express respect for life by cherishing life, by protecting and respecting the dignity of every human person, by respecting the equality of all human beings, etc. This responsibility is sometimes limited by many other responsibilities and human circumstances.

The most accepted Sanctity-of-Life Principle in the Christian tradition could be stated as follows: “It is morally prohibited either intentionally to kill a person or intentionally to let a person die; however, it is sometimes morally permissible to refrain from preventing death.”² It implies two basic affirmations: 1) All human persons are equal in dignity; 2) All human lives are absolutely directly inviolable. Thus, according to the Christian understanding, any discrimination in life and death decision-making is morally evil. It is also evident that every human being has a very unique and an irreplaceable place and has a God-given dignity.

¹Germain Grisez, *Living a Christian Life*, Illinois: Franciscan Press, 1993, 466.

²Lucose Chamakala, *The Sanctity of Life vs. The Quality of Life*, Bangalore: Dharmaram Publications, 2005, 66.

3. Christianity and Intentional Violation of Life

According to Christian understanding, any direct and intentional violation of life is a moral evil in manifold ways. Firstly, it is a grave moral evil because it contradicts human nature. It is a sin against the Natural Moral Law,¹ as it is a direct violation against the intrinsic good of life. To violate any intrinsic good intentionally is an act against the Natural Moral Law.

Secondly, in Christianity, any direct and intentional violation of life is a sin against charity, the commandment of love.² Every human person has to be charitable to one-self as well as to other persons. The true love of the neighbour is a divine commandment. It is a Christian's religious duty.

Similarly, Christianity considers intentional violation of human life as a deprivation of the common good.³ No human person can be considered in isolation. As every person is an integral part of the community, violation of life involves

¹Thomas Aquinas, *Summa Theologiae*, ed. Black Friars, Oxford: Blackfriars, 1963-1976, II-II, q. 64, a. 5, 6. Natural Moral Law is the law of human conduct in the society which is originated in the human nature which could be recognized or understood by human reason, even without any external help or divine revelation. It is the unwritten law inherent in every person. It is also a participation of the rational creatures in the eternal law of God for the entire creation. The summary of this law could be: The known good ought to be protected, respected and promoted and the known evil ought to be avoided. Thus, any violation of any intrinsic good is a violation of the Natural Moral Law.

²Aquinas, *Summa Theologiae*, II-II, q. 64, a. 5.

³Aquinas, *Summa Theologiae*, II-II, q. 64, a. 5, 6.

damaging the wellbeing of the society. In other words, by this, the human community is deprived of a greater good.

Moreover, Christianity considers any intentional violation of life as an act against justice.¹ An act of injustice done to the community in as much as the individual person unfairly leaves behind unfulfilled duties and responsibilities towards her or his family, other individuals, communities, especially her or his dependents, and society at large, and imposes unreasonable burdens on them. Similarly, it is the violation of the fundamental right of the person concerned – right to live with dignity.

Above all these reasons, any intentional violation of life is a grave moral evil mainly because it is a sin against God.² Human life is a gift of God entrusted to humans with freedom and responsibility. God alone has dominion over life. According to the Christian understanding, the human person is not an independent lord of her or his life. She or he is only a steward. Every life is fit for living, as long as God, the lord of all life, values and sustains it.

Christianity, however, admits that there are some situations when humans are compelled to accept and respect certain limitations to protect and promote life and health as in the case of extraordinary means of treatment, indirect violations of life, risking life, etc. This is very evident when Christianity accepts the moral permissibility of passive euthanasia, indirect abortions especially to save the life or protect the health of the pregnant woman, killing in self-defence and risking one’s life in the execution of her or his responsibility as in the case of a soldier or a fire-worker or a

¹Aquinas, *Summa Theologiae*, II-II, q. 64, a. 5, 6.

²Aquinas, *Summa Theologiae*, II-II, q. 64, a. 5.

medical professional. For example, in passive euthanasia, the agents involved would consider the condition of the patient so damaged that they may find that the best treatment for that patient is non-treatment. This is because there are sometimes situations that any further intervention or treatment adds only disproportionate burdens and discomfort for the patient and does not provide any proportionate benefit for that patient. The situation is judged by the principle of double effect. Here the intention of those involved is not the death of the patient or even shortening the life of the patient.¹ However, they should not withdraw from providing beneficial treatments which would provide comfort to the patient. In other words, under the pretence of passive euthanasia, intentional violation of life should not take place.

This morally permissible indirect violation of life could be further understood in the analysis of indirect abortions. In the Christian understanding, abortion can be of two types based on the intention of the moral agents involved. If the intention of the moral agent is the death of the foetus, it is a direct abortion, and if the intention of the moral agent is saving the life of the pregnant woman concerned or protect her health and, in no way, the death of the foetus, it is an indirect abortion. Indirect abortions can be morally justified

¹The Principle of double effect is applied in cases of acts having two effects, one positive and the other negative, for its moral permissibility. This principle is rightly applied when all the four conditions of the principle are fulfilled. They are: i) the act should be morally good or at least morally indifferent; ii) the intention of the moral agents should be morally good; iii) the means adopted should be morally good; iv) there should be a proportionate reason in permitting the evil effect.

in the catholic moral tradition using the principle of double effect.¹ Something similar was the situation in the death of the pregnant woman, Savita Halappanaver, who was hospitalized on 21 October 2013 in Ireland. According to the available information, she was told by her physician that she was having a miscarriage but was denied an abortion. We do not argue here, in any way, for a direct abortion. However, if they knew that they could not save the baby, using the principle of double effect, they could treat the mother and save her life, even if such a treatment involves the incidental death of the foetus and not an intentional one, in any way, instead of losing two lives. Christian consideration of the value of human life will be better understood in the following analysis of capital punishment and in vitro fertilization.

4. Capital Punishment

According to the traditional understanding, there were three instances of justifiable killing: capital punishment (death penalty), killing in just war and killing in self-defence. Many Christian moralists, however, today question seriously the relevance of capital punishment. The traditional moralists justified capital punishment by arguing that serious criminal nature affects negatively the safety and welfare of the community. In the past, when the means available for controlling persistent trouble makers were very limited, the social self-defence might require the permanent isolation and incapacitation of the worst offenders in order to preserve the safety and peace of all in the society. What is required,

¹B. M. Ashley and K. V. O'Rourke, *Health Care Ethics: A Theological Analysis*, Washington D.C.: George Town University Press, 1997, 243.

however, in the case of serious offenders is their effective separation and isolation from the society.

It can be argued that the primary purpose of punishment by the public authority is to establish order and safety in the society. Every state has the moral obligation to protect the safety of all its members. In present-day circumstances, however, where other means for the self-defence of the society are possible and adequate, the death penalty cannot be justified. In fact, any punishment should be made in accordance with the protection of human dignity.

In the middle ages, St. Thomas Aquinas defended capital punishment by arguing that a person who sins gravely deviates from the rational order and so loses his or her dignity.¹ Today, many Christians reject this view. For example, Germain Grisez, a contemporary Christian ethicist, holds that since every human life is an intrinsic good and since the intrinsic goodness and sanctity is never lost as long as the person is alive, human life is always directly inviolable. Consequently, capital punishment is a bad means to a good end because it voluntarily violates a basic human good. Moreover, the death of an offender does not accomplish any restitution and does not compensate for the evil that her or his wrong-doing has caused. As Grisez argues,

Killing the criminal in no way compensates for the real evil he has done. A murderer's victim does not rise from the dead when the execution is carried out. Harming, hurting and killing offenders does not restore the goods of which they have unjustly deprived their victims. It would be far more just to make the criminal work as productively as possible; the fruit of his or her effort

¹Aquinas, *Summa Theologiae*, II-II, q.64, a.2, ad. 3.

being given to the dependents of the victim or the society at large, if there are no dependents.¹

In the light of Christian faith, one can ask how it can be right to set oneself directly against any human life, even if the ulterior good be the good of the community. We can also argue that we need not be convincingly sure that to what extent the offender is subjectively responsible for the offense, as in the case of insane persons. Similarly, we cannot rule out the possibility of the innocent people being given capital punishment. This is evident from the recent studies and researches. As Amnesty International observes,

Witnesses, prosecutors and jurors can all make mistakes. When this is coupled with flaws in the system it is inevitable that innocent people will be convicted of crimes. Where capital punishment is used such mistakes cannot be put right. The death penalty legitimizes an irreversible act of violence by the state and will inevitably claim innocent victims. As long as human justice remains fallible, the risk of executing the innocent can never be eliminated. There is ample evidence that such mistakes are possible: in the USA, 130 people sentenced to death have been found innocent since 1973 and released from death row.²

¹Germain Grisez, *Abortion: The Myths, the Realities, and the Arguments*, New York: Corpus Books, 1972, 336. See Lucose Chamakala, “John Paul II: The Promoter of Life,” *Indian Journal of Family Studies* 4, 1 (2006), 46.

²BBC Ethics Guide, “Arguments against Capital Punishment,” http://www.bbc.co.uk/ethics/capitalpunishment/against_1.shtml [Accessed on 12 December 2013].

Moreover, according to FBI Uniform Crime Report, statistics show that the death penalty leads to the brutalisation of society and individuals and an increase in murder rate. As the report shows, "In the USA more murders take place in states where capital punishment is allowed... The gap between death penalty states and non-death penalty states rose considerably from 4 per cent difference in 1990 to 25 per cent in 2010."¹ Very many people consider nowadays that capital punishment is not an appropriate mode of punishment in the civilized world.² Christianity is open enough to respond positively to such human realities and research findings.

Richard McCormick, another Christian ethicist, however, would accept capital punishment as morally justifiable if there is a proportionate reason. According to him, direct killing of even the innocent can be morally justified, if there exists a proportionate reason.³ In other words, the presence or absence of a proportionate reason makes any human act morally acceptable or morally unacceptable. Following this argument of McCormick, one can argue even for the validation of direct abortions or active euthanasia. But this position of McCormick is directly against the authentic Christian tradition and the teachings of Jesus Christ. However, the principle of proportionate reason is morally relevant in conflicting situations such as killing in self-defence. Here the death of the attacker is only an incidental or accidental aspect of self-defence but never an intentional

¹BBC Ethics Guide, "Arguments against Capital Punishment."

²BBC Ethics Guide, "Arguments against Capital Punishment."

³See Richard McCormick, "Ambiguity in Moral Choice" in Richard McCormick and Paul Ramsey, eds., *Doing Evil to Achieve Good*, Illinois: Loyola University Press, 1978, 43-45.

aspect. In other words, in the act of self-defence, if any other possible means is available than killing the attacker, such a means should be adopted.

The position of Catholic Church on capital punishment is expressed by John Paul II: “to kill a human being, in whom the image of God is present, is particularly a serious sin.”¹ However, he upholds the state’s right to execute “in cases of absolute necessity.”² By considering this exception, John Paul II acknowledges the right and responsibility of every state to ensure the safety and security of all its members. Moreover, in conflicting situations the state can opt for the greater good of the entire nation by following the principle of proportionate reason. It is conceived only as a very rare and unavoidable situation, may be, for example, to save the life of innocent people who are being attacked by the armed terrorists. However, the example given here is not the case of formal capital punishment given by judicial systems. Such an intervention involving the death of the terrorists is only a life-saving intervention. The death involved is only an incidental aspect but not an intentional factor. Thus, in short, in the Christian vision, capital punishment cannot be morally justified unless it is absolutely essential as a life-saving or life-serving intervention.

