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***Justice and Post LRA War in Northern Uganda: ICC Versus Acholi  
Traditional Justice System***

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**Abstract**

Guns have gone silent in Northern Uganda after the LRA war, but clouds of injustice are still thick in the air. Perpetrators of injustice have disappeared in thin air. Victims of atrocities languish in their villages with psychological and physical scars difficult to forget; lips cut, legs maimed, girls raped, children abducted and some left parentless. The International Criminal Court (ICC), an institution of justice in the world, has taken over the process of justice by demanding for the arrests of the leaders of the LRA. However, the Acholi Elders and Religious Leaders have demanded for an alternative justice system.

An investigation on how justice can be realized for these victims of war is needed. Can justice be delivered by the ICC that has left a range of other perpetrators unsuspected, or by the alternative justice system, proposed by the Acholi Elders and Religious Leaders? Southwick (2005) calls this situation a dilemma for the ICC, while Ruaudel & Timpson (2005) describe it as “a forgotten and an unforgivable crisis”.

This paper discusses what justice in a post-conflict situation is and how it can be realized in Northern Uganda. The hypothesis is that true justice is more than punishments for wrongs done; it involves healing the wounds of conflict, mending broken hearts, reviving dampened spirits and restoring relations torn apart by human violence. This understanding is very close to the view of the Acholi Elders and Religious Leaders, which need to be critically examined for relevance in contemporary Africa.

**Keywords:** Lord’s Resistance Army, International Criminal Court, Acholi Traditional Justice System

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## 1. Introduction

This paper discusses justice in the context of post-armed conflict. The question is whether justice should be understood as appropriate punishments for bad conduct and rewards for good (Quaglioni 2014), or as fairness (Rawls 1971). If the first is the case, then one doubts whether those responsible for the bad conduct during the LRA conflicts in Northern Uganda have been justly punished. On the other hand, if justice is fairness, then one questions if fairness has been realized for the victims of this war. In the view of this paper, justice is more than punishments for wrongs committed, rewards for good done or even mere fairness for those wronged. Justice in a post-armed conflict situation is constitutive of all these mentioned, but more importantly, it is a process of healing and peaceful restoration of harmonious co-existence among individuals and within communities. It is this type of justice that can provide a true healing to a community that has suffered for more than two decades of war.

The International Criminal Court (ICC), in the context of Northern Uganda, thinks justice is the appropriate punishments for bad conduct during the war between the LRA and the GoU in Northern Uganda. While the Acholi Elders and Religious Leaders (AERL) think justice goes beyond appropriate punishments for the atrocities committed in Northern Uganda during this war. Justice in the view of the AERL encompasses; apology, compensation, forgiveness and reconciliation (Acirokop 2010, 268). It is the concept of justice as forgiveness that divides the two camps; where the ICC interprets forgiveness as impunity for the perpetrators of injustice; the AERL see it as a basis of peaceful restoration of harmony within the community.

The views of various authors on this subject can be generally categorized into two: those in support of ICC justice system (Bassiouni 2002; Tim 2008) and those in support of alternative justice mechanisms (Keller 2008; Wasonga 2009; Acirokop 2010; and Mwesigye 2014). This paper takes the midway between these two extremes, as supported by McAuliffe (2013), though his approach is more a legal integration other than integration of the different methods for realizing justice, as this paper proposes.

The problem these views pose is in emphasizing the either or dichotomy; as if modern criminal justice mechanisms can never be combined with traditional justice systems. Here, the hypothesis is that there is need to look at the supplementary role of both the ICC and the traditional justice mechanisms in delivering justice for the people of Northern Uganda.

The methodology used in this paper is analytical, where strengths and weaknesses of these two positions are critically analysed so as to derive the desired conclusions proper to this paper. In this analysis care has been taken in first presenting these opposing views as they are before digging deeper into the underpinning theories beneath them. Secondly, it is in these underlying theories where a better understanding of justice can be unveiled. Consequently, a better approach to administering justice in Northern Uganda will be proposed. This type of justice harmonizes other than polarising the communities that have suffered for more than two decades. This theory is centred and guided by the view that crime that breeds injustice is more than a personal affair; it is as well a social affair. To understand the personal and social

dimensions of crime, the paper will identify the African social philosophy behind this understanding that should be contextualized in the discussion on justice in Northern Uganda.