5. In Vitro Fertilization and Surrogate Motherhood

Infertility is generally understood as the inability of a couple to achieve conception after two years of unprotected sexual act. It affects approximately 15 per cent of couples in the

¹John Paul II, *Evangelium Vitae*, Vatican: Libreria Editrice Vaticana, 1995, 55.

²John Paul II, *Evangelium Vitae*, 56.

reproductive age group. Assisted reproductive technologies involve the different technical procedures employed for achieving a human conception in a manner other than the normal sexual union of man and woman. Infertility is caused by many factors such as venereal infections, endocrine disorders and hormonal imbalances, testicular injury, exposure to excessive heat or radiation, severe allergic reactions, contraceptive practices, aging of the reproductive system, the use of heavy drugs or alcohol, less sperm count, low mobility of the sperm, genetic and chromosomal abnormalities. The best approach to solve the problem of infertility is to rectify these defects by proper treatment and not to adopt directly any reproductive technologies. However, many medical professionals are not realistically considering these actual problems and possible treatments and solutions because the use of such reproductive technologies provides them huge financial benefit. The widely used assisted reproductive technologies are artificial insemination, in vitro fertilization and surrogate motherhood.

In the process of in vitro fertilization with embryo transfer, the concerned woman is prepared through hormone treatments and the matured ova or oocytes are collected from the ovaries. They are then capacitated to improve the chances of sperm penetration. The sperms or spermatozoa are also prepared and capacitated, and are placed with the oocytes in the sterilized test tube (in vitro) for fertilization to occur. The fertilized oocytes are called zygotes or embryos. In this process, several embryos are formed from which the best two or three embryos are selected and transferred to the uterus of the woman after having been cultivated for almost two days. The extra embryos are either frozen for later use or destroyed.

The introduction of in vitro fertilization has shown the possibility of transferring embryos to a woman other than the woman providing oocytes. Such a woman is called the surrogate carrier or surrogate gestational mother. The role of the surrogate mother is mainly to carry the gestation to term in such a way that the contracting couple will have the claim for the custody of the resulting child. Thus, it is an application of the IVF.

Catholic Church rejects the use of in vitro fertilization and surrogate motherhood. In *Evangelium Vitae*, John Paul II observes that various techniques of artificial reproduction, frequently used with the intention of serving life, actually open new threats against life. The important consideration of the Church in rejecting the practice of IVF is that this procedure involves the destruction of many embryos and thus many human lives. This is because in the procedure of IVF, many embryos are made from which only two or three are selected and transferred to the uterus. The spare embryos are either frozen or destroyed or used for experimentation and stem-cell research. John Paul II also argues that since these techniques have a high rate of failure mainly with regard to the subsequent development of the embryo, human life is exposed to high risk of death. This destruction of embryos is in effect the killing of human beings.¹ Since every human being is a person created in the image and likeness of God, every human life is sacred and inviolable from conception till natural death. As Margaret Tighe rightly argues,

Medical science has shown us quite clearly that human life begins at fertilization: From that time when the

¹See John Paul II, *Evangelium Vitae*, 14.

father's sperm begins to penetrate with the mother's ovum, a new life has begun and, unless man or nature intervenes, has commenced the journey of life only requiring time, optimum conditions and natural development to become a fully-fledged member of the human family – male or female – with all the characteristics unique to that person.¹

With the development of human embryos in laboratories, human beings are “reduced to the level of simple biological materials” as consumer products and are made available as experimental objects. This is a violation against the sacredness of life and the overall meaning and God-given purpose of life. As Tighe shows, “human embryos (human beings) can now be discarded, dissected, frozen and stored and eventually disposed of, genetically manipulated and experimented upon – all at the whim of scientists.”²

As Pope John Paul II argues, “If a person's right to life is violated at the first moment, ... an indirect blow is struck also at the whole of the moral order, which serves to ensure the inviolable good of the human. Among those goods, life occupies the first place.”³ Such a destructive attitude harms also the moral strength of the entire humanity especially when we consider the whole humanity as one family with God as the father of all persons. The moral strength of a community can be determined by its attitude towards the weak and the defenceless. Apart from this, many other

¹M. Tighe, “A Pandora's Box of Social and Moral Problems” in H. Kuhse and P. Singer, eds., *Bioethics: An Anthology*, Oxford: Blackwell Publishers, 2001, 91.

²Tighe, “A Pandora's Box of Social and Moral Problems,” 91.

³John Paul II, “Celebrate Life,” *The Pope Speaks* 24, 4 (1979), 372.

manipulations and abuses may take place in the use of this technology. As experiments are done in the laboratories by the professionals in private, the genetic parents need not be always the couples under treatment. As the procedure is very expensive, even already preserved embryos, which are made using the sperms and ova of others or donors, could also be used by some such professionals. If it happens, this is against the integrity of marriage and dignity of human procreation. However, in the light of Christian faith, the dignity of every person, even made of IVF, should be respected, because “every child who comes into this world must in any case be accepted as a loving gift of the divine goodness and must be brought up with love.”¹ But such a precious life should not be made by the destruction of many other such persons.

The Church welcomed Louise Brown as a great gift, a gift to her infertile parents, a gift to the world ... unique as a human individual, formed, even as that first cell, with the capacity for development to human adulthood with all the many attributes of a human person with which she should love, wonder, doubt and reason... The first problem was that with the fact Louise was a survivor of a process which had resulted and still results in the deliberate destruction of many others like her.²

¹Congregation for the Doctrine of Faith, “*Donum Vitae*” in C. E. Curran and R. E. McCormick, eds., *Readings in Moral Theology*, No. 8, New York: Paulist Press, 1993, 6.

²N. Tonti-Filippini, “The Catholic Church and Reproductive Technology,” 94. See Lucose Chamakala, “Assisted Reproductive Technologies: A Catholic Perspective” in Baiju Julian and Hormis Mynatty, eds., *Catholic Contributions to Bioethics: Reflections on Evangelium Vitae*, Bangalore: Asian Trading Corporation, 2007, 256.

The arguments against in vitro fertilization are equally valid in the technique of surrogate motherhood. Apart from this, it damages the integrity of the marriage and family, the dignity of human procreation and the right of the child to be born of the original parents.¹ Moreover, the procedure of surrogate motherhood would be highly problematic if the new born child is deformed, handicapped or mentally challenged. Naturally, the child will be rejected by the contracting parents as well as by the gestational mother.

Allowing women to be surrogates will in fact turn women to be baby-machines, bought and regulated by the people rich enough to pay, which attacks very gravely the interdependency and mutual bonding between mother and children. Researches prove that the changes happening in a woman during the nine months of pregnancy, even in a surrogate mother, are not only physiological but also emotional, relational and spiritual. Thus it involves the violation of the dignity of womanhood and motherhood. As Sidney Callahan warns, "Can children comprehend, without anxiety, the fact that mothers make babies and give them away for money?"² She also states that not everything that can be done to satisfy individual reproductive desires should be done, and collaborative reproduction using third parties come at too high a price.

However, the use of surrogate motherhood can be morally justified, if it is undertaken as a life-saving and life-

¹Chamakala, "Assisted Reproductive Technologies," 258.

²S. Callahan, "The Ethical Challenge of the New Reproductive Technology" in S. E. Lammers and A. Verhey, eds., *On Moral Medicine*, Michigan: William B. Eerdmans Publishing Company, 1988, 516.

serving intervention without the involvement of IVF. This means that it is morally appropriate to use the method of surrogacy, *if it is successful*, either to save the life of the pregnant woman or to save the life of the unborn child, when no other relevant means are available to save such a life.¹ Though it involves high risks, such a possibility of surrogacy may be extended to similar extreme cases, such as to protect the dignity of a rape victim who became pregnant due to rape, in which she has no responsibility for the sexual act and for the pregnancy, to transfer the pregnancy of a mentally challenged woman, etc., when it can be done without excessive hardship and burden to the concerned persons, especially to the surrogate woman.

7. Conclusion

Catholic Church is against the use of in vitro fertilization and surrogate motherhood not because the Church is insensitive or indifferent to the difficulties of the infertile couples but because she wants to protect the sacredness and inviolability of every human life and the true human dignity. The Church, however, is not directly against the use of technologies if it serves human life and protects human dignity. Thus, the use of homologous artificial insemination, by using the sperm of the husband, could be considered as a morally acceptable solution to the problem of infertility, if it does not harm the integrity of marriage and the dignity of human procreation. Recent studies reveal that almost 60 per cent of the cases of infertility could be solved by artificial insemination and a higher success rate results if insemination is repeated over a

¹Ashley and O'Rourke, *Health Care Ethics*, 248.

number of cycles.¹Heterologous artificial insemination, by using the sperms of donors cannot be morally justified as it violates the integrity of marriage and the dignity of human procreation, violates the rights and filial relations of the child, and can create inferiority feelings in the husband which can prevent him from fulfilling the proper parental responsibilities.² Every human life should be respected with utmost care and due appreciation from conception till natural death. Everybody has to accept and respect the human limitations in the protection and promotion of human life.

¹Ashley and O'Rourke, *Health Care Ethics*, 242.

²Chamakala, "Assisted Reproductive Technologies," 251.

DHARMA IN MANUSMṚTI

Agent of Social Cohesion and Equilibrium

Vivek Kumar Radhakrishnan♦

1. Introduction

Manu's ideal state, as engraved and meticulously described in *Manusmṛti*, is a society composed of interrelated and interdependent structural units that intend for the efficient functioning of the whole society.¹ The harmonious working of the individual elements maintains the homeostasis of Manu's society. It is evident from the clear-cut division of state into constituent elements, explicit division of labor, positional and gender-based stratification and sharply delineated social roles and expectations, that the aim was to carefully represent a finished state with accurately outlined structures and functions for the holistic continuity and maintenance of the Hindu society and polity. In this paper, I will be arguing that the central factor that binds the different units and holds the society together is Manu's Dharma. In other words, Dharma prevents the society from breaking up and changing into an

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♦First published in *Journal of Dharma* 38, 4 (2013), 399-418.

¹Rao, "Manu's Ideas on Administration," *The Indian Journal of Political Science* 66, 3 (July-September 2005), 499.

anarchic land.¹ The purpose of this paper is to establish that the ethical codes (Dharma) dictated by Manu serve as an agency in bringing about social cohesion, both at individual level and at group level, which would result in the appropriate functioning of social institutions and structures, ultimately leading towards a balanced and orderly state.

The first part of the paper will focus on marriage and family, *varṇa* system, *āśrama* system, political system and legal system of Manu's state to observe how their carefully designed structure has a bearing on their functioning. As I explore them, it will be clear that the functional aspects of these institutions which are regulated by Dharma make them interlinked and interdependent. The final part will address the nature of Dharma and how it serves as a foundation to connect all the parts for the smooth functioning of the society.

2. Marriage and Family

According to Manu, marriage is governed by Dharma and not by a physical bonding due to desire. It had been emphasized in *Manusmṛti* that sexual desire must be under control, and love must emerge during the process of enduring relationship acquired through marriage.² Marriage tie should normally be considered permanent and, hence, continuance of mutual fidelity till death is considered the best way for both husband and wife to live a life of Dharma.³

¹Das, *Manu's Code of Life*, vol. 1, New Delhi: Radha Publications, 1993, 49.