## **2. The Context of the LRA War**

The Northern Uganda war, which began in 1986, had different phases. It began with the Uganda People's Defence Army (UPDA) led by Brigadier Odong Latek, followed by the Holy Spirit Movement (HSM) of Alice Auma - nicknamed Lakwena, and later the Lord's Army (LA) of Severino Lukoya - Alice's father (RLP, 2004). This was followed by the deadly Joseph Kony's Uganda Christian Democratic Army (UCDA) in 1987, that changed its name to Lord's Resistance Army (LRA) in 1991 (Ojera, 2008).

When the war intensified, thousands of people were forced to relocate to IDP camps. These camps were established rhetorically as a way of protecting the civilians from the LRA, but actually they were means of denying the LRA resources, which included: civilians and especially children that were abducted at will; food supply, which were forcefully looted by the LRA; and more importantly, it was a denial of information, which the LRA cogently extracted from their civilian victims about the whereabouts of the government soldiers.

The effects of the displacements on the people of Northern Uganda were: denial of healthy living conditions, lack of food, and collapse of educational and health systems, among others. The people's vulnerabilities increased due to poor sanitation and health services in the camps, leading to frequent outbreaks of communicable diseases like Cholera, Hepatitis B, Nodding disease and Ebola. Indeed the IDP camps were like a death trap for the people of Northern Uganda.

On top of these, civilians continued to be killed, raped, maimed, abducted and attacked in broad daylight; huts were frequently torched and destroyed by rebels or gutted by fire. Lanz quoting Human Rights Watch (2007) adds the list to include: abductions of over 20,00 children, sex slavery of young girls, indoctrination and transformation of children into child soldiers, human rights abuse by the UPDF, forced displacements and failure to protect over 500,000 mostly Acholi people (2007).

The root causes of the war are many. The divide and rule policy of the British (Ojera 2008) that allocated different roles to the different regions of Uganda is one of them: the Central - administration, the North and East - a reservoir for military recruitment, and the West - manual labour (Mugaju 1999). This was an attempt to apply the Platonic concept of justice as division of labour according to natural fitness, based on the dominant element in the human soul: wisdom (which favours administration), courage (favours guardians), and temperance (favours manual labour) (Sabine 1973). This policy gave birth to ethnic specializations that created what Lomo and Havil (2004) called the deep-rooted social, political and economic divide between the North and South of the country, heightened by various leaders since independence.

Another root cause is the excessive political power given to Ugandan Presidents by the Obote's 1967 and subsequent Constitutions, where presidents can "promote, transfer, dismiss



and deploy army officers or commanders at will” (Ojera 2008, 87). As history shows, Ugandan presidents are difficult to remove constitutionally.

History of militarism in Uganda, which made Ugandans think the best way to come to power is through the barrel of the gun. Beside the five military takeovers in Uganda since independence, twenty two rebellions and insurgencies have been waged against the NRM government alone by various actors from 1987 (Ojera 2008). The LRA war is one of these rebellions.

African social philosophy of communal responsibility; where crimes committed by members of a given tribe are attributed to the entire tribe (Lajul 2011), is another root cause. This is manifested in collective condemnation of tribes belonging to ousted political leaders; the persecutions of people from Northern Uganda (1971-79) when estimated 500,000 Acholi were killed by Idi Amin (Ojera, 2008) and people from West Nile region of Uganda (1979-80), remain unforgettable legacies in the history of Uganda.

What triggered the war in Northern Uganda were however; the revengeful attitude of the NRA and FEDEMU fighting forces when they reached the North in 1986, which saw a number of former UNLF soldiers and politicians from the Acholi sub-region arrested (RLP, 2004). Other triggers were the violation of the Nairobi peace agreement by the NRA in 1985 and the Acholi's fear of repression by the NRA; given the history where subsequent regimes killed members of opposing tribes with impunity.

The main factors that perpetuated the conflict were: the perceived depletion of economic wealth of the Acholi people under the pretext of Karamojong cattle rustlers that raided cattle from Acholi land during the war; the support which the Khartoum regime gave the LRA in retaliation to the alleged support Uganda gave SPLA/M, which boosted the LRA military strength (Acker, 2004); and the metaphysical belief that war can be fought with spiritual powers (Ojera, 2008). In fact, all the rebel groups that came after the UPDA, claimed to use some spiritual powers to wage the war as the names; HSM, LA, and the LRA reveal. The dismissal of the conflict in the North by Uganda president as a minor problem of insecurity caused by criminals and terrorists perpetuated the war (Ojera, 2008). Lastly, the LRA motivations transmuted from instrumental to existential ones; that is fighting as a means to capture political power to waging war as a vocation. Surely, the LRA fought for survival and security of its leaders and members (Vinci, 2007), which made them resilient.