²Bhargava, *Manu Smṛiti*, Jaipur: Rawat Publications, 1989, 12.

³Burnell, trans., *The Ordinances of Manu*, New Delhi: Oriental Books Reprint Corporation, 1971, 262.

Manu recognized eight forms of marriage¹ in which *Brahma*, *Daiva*, *Prajapatya* and *Arṣa* forms are holy and blameless while *Gandharva*, *Asura*, *Rākṣasa* and *Piśāca* marriages are unholy and blameable² because the first four forms are not based on carnal desires or desire for wealth and takes into account the welfare of ancestors, descendants and the society in general.³ Although these four are the ideal forms according to Dharma, Manu does not rule out the possibility of the bad marriages happening. Taking their dispositions and qualities into consideration, he associates *Gandharva*, *Asura* and *Piśāca* marriages with *Vaiśyas* and *Sudras*.⁴

Manu prescribes the conditions that a man and a woman should meet in order to be eligible for marriage. Since Manu favors only the first four forms of marriages, he prescribes conditions only for such ideal marriages. In other words, by not throwing light on the intricacies of unholy marriages (which would include all the marriages of people belonging to *Sudra varṇa*), he strongly establishes the Dharma of marriage by his authoritative ethical stance on the rightness of the first four forms of marriages. A man must be learned in Vedas and be mature to seek the permission of his teacher in order to be eligible for marriage in accordance with the Dharma. For a woman, it is the bodily features – bearing an auspicious name, no physical defects, little hair on the body, graceful gait, small teeth and soft limbs – that make her eligible for the marriage.⁵ This implies that although at the surface level Manu wanted

¹Burnell, *The Ordinances of Manu*, 47.

²Burnell, *The Ordinances of Manu*, 50.

³Bhargava, *Manu Smṛiti*, 13.

⁴Burnell, *The Ordinances of Manu*, 48.

⁵Burnell, *The Ordinances of Manu*, 46.

bodily passions not to interfere in marriage, his patriarchal mentality is explicit in emphasizing bodily features rather than intellectual and moral qualities for women.

Marriages are arranged for girls once they reach puberty. If there is a difficulty in arranging for marriage, a girl can remain unmarried for three years after her puberty after which the girl has the right to choose her own partner of equal status.¹ A woman can stay unmarried all her life, if a suitable partner could not be found.² Endogamous marriage in conformity to Dharma was the preferred, as the child born of the union of the same *varṇa* will have a harmonious nature.³ Manu prescribes that marriage should be avoided among the *Sapindas*.⁴ Manu considered monogamy as the normal form of marriage⁵ and polygamy a sin.⁶ Manu was against dowry system and was of the opinion that matrimony should not become a market where selling of a bride could take place.⁷ Manu, however, laid out gifting a bridegroom as a norm in all the four holy forms of marriages. Manu clarifies this by claiming that the gifts must be voluntarily given as a token of affection and kindness towards the couple.⁸ If the husband dies, passing her remaining life in widowhood was considered honorable way to abide by Dharma.⁹ She has to be given care by her son¹ or

¹Burnell, *The Ordinances of Manu*, 260.

²Burnell, *The Ordinances of Manu*, 260.

³Bhargava, *Manu Smṛti*, 14.

⁴Burnell, *The Ordinances of Manu*, 45.

⁵Bhargava, *Manu Smṛti*, 13.

⁶Burnell, *The Ordinances of Manu*, 262.

⁷Burnell, *The Ordinances of Manu*, 51.

⁸Burnell, *The Ordinances of Manu*, 49.

⁹Bhargava, *Manu Smṛiti*, 17.

husband’s brother.² If a childless widow desires a child, she can beget one from her husband’s brother or *sapinda* after she is given permission by the elders.³

Manu’s Dharma prescribes that the freedom to divorce his wife anytime was given only to the husband and not to wife although Manu mentions that she should not be blamed if she abandons a husband who is impotent, insane or having a contagious disease and remarries another. In these cases, after she abandons her husband, she should be given the share of her property.⁴ For any reason other than this, she cannot come out of her marriage ties.

Family in Manu’s state was clearly structured according to the moral principle of Dharma which demands patterned roles and expectations of its members. The importance of family in Manu’s state was that it promoted spiritual progress of its members by creating a unifying bond that demands fulfillment of mutual duties.⁵ Joint family seems to be the norm in Manu’s social framework,⁶ although after the death of the parents, the brothers and their families were allowed to constitute smaller nuclear families and make a living.⁷ It is also obvious that a family in Manu’s state was patriarchal, as a man in the family is given more authority and power over a woman.⁸

¹Burnell, *The Ordinances of Manu*, 130.

²Burnell, *The Ordinances of Manu*, 270.

³Burnell, *The Ordinances of Manu*, 253.

⁴Burnell, *The Ordinances of Manu*, 257.

⁵Bhargava, *Manu Smṛiti*, 24.

⁶Bhargava, *Manu Smṛiti*, 23.

⁷Burnell, *The Ordinances of Manu*, 264.

⁸Bhargava, *Manu Smṛiti*, 18.

Dharma strongly advocates a man in a family to perform sacred duties and sacrifices for the spiritual advancement of his family members who were both alive and dead.¹ Specifically, he should perform what were called the *pañca-mahāyajña* or the 'five great sacrifices'.²

A man as a householder was supposed to discharge his Dharma of earning the daily bread. He should be content with what he earns and generous in giving right charity, and fulfill the duties which would suit his temperament.³ He had to treat guests hospitably, even if they come at an odd hour of the day.⁴ Although Manu mentions that an important duty of a man as a husband, even if he is weak, in a family is to protect his wife,⁵ she should not be guarded by force.⁶

Manu set ways also for women to hold on to Dharma in family. A wife should remain patient, self-controlled, and chaste⁷ and obey the instructions of the husband. The primary duty of a woman in a family is to bear and rear children. In fact, Manu glorifies the role of women in children's education and socialization.⁸ Transmission of social ideals and values to the children happens in the family before they are given formal education under a teacher.⁹ She should be economical and take care of household activities. She was supposed to clearly frame

¹Bhargava, *Manu Smriti*, 24.

²Burnell, *The Ordinances of Manu*, 53.

³Bhargava, *Manu Smriti*, 25.

⁴Burnell, *The Ordinances of Manu*, 74.

⁵Burnell, *The Ordinances of Manu*, 245.

⁶Burnell, *The Ordinances of Manu*, 246.

⁷Burnell, *The Ordinances of Manu*, 132.

⁸Burnell, *The Ordinances of Manu*, 33.

⁹Bhargava, *Manu Smriti*, 30.

a proper annual budget for regulating the expenditure and¹ make purchases and store the needed goods for the consumption. She should also look after the needs and comforts of the servants. If the family is poor, she should also manually assist her husband. In times of difficulty, she should act like a counselor, and not forsake her husband.² She should not ruin herself by drinking, associating with wicked people, separating from her husband, sleeping at unusual hours and staying in the house of other men.³

A successful marriage and marital life carefully regulated by Dharma would result in the birth of a son, which would ultimately lead both husband and wife to salvation.⁴ However, if a daughter was born she was equivalent to a son.⁵ She must be protected by her father.⁶

Both husband and wife were joint owners of the house (*dampati*).⁷ Once the householder gets old, he should hand over the economic activities to his eldest son and support him. The eldest son would then support his younger brothers. After the death of the parents, the property among the brothers should be shared equally. In the case of sisters, the brothers must give equal portions out of their shares.⁸

Manu devised the institution of marriage and family, thus, with accurate roles, norms and expectations as dictated by

¹Bhargava, *Manu Smṛiti*, 27.

²Bhargava, *Manu Smṛiti*, 27.

³Burnell, *The Ordinances of Manu*, 246.

⁴Bhargava, *Manu Smṛiti*, 20

⁵Burnell, *The Ordinances of Manu*, 268.

⁶Burnell, *The Ordinances of Manu*, 130.

⁷Bhargava, *Manu Smṛiti*, 27.

⁸Burnell, *The Ordinances of Manu*, 265.

Dharma. The functions of these two institutions that result due to the confirmation to Dharma ensure the survival of Manu's society. Their purpose was the ascertainment of love and sexual union, spiritual advancements, reproduction of new members of the society, their socialization and economic functions. Well structured marriage and family forms, roles and expectations show us that Manu intended to build a complete unit for the orderly functioning of the society by making use of Dharma as a moral principle.

Subtle and sometimes explicit gender-based stratification in the family could be considered as a functional necessity that maintained the status quo of the society. This is because Manu determined the stratified gender positions, so that there would not be any clash among their roles, power and functions. In fact, wife's roles were designed in such way that her subordination to her husband was made to appear estimable.¹ This Dharma was regulated by glorifications of women's roles (especially the role of the mother as a teacher) which were tools to attach honour to their otherwise secondary positions.² The subordination of women to men was also strengthened by rewards like exaltation to heaven for obeying the husband³ and warnings and fear symbols like disgrace and diseases for violating duties towards the husband.⁴ Manu also wanted householders to avoid competition and conflict to achieve higher statuses, power and prestige, so that status quo and balance in the society would be maintained.⁵

¹Bhargava, *Manu Smriti*, 27.

²Bhargava, *Manu Smriti*, 29.

³Burnell, *The Ordinances of Manu*, 131.

⁴Burnell, *The Ordinances of Manu*, 132.

⁵Bhargava, *Manu Smriti*, 26

3. *Varna* System

Manu made use of *varṇa* system to devise a model of social order set by Dharma that signified a division of labour, power structure and role plays. He accepted the authoritative pronouncement of *Puruṣa Sūkta* in *R̥g Veda* about the origins of *varṇas*, although there were other theories about the origin of *varṇas* in the classical texts.¹ Accordingly, the four *varṇas* originated from the body of *Brahma*: *Brāhmaṇa* from the mouth, *Kṣatriya* from the arms, *Vaiśya* from the thighs and the *Sudra* from the feet.² Each body part from which a particular *varṇa* was born symbolizes an occupation corresponding to it.

The following table presents the hierarchy of *varṇas* in the order of power and privileges, and their prescribed occupations in a table form:³

<i>Varna</i>	Prescribed Occupation	Occupation Allowed	Forbidden Occupations
<i>Brāhmaṇa</i>	Teaching, studying, offering sacrificing for oneself and others, making and receiving gifts.	A <i>Brāhmaṇa</i> could live a life of <i>Kṣatriya</i> and <i>Vaiśya varṇa</i> , if he was unable to subsist by occupations prescribed.	Agriculture, selling flesh, fish, salt, and milk. <i>Sudra</i> way of life was forbidden.

¹Dutt, *Origin and Growth of Caste in India*, vol 1. Calcutta: Firma K. L. Mukhopadhyay, 1968, 4-5.

²Burnell, *The Ordinances of Manu*, 20.

³Burnell, *The Ordinances of Manu*, 315-318.

<i>Kṣatriya</i>	Administrative duties, kingship, exercising power, punishment, and other military functions	Studying, gifting others and sacrificing for oneself and judicial functions were allowed. They may adopt the life of a <i>Vaiśya</i> , if necessary.	Teaching, sacrificing for others and accepting gifts. <i>Sudra</i> way of life was forbidden.
<i>Vaiśya</i>	Agriculture, animal husbandry, trade, dealing with metals, gems, corals, perfumes and condiments	A <i>Vaiśya</i> , who was unable to earn a livelihood through prescribed means could adopt a life of a <i>Sudra</i>	All the duties prescribed and allowed for <i>Brāhmaṇas</i> and <i>Kṣatriyas</i> were forbidden
<i>Sudra</i>	Serving <i>Brāhmaṇas</i> and handicrafts	Serving a <i>Kṣatriya</i> or a <i>Vaiśya</i>	Prescribed and allowed duties for <i>the first three varṇas</i> were forbidden.

Manu restricted the way of life of the people belonging to *Sudra varṇa*, while there is more flexibility for other *varṇas*. In other words, Manu strictly curtailed the upward mobility in the *varṇa* system, although movement downward was permitted to some extent.¹ Manu wanted to establish a basis that would strengthen the rigidity of the *varṇa* system. So, he based the functional differences on the natural qualities and dispositions of the people.² Depending on a person's natural qualities and dispositions, he/she would naturally fall under one of the *varṇas*.

¹Bhargava, *Manu Smṛiti*, 36.

²Bhargava, *Manu Smṛiti*, 39.

<i>Varṇa</i>	Dispositions	Qualities
<i>Brāhmaṇa</i>	Quiet and curious	Wise, self-disciplined, pleasant, pure, controlled and serving-nature
<i>Kṣatriya</i>	Energetic	Valour, disciplined, royalty and joyous
<i>Vaiśya</i>	Desirous	Possessiveness, instinctual, cowardice and hostility
<i>Sudra</i>	Incoherent	Indefinable and Inconsistent qualities

Manu might have understood the difficulty in accurately determining the dispositions and qualities of every person in the society and fixing him/her in a particular *varṇa*. Since all the members of the society, including the ones governing the state would fall under a *varṇa*, the question of who would determine the nature and decide the *varṇa* of people was difficult to answer. This difficulty would lead the four-fold division to lose its original character as members of a class would encroach upon the profession of other classes.

Although giving more power and authority to *Brāhmaṇas* and calling it Dharma would have solved the problem to some extent, Manu furthermore strengthened the rigidity of the *varṇa* system by associating it with *jati* system which had its basis on birth. In fact, this must have been the reason why Manu subscribed to *Puruṣa Sūkta* theory about the origin of *varṇas* and not to the others, as it gives importance to the birth basis of the *varṇas*. By this, Manu established a correspondence between *varṇa Dharma* and *jati Dharma*, so that they would strengthen each other. Consequently, for Manu there were only four *jatis* in the beginning that corresponded to the four *varṇas*. These four *varṇas* were assigned their Dharma based on their dispositions and qualities which further depended on their birth from the particular body part of *Puruṣa*. As a result of mixed unions of people belonging to different *varṇas* a number

of *jatis* arose.¹ Manu exhaustively covers all the possible inter-mixing of *varṇas* and details their dispositions and qualities, so that their statuses and occupations would not turn flexible.²

To further strengthen the rigidity, Manu tried to figure out which *jatis* corresponded to the four original *varṇas*. He mentions that subsequent permutations and combinations after the inter-mixing of high and low ranked *varṇas* would result in a baby that could possess the nature of either highly ranked *varṇa* or the lower depending on which generation the baby gets the birth. It is in this context he mentions that a *Brāhmaṇa* could become a *Sudra* and *Sudra* could become a *Brāhmaṇa*.³

Manu's use of *jati* system, which developed through exogamy, does not mean that he supported exogamy. It just means that he recognized it and made use of it to strengthen the rigidity of *varṇa* system. His authoritative position in favour of endogamy cannot be doubted.⁴

Thus, *varṇa* system was a well-structured institution based on the division of Manu's society into four segments on the basis of functional differences. These differences were clearly delimited with the help of dispositions and qualities which depended on the *jati* in which the person was born. Since *varṇa* system was made to be associated with *jati* system, it revealed a rigid hierarchy with marked distinctions in status, privileges and power.⁵ Although Baudhāyana, Vasiṣṭa and Gautama had already associated *varṇas* with *jatis*, it was Manu who made it most orthodox by establishing Dharma through clear-cut

¹Burnell, *The Ordinances of Manu*, 306.

²Burnell, *The Ordinances of Manu*, 306-310.

³Burnell, *The Ordinances of Manu*, 314.

⁴Burnell, *The Ordinances of Manu*, 45-47.

⁵Bhargava, *Manu Smriti*, 34.

distribution of power, authority and functional roles.¹ This checked all the unwarranted competitions between the *varṇas* and *jatis* and thereby ensured the avoidance of conflict and easy working of the society. Also, the interdependency between the various functional groups enhanced and promoted the integration of various social institutions and equilibrium in the society.²

It should be noted that Manu also wanted to keep track of even those who would not fit into the society he was designing. He mentions that all those tribes which were excluded from the community of those born from the mouth, the arms, the thighs, and the feet of *Brahmā* were called *Dasyus*. Manu understands these people as barbarians and considers them to be impure, who must subsist by occupations reprehended by the people belonging to the twice-born *varṇas*.³ By consciously bringing all the members of the society into his vision, he extends the strength of Dharma and carefully organizes his society for its smooth functioning.

As in the case with the family, the *varṇa* Dharma got strengthened with a definitive assertion that it was better to perform one's own appointed duty incompletely rather than to perform completely the duty of another.⁴ Warnings of banishment, deprivation⁵ and pouring the burning oil into ears⁶ made sure that the *varṇa* Dharma was not violated. Non-

¹Kumar, *Changing Role of the Caste System*, Jaipur: Rawat Publications, 2005, 49.

²Bhargava, *Manu Smṛiti*, 40.

³Burnell, *The Ordinances of Manu*, 311.

⁴Burnell, *The Ordinances of Manu*, 318.

⁵Burnell, *The Ordinances of Manu*, 318.

⁶Burnell, *The Ordinances of Manu*, 222.

observance of prescribed sacred rites would lead to degradation and these degraded groups were called *Vrātyas*.¹ Rewards like heaven, attainment of high birth in the next life further toned *varṇa* system up.²

4. *Āśrama* System

In addition to the functional division based on labour, Manu divided the society on the basis of the stages of life into student (*brahmacari*), householder (*grahastya*), hermit (*vānaprastha*) and ascetic (*sanyāsa*).³ In other words, every stage of life was patterned with roles, norms and expectations as prescribed by Dharma. This system assured the interdependent relation between the individuals and the group life, as individual belonging to a particular age also belonged to a group.⁴

In order to tread the path determined by Dharma, a student must engage in study of Vedas and Upanishads, and at the same time perform various kinds of austerities and vows as prescribed in the Vedas. Initiation to education (*upanayana*) was considered the second birth of a person (*dvija*). It was there that one learnt the conduct and duties to apply them later in life.⁵ He should offer fuel to the sacred fire, beg for food, sleep on the ground and serve the teacher.⁶ He must control his senses, bathe every day, worship Gods and avoid honey, meat, garlands, touching women, singing, gambling and dancing.⁷

¹Dutt, *Origin and Growth of Caste in India*, 7.

²Burnell, *The Ordinances of Manu*, 303.

³Burnell, *The Ordinances of Manu*, 146.

⁴Bhargava, *Manu Smriti*, 47.

⁵Burnell, *The Ordinances of Manu*, 24.

⁶Burnell, *The Ordinances of Manu*, 29.

⁷Burnell, *The Ordinances of Manu*, 36-37.

Once the studentship was completed successfully, the person married (as a rite) and shouldered responsibilities of life.¹He now lives with his wife and subsists independently by occupying a duty that Dharma prescribed him. He must not neglect the ‘five great sacrifices’.² Desire of sex, wealth and progeny must be satisfied within the vision of tasks that Dharma has placed before him.³

Dharma dictates that as a householder sees his wrinkled skin, grey hair and the grandchildren, he has to go to the next stage. He should go to the forests either along with his wife or leaving her with his sons. He should take with him the sacred fire to conduct sacrifices in the forest,⁴ and must be industrious in reciting the Vedas. He should be patient, compassionate, friendly, broadminded, and should not make efforts for pleasure.⁵ He must wear a tattered garment, sleep on bare ground, beg alms, and not care for shelter.⁶

Although activity for pleasure must be ceased, the intensity of activity without attachments and bonding must be greater. In fact, a person of *Kṣatriya varṇa* must act to duly protect the world.⁷ This could happen in this *āśrama* because this is the stage where the person could dedicate his energies and experience to the general good. Since people belonging to *Kṣatriya varṇa* possessed active temperament, Dharma allows them, in this stage, to live with their family and engage in

¹Burnell, *The Ordinances of Manu*, 45.

²Burnell, *The Ordinances of Manu*, 133.

³Bhargava, *Manu Smṛiti*, 44.

⁴Burnell, *The Ordinances of Manu*, 134.

⁵Burnell, *The Ordinances of Manu*, 135.

⁶Burnell, *The Ordinances of Manu*, 137-138.

⁷Burnell, *The Ordinances of Manu*, 148.

worldly pursuits to work as an advisor to young, or even as a king for the welfare of all without any attachments or desires.¹

After abandonment of worldly attachments in *vānaprastha* stage, he must live a life as an ascetic in the fourth part of his existence. He must not possess anything and must wander from place to place silently. He must carry a vessel and beg for food. He must meditate on the supreme self and wait for final liberation.² He must have his hair, nails, and beard clipped, should carry an alms-bowl, a staff, and a water-pot, and wander without hurting any creature.³

The structure of *āśrama* system was developed so that living in compliance with its Dharma would lead the individual and the group to be mutually interdependent on each other, which would ultimately lead to the progress of the individuals in the society.⁴ For example, students, hermits and ascetics must depend on the householders economically. Similarly, students must depend on the householders for their education. Such interdependence would not lead to a conflict between the members of the different groups. The uniqueness of *āśrama* system is that it made very clear the norms and expectations from a spiritual dimension too. Furthermore, it reveals that not only did individuals have obligations for the society, but the society also has obligations and responsibilities towards individuals.⁵

Although not explicit, it is evident from the studentship of *Brahmacarya āśrama* and the spiritual inclination of *vānaprastha*

¹Bhargava, *Manu Smriti*, 45 and 78.

²Burnell, *The Ordinances of Manu*, 138.

³Burnell, *The Ordinances of Manu*, 141.

⁴Bhargava, *Manu Smriti*, 47.

⁵Bhargava, *Manu Smriti*, 48.

and *Sanyāsa āśrama* that the *āśrama* system and its Dharma was devised only for the *Brāhmaṇa*, *Kṣatriya* and *Vaiśya varṇas*. This does not make members of *Sudra varṇa* free and flexible, but only restricts them to *varṇa* system and its Dharma. In other words, by not including *Sudra varṇa* into the *āśrama* system, Manu curbed them and held them restricted into their world of service and menial jobs.

5. Political and Legal System

The aim of Manu’s political and legal system was to ensure peace and prosperity of the people.¹The political basis of the state was the government which was the tool of expression of collective will and power. It consisted of three parts: executive, judiciary and legislature. The executive further comprised of three parts: king, cabinet and civil service.²

Manu gave the king, the head of the state, the divine right to rule. His Dharma is to protect his people, and attain justice.³ He should know the Vedas and learn the science of government, the science of dialectics, and the knowledge of the inner soul from the *Brāhmaṇas*. From the people, he must learn the theory of the various trades and professions.⁴ He must be modest, self-controlled and self-disciplined. Manu warns of the activities that would make the King violate Dharma.⁵ Manu also mentions the regular schedule of a king.⁶

¹Rao, “Manu’s Ideas on Administration,” *The Indian Journal of Political Science* 66, 3 (July-September 2005), 490.

²Bhargava, *Manu Smṛiti*, 79.

³Burnell, *The Ordinances of Manu*, 148-149.

⁴Burnell, *The Ordinances of Manu*, 153.

⁵Burnell, *The Ordinances of Manu*, 154.

⁶Burnell, *The Ordinances of Manu*, 166-177.

Cabinet part of the executive branch of the government refers to the group of seven or eight ministers, who should assist the king. These ministers must be well-versed in sciences, skilled in weapons, well tried and from families which uphold Dharma. They should be assigned tasks related to war and peace, revenues, police affairs and public works. The most distinguished of them must be a *Brāhmaṇa* who should be in charge of all official businesses.¹ Manu's Dharma dictates that the taxes should be moderate and press lightly on the people.²

The third part was the civil service which was composed of officials who were wise, skilful, alert, brave, honest and high-born, and who should deal with the execution of government policies. They should be responsible for collecting revenues from mines, manufactures, storehouses and interior of his palace. They should not have any corrupting influences, and must take charge of the administrative service.³

The second department of Manu's law making system held the purpose of interpreting the laws and initiating new legislation. Ten wise men of acute intelligence who can deduce proofs through reasonable argument must be appointed. Any legal disputes should be solved in relation to the sources from which the laws are made: Vedas, Law Treatises (*Dharmaśāstras*), custom of the holy men and conscience.⁴

The last part of the polity was the judiciary to provide justice to the people by upholding the law. A well-versed *Brāhmaṇa* must be appointed by the king for the administration

¹Burnell, *The Ordinances of Manu*, 154-155.

²Burnell, *The Ordinances of Manu*, 164.

³Burnell, *The Ordinances of Manu*, 155.

⁴Burnell, *The Ordinances of Manu*, 17.

of justice.¹ He must know what was expedient and inexpedient, pure justice and injustice.² Through external symbols, he should be able to discover the inner dispositions of a person.³ In addition to the judge, three other *Brāhmaṇas* versed in Vedas should be appointed to constitute the legal bench.⁴

Manu mentioned eighteen topics that would give rise to law suits.⁵ In Manu’s state punishing a person for a crime was relative on various factors like time, place, circumstances, strength and knowledge of the offender.⁶ This means that punishment varies from *varṇa* to *varṇa*, as members belonging to each *varṇa* possess different dispositions, intellectual and moral qualities. These qualities also directly reflected their respect for law.⁷

<i>Varṇa</i>	Intellectual Qualities	Moral Qualities	Respect for Law
<i>Brāhmaṇa</i>	Very high	Very high	Vedas, Law Treatises (<i>Smṛti</i>)
<i>Kṣatriya</i>	High	High	Vedas, Law Treatises (<i>Smṛti</i>) and customary laws of the holy men
<i>Vaiśya</i>	High	Average	<i>Smṛti</i> and customary laws of the holy men
<i>Sudra</i>	Low	Low	Customary laws alone (although <i>Smṛti</i> very rarely)

¹Burnell, *The Ordinances of Manu*, 179.

²Burnell, *The Ordinances of Manu*, 180-181.

³Burnell, *The Ordinances of Manu*, 181.

⁴Burnell, *The Ordinances of Manu*, 179.

⁵Burnell, *The Ordinances of Manu*, 178-179.

⁶Burnell, *The Ordinances of Manu*, 149.

⁷Rao, “Manu’s Ideas on Administration,” 497.

Depending on the above conditions, Manu devised four types of punishments for these groups: warning, imprisonment, fine and corporeal punishment.¹ The table below concentrates on different types of punishment for the four *varṇas*.²

<i>Varṇas</i>	Types of Punishment			
	Warning	Fine	Imprisonment	Corporeal Punishment
<i>Brāhmaṇa</i>	Sufficient	Results would be significant as they are poor	Not necessary	Not necessary
<i>Kṣatriya</i>	Sufficient	This wouldn't work as they are very rich	Might be necessary	Not necessary
<i>Vaiśya</i>	Poor results	This wouldn't produce results as they are very rich.	Absolutely necessary	Might be necessary
<i>Sudra</i>	No result	Impractical as they are very poor	Absolutely necessary, although with poor results	Absolutely necessary, and would produce significant results

Manu also mentioned different types of crime and punishments equivalent to it.³ The intensity of the punishment

¹Burnell, *The Ordinances of Manu*, 199.

²Rao, "Manu's Ideas on Administration," 497.

³Burnell, *The Ordinances of Manu*, 232-244.

for a criminal king was greater than that of the ordinary people.¹ One-time offender must be punished mildly while habitual criminals must receive harsh punishments.² After the criminal received the respective punishment, the society should forgive him and should be restored to his social status.³

The main functions that would result from the Dharma of Manu’s political and legal system were the freedom from external coercion, and right of the people to discharge their duties independently.⁴ He wanted to give importance to the welfare of the people. Specifically, he wanted to see every individual in his state to satisfy basic needs, enjoy rights and privileges and have representations in the administration.⁵ Furthermore, he wanted to ensure that the sovereignty was enjoyed by every individual. This means that every individual must be free to carry out their duties prescribed by Dharma to live happily and peacefully.⁶

It must be noted that the punishments devised are not just to protect the public, but also to keep the people awakened and aware of their Dharma.⁷ Thus, the political and legal system had full control over the people belonging to different groups, so that the functional requisites were guaranteed for the survival of the society.

¹Burnell, *The Ordinances of Manu*, 232.

²Bhargava, *Manu Smṛiti*, 92.

³Burnell, *The Ordinances of Manu*, 229.

⁴Bhargava, *Manu Smṛiti*, 89.

⁵Rao, “Manu’s Ideas on Administration,” 491.

⁶Rao, “Manu’s Ideas on Administration,” 492.

⁷Burnell, *The Ordinances of Manu*, 150.

6. Dharma as the Agent of Cohesion and Equilibrium

Manu knew very well that a common value-ideal was required to integrate different parts of his society and promote solidarity among the people. In other words, for a state as set by him in *Manusmṛti* to operate without any conflicts and competition, a common agreement which everyone would share was needed. The concept of Dharma seems to have satisfied that need. Of course, this concept was not new to Manu, as it had its significant presence since the Vedic times. However, the meaning, nature and field of Dharma qualitatively changed in *Manusmṛti*. Dharma which earlier meant primarily to cosmological realm was applied to social realm in *Manusmṛti*.¹ In other words, Dharma which referred to the force that supported and sustained the cosmic order in the Vedic *Samhitās* started referring to rights and duties of an individual to support social order in *Manusmṛti*. It should also be noted that this change in meaning was not radical, as we can see the emphasis on the social aspect of Dharma even in *Upaniṣads*, *Brāhmaṇas* and other *Smṛti* texts.²

Manu devised the concept of Dharma in such a way that it can be treated as a practical law of conduct of any social group he/she belongs to. It referred to psychological, social, moral and legal duty of a person in Manu's state. It was a moral ideal that must be kept in mind and followed while exercising one's

¹Meena Sohan Lal, "Relationship between State and Dharma in Manusmṛiti," *The Indian Journal of Political Science* 65, 1 (January-March 2004), 30.

²Meena, "Relationship between State and Dharma in Manusmṛiti,"

duties individually and socially. It was supposed to be an ethical imperative for all the members of his state.¹

Manu’s concept of Dharma manifested itself into types in order to apply to all the members belonging to different institutional units in the society for their interaction and organisation.² *Sva Dharma* referred to the individual imperatives that must be followed as duties to uphold one’s nature. *Kula Dharma* referred to the duties and laws that must be discharged by the individuals within the family. *Varna Dharma* referred to the responsibilities and obligations that must be worked out by person belonging to different *varnas*. *Āśrama Dharma* referred to the duties of the individuals that must be discharged by individuals in different *āśramas*. *Jati Dharma* meant the set of duties that must be followed by individuals belonging to different *Jatis*. *Desa Dharma* referred to the duties of the citizens in a state. *Rāja Dharma* referred to the duties and conduct of a king. Thus, Manu made sure that people belonging to different groups lived according to Dharma so that their social life would be in order. These formulations and implementations prescribed in the name of Dharma were hierarchically organized to avoid power clashes and duty conflicts in the society.

These manifestations of Dharma make the individual parts of the society to be interrelated and interdependent on each other for their functions. For instance, the birth of a child, an important aspect of *Kula Dharma* served as a starting point for the other units to function in Manu’s society. To add on, the *Āśrama Dharma* of a householder had significant impact on the functioning of a family. Therefore, Dharma, as an ethical

¹Das, Manu’s Code of Life, 50.

²Bhargava, *Manu Smṛiti*, 97.

principle connects all the parts, and ultimately the state as a whole. It makes every part of the society to function in such a way that, it would directly have an effect on both other parts and the system as a whole.

In addition to the Dharma that applied to individual units of a society, Manu conceived of laws that applied to all. Abstention from injuring the creatures, abstention from unlawfully appropriating the goods of others, veracity, purity and control of the mind and body are applied to members of all the *varṇas*.¹ The tenfold law which must be obeyed by members belonging to all the four *āśramas* are: Contentment, forgiveness, self-control, abstention from immorally appropriating anything, purification, coercion of the organs, wisdom, knowledge, truthfulness, and abstention from anger.² Since everyone in Manu's state would fall under a *varṇa* and a *āśrama*, these laws could be considered as the universal aspects of Dharma (*Sāmānya Dharma*).

Keeping in mind the norms of action and living a life according to Dharma irrespective of the differences in social roles and statuses would lead to the perpetual righteousness (*Sanātana Dharma*) which was the supreme ethical goal to be attained.³

By clearly laying down the laws and duties of every individual and group in the name of Dharma, Manu developed an organized structure of society that, with well-defined institutional roles and norms, would make a smooth social life possible. Although Manu wanted to get rid of conflicts that would result in social change, he anticipated a gradual and

¹Burnell, *The Ordinances of Manu*, 313.

²Burnell, *The Ordinances of Manu*, 146.

³Bhargava, *Manu Smṛiti*, xx.

evolutionary social change. This is the reason why he conceived of a concept of *Yuga Dharma* which referred to the change of laws by the passage of ages.¹

Although the laws of Dharma applied to worldly affairs, the emphasis was given to the spiritual importance of Dharma.² This was because Manu understood that Dharma, as an end in itself, would not be held rigidly. So, he stressed that the purpose of carrying out Dharma was *mokṣa* (liberation). In other words, Dharma was considered as being instrumental in achieving the ultimate ethical aim, liberation. The universal self could be realized by means of right moral actions based on the correct discrimination of reality.

Thus, it can be seen from above that it was Dharma that regulated the other three *puruṣārthas*, *artha*, *kāma* and *mokṣa* in *Manusmṛti*. In other words, Dharma was considered as the norm of other human values and goals (*puruṣārthas*).

Dharma, which was a set of ethical codes in *Manusmṛti*, was a shared value that formed the basis for social unity and solidarity in Manu’s state, since individuals tended to identify a sort of bonding with others who shared the same value. In fact, living a life of Dharma was the common goal that Manu wanted his people to share. Again, since Dharma enabled a positive membership to a particular group, every individual would work for the good of the institution to which he/she belonged to, which would ultimately lead to a smooth functioning of the state, as intuitions which are interconnected make the society.

¹Burnell, *The Ordinances of Manu*, 12.

²Meena, “Relationship between State and Dharma in Manusmṛiti,” 32.

7. Conclusion

Thus, Manu's state was structured. Various social institutions and systems designed in *Manusmṛiti* were major aspects of that social structure. These institutions had been made up in such a way that their Dharma would promote organized relationships between the members of the society by prescribing interconnected roles and norms.

Manu's Dharma, thus, by setting standards and regulating the behavior of humankind, linked all the individuals in the society leading to social cohesion on an individual level.¹ At the same time, Dharma integrated all the parts of the state by making them interrelated and interdependent upon each other leading to cohesion on a group level. Again, it was Dharma which held the individual units together as one whole, and made sure that the equilibrium and order was maintained in Manu's state.

Although Manu's intention was to intricately develop unchanging institutions that would adapt themselves to meet the challenges of a variety of situations by fulfilling their complimentary functions in the society, such an ideal, as we have witnessed through histories, cannot turn out to be true in reality. Though authoritative, Manu's position cannot simply avoid the dynamics of human beings that manifests through migration, mobility, conflicts and defiance. This does not mean we have completely freed ourselves from Manu's established utopia. Nevertheless, it is impossible to accurately correspond and fit into Manu's society as Manu had envisioned.

¹Meena, "Relationship between State and Dharma in Manusmriti," 32.

THE DILEMMA OF DHARMA IN THE GĪTĀ

Religious Constraints on Moral Duty

Cinderella Sequeira♦

1. Introduction

The ethical dilemma begins in the Gītā with the refusal of Arjuna to fight against his own kinsmen the Kauravas. The entire discourse in the Gītā basically offers the reasons by which Kṛṣṇa encouraged and persuaded Arjuna to fight. The aim of this essay is to explore the ethical dilemma in the Gītā faced by Arjuna in relation to adherence to scriptural norms and duties by birth, the compatibility between dharma and karma and its end as Mokṣa.

2. Narrative Nature of the Gītā

The factual or historical nature of the Bhagavad Gītā being highly debatable I choose to treat the Gītā in this study as an ethical narrative from an authoritative source in the person of Kṛṣṇa. With due respect to the fact that Kṛṣṇa in the Gītā is projected as an incarnation of Viṣṇu I would like to analyze his discourse from a non-theistic perspective.

Philosophers like Gandhi argue that the Gītā is an allegory of the battle of good and evil that takes place within every

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human mind, with Kṛṣṇa as the voice within that speaks in the purity of the heart and the mind as the battlefield of Kurukshetra.¹ This allegorical approach also shows the importance of dharma not only in the battlefield but in every human mind. The allegorical interpretation of the Gītā offers an inspiration to perform one's *sādhāraṇa* dharma in the fight against evil. As the *Varṇa-āśrama* dharma is highly exclusive in nature, as it is dealt with in the Gītā, it may not be possible to employ this allegorical method to deal with it, especially when we take into account its social impact. Although dharma would be dealt in greater details later in this paper, I would like to argue that analyzing dharma as the ground for division of labour has to necessarily exist in practical life. Kṛṣṇa expects Arjuna to fight the war because he is assigned to fight by virtue of his Kṣatriya dharma. Kṛṣṇa would not expect a non-Kṣatriya to fight the war because dharma does not assign fighting as his duty. Secondly, considering dharma as allegorical is self-defeating as it would lead anybody to consider himself to be a Brahmin, Kṣatriya, Vaishya and Shudra at the same time as everyone is expected to fight the evil within oneself, and not the Kṣatriya alone. The Gītā's foundation in dharma, therefore, annihilates the possibility of considering it as an allegory.

3. Scriptural Basis of the Gītā

The discourse of Kṛṣṇa in the Gītā offers a confirmation to the religious Hindu texts both the Śruti and the Smṛti. Kṛṣṇa requires Arjuna to stay in conformity with the teachings of dharma as explained in the teachings of these preceding religious texts. "What constitutes sin is known through

¹M. K. Gandhi, *The Teachings of the Gītā*, Bombay: Bharatiya Vidya Bhavan, 1962, 17-18.

Dharmaśāstra which reveals that a soldier who runs away from the battlefield commits sin.”¹ According to the Gītā, sin is committed neither in relation to one’s conscience nor in relation to whom one is fighting but only on the basis of *svadharma*. Arjuna is seen to express his desire to be a mendicant. This, for Kṛṣṇa, is a choice not worthy of consideration as Arjuna’s desire lies outside the boundaries of dharma. Kṛṣṇa perceives Arjuna to be a warrior alone in accordance with his dharma. Obligation to *svadharma* is an imperative. It should, however, be taken into account that one does not become a soldier by choice but by birth. Dharma in the Gītā may be seen to establish a deterministic attitude towards life wherein one bears the consequences of non-dutifulness regardless of one’s conscience. Taking recourse in a profession apart from that which is prescribed by birth is itself sinful implying the necessity to attune one’s conscience to one’s dharma. Dharma now becomes dictatorial and imposable in nature such that an individual is cursed for exercising his faculty of reason outside the boundaries of dharma.

They [Hindus] did not need to justify proper modes of behaviour; tradition supplied these. What was needed was a justification for the patterns of behaviour and roles specified by tradition, and this is what dharma accomplished. Dharma reinforced fidelity to tradition and opposition to change, and at the same time provided a motive for obedience to prescribed roles. The society intended stability based on the premise that everything of value has been specified by or to the fathers. The moral

¹Swami Dayananda, *The Teachings of the Bhagavad Gītā*, New Delhi: Vision Books, 1989, 15.

decision was whether one would obey his dharma or take exception to it.¹

The dictatorial nature of dharma can be understood as resulting from human search for meaning of life. Human beings across cultures have asked fundamental philosophical questions particularly questioning the meaning and purpose of life. The Vedic man was no exception to this phenomenon. They embedded the concept of dharma into scripture in order to settle it for all generations to come. The Vedic man decided on assigning a particular duty to a set of people regardless of their personal choices. The element of divinity created its authoritative magic and people began to adhere to norms as they were perceived as the source of purposiveness in one's life. Dharma provided only the option of adherence to norms but never the teleological choice for one's life.

4. The Ethical Dilemma in the Gītā

The ethical dilemma of the Gītā is a question of morality vis-à-vis love for one's relations. In the battlefield of Kurukshetra, Arjuna refuses to fight due to two main reasons. Firstly, Arjuna has a firm conviction in the futility of the consequences of the war. Secondly, "there is the problem of his emotions and feelings, inclinations and passions interfering with the discharge of his duty."² The discrepancy between the cognitive and affective faculties of Arjuna is not the source of his ethical

¹Austin B. Creel, "Dharma as an Ethical Category Relating to Freedom and Responsibility," *Philosophy of East and West* 22, 2 (1972), 155-168,166.

²Madan Prasad Singh, *The Ethical Philosophy of the Gita: A Comparative and Critical Study of the Interpretation of Tilak and Ramanuja*. Calcutta: Panthi Pustak, 1996, 52.

dilemma but only its by-product. The ethical dilemma truly lies at the root cause of his understanding of the relation of dharma and karma. Arjuna understands dharma as applied only in relation to the larger society and not merely to his own kinsmen. Therefore, the question of ethicality of dharma never arises prior to this particular war for Arjuna because he had never been expected to perform his Kṣatriya duty on his own kinsmen. It is in this context that Kṛṣṇa argues that Arjuna should be treating all humans equally by understanding that they all are equally endowed with souls which cannot be destroyed. “He who thinks him (the Self) to be the killer, and who experiences him (the self) as the killed – both of them know not. He (the Self) neither kills nor is killed” (BG 2:19).¹ Kṛṣṇa expects Arjuna to look beyond the body and its ability to evoke passion. Passion here is seen as a barrier which prevents one from performing one’s duty.

A major drawback of seeing passions and emotions as barriers to the performance of duty is that dharma constricts itself to the narrow realm of rationality. The ethical cannot, however, be exclusively led by reason but also by the manner in which one feels for the ethical duty. The performance of duty would be incomplete without a strong emotional and psychological compatibility with the necessity to perform the duty. Therefore, in Arjuna’s case, Kṛṣṇa aims at changing Arjuna’s approach to his Kṣatriya duty.

5. Dharma in Relation to Justice in the Gītā

The Mahabharata war is often understood in terms of a war between good and evil, at the end of which the good wins over

¹Swami Tapasyananda, *Srimad-Bhagavad-Gita: The Scripture of Mankind*. Madras: Sri Ramakrishna Math, 2011, 49.

the evil. Experts argue that war was prescribed in the *Gītā* because of the necessity of performing one's duty to fight the war. Kṛṣṇa persuades Arjuna to fight not for the sake of war but for the sake of one's duty. Arjuna has to fight the war as it 'happens to be' his duty. The same would never have been expected of a Vaishya or a Brahmin. Therefore, the reason for the justification of war in the *Gītā* is that of the dependability on dharma that befalls on a particular individual for a particular duty and to hold him responsible if he has not performed his duty. The choice of dharma is never made by the individual but by the very fact of being born to perform a duty.

The war is also argued to be justified in relation to an obligation to justice. "As princes the Pāṇdavas not only had a right to the kingdom, but also had a duty to see that justice was done."¹ The concept of dharma, therefore, included duty as well as ensuring justice established through one's duty and no other means. The notion was that justice could be established only if one performed one's duty. While the Kauravas failed in practising their duty of keeping their word and, hence, caused injustice, the Pāṇdavas, in not fighting the war, would not only fail in performing their duty but would also be responsible for the injustice resulting from it. In this situation, the party that has suffered injustice is the one that is synonymous to 'good' or is the representation of 'goodness' while the one that causes injustice is to be despised. Although the argument in the case of the latter party can be justified, the same cannot be done with the former. One cannot assume that the Pandavas represent goodness because they were the ones who suffered injustice. This can be analyzed from a few foul means employed by the Pandavas in order to win the war. For

¹Dayananda, *The Teachings of the Bhagavad Gītā*, 8.

example, when Yudhiṣṭhira faced a moral dilemma of choosing between telling a lie and thereby winning the war and, on the other hand, being truthful and suffering unjustified defeat Kṛṣṇa persuaded him to choose the untruth for the sake of victory.¹ In another instance, when Yudhiṣṭhira, his elder brother, insulted the ‘Gāṇḍiva bow’ Arjuna faced the dilemma of promise-keeping and fratricide as Arjuna had promised the fire-god who had gifted him the Gāṇḍiva that if anyone ever insulted the bow he would be put to death. Kṛṣṇa, however, argued that promise-keeping was not more important than saving an innocent life.² Finally, when the war ended, “both Arjuna and Yudhisthira regretted the loss of millions of lives and doubted whether the throne had been worth fighting for.”³ We, therefore, notice the use of foul means to victory which is basically a shift from common dharma to specific dharma according to one’s convenience which will be further explained in the following sections of the paper.

6. Concept of Dharma

The term ‘Dharma’ can be interpreted in various ways, although its translation is very difficult. The literal meaning of the word dharma comes from the root word ‘dhṛ’ which means ‘to uphold,’ ‘to maintain,’ ‘to support’ and ‘to sustain.’⁴ Dharma is also widely interpreted as religion, duty, law,

¹Matilal, “Dharma and Rationality,” in *Indian Ethics: Classical Traditions and Contemporary Challenges*, eds. Purushottama Bilimoria, Joseph Prabhu, Renuka Sharma, 79-102. New Delhi: Oxford University Press, 2007, 96.

²Matilal, “Dharma and Rationality,” 96.

³Matilal, “Dharma and Rationality,” 96.

⁴Creel, *Dharma in Hindu Ethics*, 3.

virtue, etc. In this article, however, I would focus on the interpretation of dharma as explained by Kṛṣṇa in the Gītā who argues as follows: “There is no greater good for a Kṣatriya than what a righteous war offers. O Arjuna! That Kṣatriya must indeed be a happy man to whom comes unsought a war like this, which is an open gate to heaven” (BG 2:31-32).¹ Kṛṣṇa clearly states that one’s dharma is equal to one’s caste duties. According to Kṛṣṇa, a Kṣatriya has to necessarily fight the battle regardless of its consequences because his dharma alone can lead him to happiness and to heaven. A Kṣatriya path to heaven, consequently, is determined by the ancient seers. Dharma, then, imposes the necessity on an individual to attain mental and moral development such that one only performs one’s duty and no longer thinks outside its boundaries.

Dharma in the scripture focuses on two types of dharma, namely, *sādhāraṇa* dharma and *varṇa-āśrama* dharma. The former is that which is equally applicable to everyone, i.e., people of all castes while the latter can be understood as duties which change according to one’s caste. The “main purpose... [of *Sādhāraṇa* dharma is] not ethical theory but the guidance of people in everyday life by dealing with the problems of each by reference to his station in society.”² *Sādhāraṇa* dharma would include the necessity to follow virtues like non-lying, non-stealing, non-injury, non-violence, truthfulness, purity of the body and mind, sense-control, charity, control of inner mental states, helping the distressed, and tranquillity in the midst of distress and troubles.³ On the other hand, *varṇa-āśrama*

¹Tapasyananda, *Srimad-Bhagavad-Gītā*, 54.

²Creel, *Dharma in Hindu Ethics*, 7.

³Surama Dasgupta, *Development of Moral Philosophy in India*, Madras: Orient Longman, 1961,15.

dharma refers to the specific duties assigned to specific classes of the society, for example, the Brahmin has to perform *pujas*, the Kṣatriya has to fight the war, etc. *varṇa-āśrama* dharma is specific, categorically necessary and limited while *sādhāraṇa* dharma is universal, necessary and eternal. “In case of a conflict between *sādhāraṇa* dharma or universal duties and the particular caste duties the latter are to prevail, e.g., the Kṣatriya may violate the principle of non-injury at the time of war; and this has been emphasized in the Gītā.”¹ In Arjuna’s case his *sādhāraṇa* dharma required him to practise non-violence while his *varṇa-āśrama* dharma required him to fight the battle. In such a case, Kṛṣṇa commands Arjuna to fight the battle with no remorse for his *sādhāraṇa* dharma. This hierarchy of dharma, however, has two major drawbacks which can be analyzed by paying attention to the teleology of dharma.

The teleological end of dharma – both common and specific dharma – is establishing universal order. Although this cannot be argued to be the only teleology (as Mokṣa is also the teleos of dharma), it intends to base its universal order on the performance of specific dharma. If the specific duty takes precedence over the common duty as proposed by the Gītā then the question of universal order is an impossibility as in the process of performing one’s specific duty one would endanger the dharma (dharma of the Kauravas, i.e., not to fight the war) and even the life of other human beings (as in the case of war itself). It, therefore, would lead to the fulfilment of one’s own specific dharma by using others not as end in itself but as a means to fulfil one’s own dharma. I would, therefore, argue that the common duties ought to be given greater importance over specific duties. Secondly, the Gītā argues: “do not

¹Dasgupta, *Development of Moral Philosophy in India*, 15.

abandon the duty that is natural to you, even if some imperfections are incidental to it" (BG 18:48).¹ In this context, Koller argues: "[Arjuna's] nature being what it is, he would be going contrary to his nature if he did not fight this war, thus doing something that would tend to destroy his entire being."² It should be noticed that it is the association of *varṇa-āśrama* dharma to the very nature of one's being that leads one to believe that one is naturally created to establish universal order. *Sādhārāṇa* dharma, although natural, secondary to *varṇa-āśrama* dharma, creates a contradiction on the fulfilment of the intended universal order as *varṇa-āśrama* dharma is performed at the cost of others' dharma.

6.1. Dharma as Duty

Dharma as duty refers to the imperative placed by the Gītā on an individual to follow his caste specific duties. As the Gītā explains, "The duties of Brahmins, Kṣatriyas, Vaisyas and also Sūdras have been divided according to the qualities born of their own nature" (BG 18:41).³ Gītā specifically promotes the division of duties among various groups of the society based on their birth. Hence, it projects a naturalistic element to duty which basically is rooted in heredity. The Gītā, therefore, analyses dharma as bounden duty on an individual to the extent that it becomes a part of the individual himself. This would indirectly indicate that Gītā establishes morality on biological factors as that of heredity. It necessitates one to perform duties whose evasion would lead to sin.

¹Tapasyananda, *Srimad-Bhagavad-Gītā*, 452.

²John M. Koller, "Dharma: An Expression of Universal Order," *Philosophy East and West* 22, 2 (1972), 131-144, 143.

³Tapasyananda, *Srimad-Bhagavad-Gītā*, 448.

Critics argue that morality, consequently, has a biological foundation which is deterministic as human beings do not have the possibility to exercise their freewill and choice in choosing one’s dharma.¹ One, however, misses an essential element in the above argument as it can be explained through the cycle of karma and *punarjanma*. The cycle of karma and *punarjanma* is an aspect that can question the biological foundation of morality though it needs to be rooted in faith or in the authority of scriptures. However, accepting dharma as one’s caste duty itself is rooted in faith in the authority of the scripture. Therefore, one does not need an empirical base to argue for the cycle of karma and *punarjanma* just as one does not have an empirical base to argue for rooting oneself in one’s caste duty.

Dharma as duty is also explained in the Gītā as follows: “One’s own dharma even though not glamorous is better than duty alien to one’s growth (*para-dharmah*), however well performed. For even death in doing one’s duty leads to one’s good while a duty alien to one’s growth is burdened with fear and downfall” (3:35). The Gītā here clearly establishes a hierarchy of dharma on two grounds. First, one must never think of compromising one’s own dharma on account of any reason, as it could be worse than death. Second, one cannot choose to perform anybody else’s dharma because it would be accompanied with fear and downfall. One, therefore, comes to the conclusion that when dharma is understood as duty, it ensures a level of permanence and changelessness in the society. “The spirit of change run riot means social chaos and the spirit of conservatism in its extreme expressions means the

¹S. G. Sathaye, *Moral Choice and Early Hindu Thought*, Bombay: Jaico Publishing House, 1970, 62.

suppression of most of the highest capacities of human nature.”¹ In identifying dharma with birth and heredity, the Hindu scripture was able to maintain a hold over the society such that people were always within its control and never strayed away from serving their hierarchical dharma. Dharma as duty, therefore, becomes highly derogative to an individual’s growth because duty is not performed only for duty’s sake (*niṣkāma* karma) rather performed regardless of what the duty could have been.

6.2. Necessity of Dharma

Kṛṣṇa, in the *Gītā*, argues for the necessity of dharma in the following manner: “No man can ever remain even for a moment without performing any action. The impulses of nature deprive him from freedom in this respect and compel him to act” (3:5).² Human beings cannot live without performing an action may it be virtuous or vicious. Can a vicious action be dharma? If so, he proposes that it would be better for one to perform one’s prescribed duty which would lead to harmony in the society and attainment of Mokṣa. On the other hand, if one does not perform one’s duty ‘a-dharma’ would lead to the disruption of the society and consequent lower births of an individual. Dharma does not only have an individual consequence but also a collective consequence, the responsibility of both of which lies on the shoulders of the individual. Dharma, then, is necessary because of its twofold impact which we shall discuss below.

¹John McKenzie, *Hindu Ethics*, New Delhi: Oriental Book Reprint Corporation, 1971, 44.

²Tapasyananda, *Srimad-Bhagavad-Gītā*, 88.

The understanding of dharma as duty sheds light on its social implications. When an individual performs duty as prescribed by the scripture, it would lead to the realization of the best universal order or *loksamgraha*. By ‘universe’/‘society’ it refers to all those people existing within the four castes. In explaining dharma a principle that upholds or sustains the universal order, the scripture can be seen as interpreting performance of dharma as a principle that leads to the sustenance of a sound and stable society. As observed by Jhingran, “Dharma has no limits. It extends to all spheres of life. It is what sustains the world.”¹ Dharma as extending to all spheres of life indicates its all-pervasive nature including that of one’s daily duties, rituals, practices, and one’s moral decisions, all of which when followed by everyone leads to order in the society. In explaining order in the society, dharma can be understood from two perspectives: “the higher dharma being in accord with the higher reality out of which the lower reality evolved. The lower dharma means being in accord with the lower manifested reality of ordinary experience.”² In identifying dharma as being higher and lower in nature one is brought to the knowledge of the order being controlled by the divinity present within us. In the performance of duty an individual is able to transcend temporality even when he continually is a part of it.

Maintenance of order in the society is not only for its own sake but also for the sake of individual Mokṣa. The Gītā argues: “Perform actions always without attachment. For by working without attachment a man attains the Supreme” (3:19). The

¹Saral Jhingran, *Aspects of Hindu Morality*, New Delhi: Motilal Banarasidass, 1999, 38.

²Koller, “Dharma,” 141.

Gītā emphasizes the surety of attaining the Supreme through the performance of duty which is also a collective goal of the society. As explained by Pal, “although *loksamagrha* is a non-personalistic and worldly end and Mokṣa, [it] is a personalistic and non-worldly end, yet, there is no conflict between the two within the Bhagavad Gītā.”¹ When one performs desireless action, one is free from bondages of the world and attains liberation. The Gītā, therefore, tries to emphasize the non-duality between transcendence and imminence.

7. The Karma Theory

“Karma is the moral Law of Causation. It declares that man’s will is free and that he is responsible for all his actions. Nothing that man can do is private.”² This theory of karma refers to the notion that all human beings are responsible for their own actions and have to perform their prescribed duties or dharma. The performance of their dharma is karma, i.e., action. Every action has its corresponding effects the responsibility of which should be shouldered every human being. The Sanskrit term karma is derived from the root word *kr* which means ‘to do’ and karma has connotations such as the law of causation, and the law of morality. regarding the karma Kṛṣṇa says in the Gītā: “to work alone you have competence, and not to claim their fruits. Let not the longing for fruits be the motive force of your action. At the same time, let not this attitude confirm you in

¹Jagat Pal, “The Concept of Niṣkāma Karma: Teleological or Deontological?” *Indian Philosophical Quarterly* 28, 2 (April 2001), 215-225, 224.

²Nagaraja, P. Rao, “The Doctrine of Karma,” *Aryan Path* 30, 1 (1959), 23-26, 23.

indolent inaction” (2:47).¹ Karma in the Gītā is based on the underlying fact that every action will have its consequences yet one should not act for the sake of those consequences. This, however, does not free one from the responsibility of the action performed. As long as one falls within the ambit of a karmic life one cannot escape responsibilities which indicates that one has not attained Mokṣa yet. The Gītā argues that since the consequences of the action are not in one’s control one has to perform action without desire for its consequences. This alone can lead one to attain Mokṣa. This leads us to an understanding of *niṣkāma* karma. Kṛṣṇa requires one to perform karma as *niṣkāma* karma, i.e., performance of duty without desire would ultimately lead to Mokṣa. *Niṣkāma* karma is characterized by performance of a duty for the sake of duty itself and not for its consequence. Krishna, therefore, expects Arjuna to fight the war for the sake of his dharma with a perfect attitude of *niṣkāma* karma.

It should be emphasized that *niṣkāma* karma is the best way to perform one’s dharma, according to Kṛṣṇa, because karma itself is natural and inseparable from the nature of human beings as it was explained above. “*Niṣkāma* karma, [therefore,] does not imply renunciation of action but renunciation in action.”² One is expected to renounce the desire for corresponding fruits of one’s actions and perform one’s prescribed duty without any self-interest or selfish motive.

One, however, may question the consistency of this argument as dharma in the Gītā is oriented towards universal order and Mokṣa. If every action that one performs is

¹Tapasyananda, *Srimad-Bhagavad-Gītā*, 61.

²M. Hiriyanna, *Outlines of Indian Philosophy*, New Delhi: Motilal Banarsidass, 1993, 121.

desireless, then it would mean that one has to also be desireless of Mokṣa which is contrary to the teachings of the Gītā. *Niṣkāma* karma, therefore, logically cannot be said to be based on desirelessness of action, as the Gītā expects every individual to desire and strive towards Mokṣa. This argument however, cannot stand valid because

The Bhagavad Gītā nowhere says that a man becomes bound when he performs action with desire for the doing of action including the desires for Mokṣa and *loksamgraha*. It only says that a man becomes bound when he acts from the desire for fruit of action and the notion of desire is conceptually different and distinct from the notion of the desire for the fruit of action."¹

One has to perform dharma with an attitude of *niṣkāma* karma which is the path to realize Mokṣa. *Niṣkāma* karma, thus, may be also understood not only as a duty but also as a means to perform one's duty.² *Niṣkāma* karma, necessarily requires one to possess the desire for Mokṣa as Mokṣa is its teleological end.³

Moreover, the Gītā tries to emphasize the non-duality between transcendence and immanence. In the words of Jagat Pal, "*Niṣkāma* karma is such a kind of action which a man consciously intends to do it and the act of intending is just not possible without desiring of it because the notion of the act of intending always conceptually involves in its meaning a

¹Jagat Pal, "The Concept of Niskama Karma: Teleological or Deontological?" 220.

²Jagat Pal, *Karma, Dharma, and Moksha: Conceptual Essays on Indian Ethics*, Delhi: Abhijeet Publications, 2004, 51.

³Jagat Pal, "The Concept of Niskama Karma: Teleological or Deontological?" 225.

reference to the notion of desiring.”¹ The intention of performing a desireless action itself is a desire, which makes *niṣkāma* karma an impossibility. One cannot attain freedom from desire as that itself is a desire. It is necessary to understand *niṣkāma* karma as a suspension of particular ends alone. This is due to two inevitable aspects, namely, the ontological end of all actions as Mokṣa and secondly, the natural tendency of desire. In conclusion we may say that it is neither dharma nor *niṣkāma* karma that is deontological in nature as both are oriented towards Mokṣa.

8. The Relation between Dharma and Karma

The relation between dharma and karma may be understood from two perspectives, according to Koller, namely, the dharmic view and the *samsāric* view. The dharmic view holds that desireless action according to one’s duty leads one to Mokṣa while the *samsāric* view holds that action is the cause of bondage which fixates one into the cycle of karma and *punarjnama*.² The Gītā propounds that just as incurring a dharma at birth is inevitable, performing actions is also inevitable. This is the dilemma of Arjuna, i.e., performance of action without desire for its fruits, yet one has to bear the consequences of one’s actions. Secondly, though one is called to the performance of duty without attachment to one’s duty, one would be accountable if one renounced duty itself. Kṛṣṇa proposes that it would be better if one performed one’s actions in accordance with one’s duty and performed one’s duty for the sake of duty alone both of which together would lead to Mokṣa.

¹Pal, *Karma, Dharma, and Moksha*, 53.

²Koller, “Karma and Dharma,” 249.

The relation between dharma and karma, therefore, can be understood as two sides of the same coin both of which have their end outside themselves, i.e., the attainment of Mokṣa. Karma and dharma are compatible as the ideal of dharma is the obligation towards one's duty, while the ideal of karma is *niṣkāma* karma which is performance of desireless duty. Kṛṣṇa argues that one would succeed in performing duty for duty's sake (*Niṣkāma* karma) only if one performed all actions as an offering to the Supreme as otherwise action itself would lead to bondage. "O son of Kunti! In this world all actions, unless they are done as an offering to God (as Yajna), become causes of bondage. Therefore, work for the sake of God without personal attachments" (3:9).

Action is to be performed because it is prescribed to an individual and not according to one's convenience, tastes or situations. "Wise men ... abandon the fruits of action, free themselves from entanglement in the cycle of births and deaths, and attain to the state of freedom from all sorrow (liberation)" (2:51). Kṛṣṇa expects Arjuna to model his life after Him: "In all the three worlds there is nothing, O son of Partha, that is binding on Me as duty. Neither is there anything that I have to gain, nor anything that I cannot gain. Still I am always engaged in work" (3:22).

9. Conclusion

The nature of dharma in the Gītā, as it was earlier explained, is based on birth and its obligatory nature. We realize that the Gītā is a firm proponent of the caste system. The hierarchical nature of dharma, established as one's dharma, forbids one to perform another dharma. One may argue against this view that the relation between one's dharma and that of others is not superior or inferior but simply distinct. This, however, does not

negate the exclusive manner in which one is obliged to stay away from someone else’s dharma as it would be a barrier in the performance of one’s own dharma. Dharma, then, would endanger the growth of basic human faculties of cognition, connotation and affection. Moreover, *varṇa-āśrama* dharma establishes an oppressive society in which every individual is expected to be kept under a check and control system, limiting human beings to people programmed to work alone. It also endangers their ability to engage in an occupation of their choice on the basis of their aptitude and interest as a result of which the authenticity of a people is lost.

Secondly, Kṛṣṇa places *varṇa-āśrama* dharma or specific duties over *sādhāraṇa* dharma or common duties as it is argued that it is specific duties which lead to universal order. This, however, can be questioned as specific duties can be contrary or exclusive in nature such that specific duties could only lead to specific goods while common duties would lead to common good. For example, if a Kṣatriya has to perform his specific duty of fighting in a war, then he would have to perform his specific duty at the cost of the life of other people which is not common good. Duty in the war, therefore, is not done for the sake of duty; rather duty is fulfilled at the cost of using fellow human beings as a means to fulfil one’s own duty. Mahabharata reveals that the war ends with Kṛṣṇa being doubtful of whether it was worth fighting the war because of the fact that duty has been fulfilled at a higher price which he could have chosen not to pay if dharma was not rooted in obligation.

Thirdly, analyzing dharma from the social perspective, its ultimate aim was to maintain order in the society by allocating duties to every individual. The extent to which this social order was possible highly depended upon the extent to which people

accepted the idea that they were born in a particular caste due to their past actions. Since our empirical experience does not reveal any karmic history of our previous lives, this cycle of karma and *punarjanma* could be known only through the teachings of one's own dharma as prescribed in the scripture. The scriptures were the prized possessions accessible only to the upper castes. Therefore, it was the upper castes which made known the negative karmic history of the lower castes to whom they owe their own social status. Dharma, therefore, did not create social harmony rather it created and perpetuated divisions. Dharma presented itself as the teleological end of the society which one need not search for as the westerners do. This understanding of Dharma led to a creation of a mechanistic society in which people followed their duty for the sake of duty. The Kantian principle of duty is often admired, for its deontological nature. Kantian duty, however, is the performance of duty, firstly, by choice and, secondly, by conviction. On the other hand, the dharmic understanding of duty was regardless of choice and conviction. One, therefore, was obliged to bear the consequences of an action that does not involve choice. I do not intend to propose a blame-game theory; however, one should understand that if my occupation, for example, does not involve a choice of at least two options, it is then an imposition along with its consequences that determine the course of the rest of my life.

Finally, Kṛṣṇa argues that "An enlightened man should not cause confusion in the minds of ignorant people (by his conduct). Himself working with equanimity, he should make them interested in all activities" (BG 3:26).¹ Knowledge here is spoken of as a source of confusion. An enlightened man is one,

¹Tapasyananda, *Srimad-Bhagavad-Gītā*, 96.

according to the Gītā, who has attained knowledge of the non-duality of his soul and that of the Supreme. According to the caste system and the teachings of Manusmṛiti, it is only a Brahmin who can be an enlightened person which, in the Gītā, is also extended to the Kṣatriya (an upper caste). On the other hand, it would be a lower caste person who has never come across scriptural teachings who would generally be understood as an ignorant man. If one sees knowledge as a source of confusion, the enlightened man then has an obligation not to pass on this knowledge to an ignorant man as it could lead to confusion. Swami Tapasyananda’s translation brackets “the conduct” of an enlightened man as a source of confusion which is not specified by the Gītā. The point, however, being that the Gītā advocated the classification of humanity into those capable of enlightenment and those incapable of it and, hence, according to it, the latter should remain unenlightened for the rest of their lives. This is clear in the following statement of the Gītā: “Even a wise man acts in accordance with his nature. All beings follow their nature. What can repression do?” (BG 3:33).¹ This teaching of the Gītā is derogatory in itself to all human beings as the aptitude of an individual is pre-determined by birth, thus, not allowing one a chance to prove oneself. Moreover, it limits knowledge to the realm of a biological and religious basis both of which are authoritative in determining one’s boundaries of knowledge. Dharma not only sets a limitation on action but also to the realm of one’s knowledge. One is expected to know only one’s dharma as knowledge of others’ dharma might corrupt one’s zeal for one’s own dharma.

¹Tapasyananda, *Srimad-Bhagavad-Gītā*, 96.

The understanding of dharma in the Gītā, thus, helps us to understand the narrative and scriptural foundations of the Gītā and also its obligatory and dictatorial nature. Dharma is explained as the foundation of the caste system, thus, determining our karma and the course of the rest of our life. The analysis of *niṣkāma* karma helps us to understand that it is possible to suspend only particular ends and not the ultimate end, Mokṣa. Moreover, one cannot suspend all one's desire as *niṣkāma* karma is also rooted in the desire for desireless action. The relation between dharma and karma is explained as both heading towards Mokṣa.

The criticisms on the ethics in the Gītā explain that the obligatory and hierarchical nature of dharma lead to the formation of an oppressed individual and an oppressive society. Secondly, common duties can lead to common good while the Gītā proposes specific duties as a means to common good. Specifications on duties offered by the Gītā lead to social divisions rather than social harmony. Moreover, in presenting itself as the teleological end, dharma prevented the growth and development of human thought in general as one was not permitted to think outside the boundaries of the Gītā. Lastly, the view that there would always be a section of people who would perennially live in darkness, as enlightenment was against their very nature, should be abandoned in order to offer them dignity that everyone rightfully deserves by virtue of being human.