With greater pressure from the International community on the GoU and the LRA to talk peace, there was gradual decrease in the intensity of the LRA war in Northern Uganda. At that moment, the ICC came with its verdict on how to administer justice to the victims of this war, which we are going to survey next.

### **3. Literature and theory**

This section analyses different literatures and theories of justice which have been proposed for Northern Uganda. Apparently these theories are divided into two; those that look at justice as punishment for the wrongs done or rewards for the goods done, and those that look at alternative justice systems.

### 3.1. Justice as retribution

The ICC Institution bases its administration of justice on the theory that justice is punishment, prosecution and seclusion of perpetrators of injustice from society. This can be realized when crimes against humanity, genocide and war crimes are prosecuted at an international level, since grave crimes committed during wars and rebellions are often difficult to prosecute within national court systems (Human Rights Watch, 2004). Behind this understanding is the theory that justice is retribution. Apparently, the ICC is this plat-form for retributive justice in the world.

Bassiouni (2002) thinks that the ICC combines humanistic values and policy considerations essential for the attainment of the goals of justice, redress and prevention as well as the need for the restoration of world order and world peace. Lanz (2007) noticed that besides Bassiouni's observation, five years after its creation, the ICC has been accused of being an impediment to what it was created to promote: peace. Bassiouni (2006) continued to note that with regard to Northern Uganda, the ICC indictments against top five senior members of the LRA was received negatively by some individuals involved in the Ugandan peace process, who have argued that it has undercut their efforts to advance peace initiatives. Father Carlos Rodriguez seems to confirm this when he said; "nobody can convince a rebel leader to come to the negotiating table and at the same time tell him that when the war ends he will be brought to trial" (Lanz, 2007).

Lanz thinks the ICC does not obstruct peace in Northern Uganda. In his view, it would be simplistic to look at the framework of peace versus justice, suggesting the pursuit of peace demands abandoning aspirations for justice, thus requiring the immediate withdrawal of the indictments against the LRA leaders. He equally challenges the contrary view, that peace settlement must imperatively include strong mechanisms of accountability, therefore suggesting the continuation of indictments by the ICC at all costs. In fact, Lanz (2007) seeks to provide a differentiated analysis, looking at costs and benefits of the ICC's intervention in terms of bringing about peace in Northern Uganda.

Lanz however, argues that, if it is in the interest of peace, the indictment of the ICC can be withdrawn, but this should be done legally, otherwise it would irreparably damage the credibility of the ICC.

### 3.2. Alternative justice systems

Alternative justice system theorizes that justice is more than punishments or rewards for wrong or good done. A number of authors have given their views on alternative justice systems for Northern Uganda after the war between the LRA and GoU. Though the names given by each author may vary, five different concepts of alternative justice seem to emerge and they are the following: *Amnesty* (Nkandha 2012); *Truth Commission* (Robinson 2003); *Transitional Justice* (Kirstine 2009); *Restorative Justice* (Zehr & Gothar 2003); and *Traditional Justice* (Tom 2006; Ogora 2009).

While it is beyond the scope of this paper to discuss in details all these justice systems, the focus of this paper is on the proposal made by the Acholi Elders and Religious Leaders. The

closest to their view is the traditional justice system, which has great similarities with restorative or transitional justice.

### **3.2.1. Transitional justice**

This theory perceives justice as a response to deal with and address crimes committed at major periods of political transformations. For Teitel (2003), transitional justice is a concept associated with periods of political changes, characterized by legal responses to confront the wrongdoings of repressive predecessor regimes. At its core, Kirstine (2009) clarifies that transitional justice constitutes the link between the concept of transition, referring to a period of major political transformation, and the concept of justice, denoting a wide range of complementary criminal and non-criminal justice mechanisms. Literally, it means justice administered at major political transitions in a given area. In our case, it is an attempt to administer justice to Northern Uganda after the 20 years war waged between the LRA and the GoU.

Kirstine contends that this process, which was initiated by the GoU in its effort to restore peace and administer justice to the victims of the LRA war, runs the risk of failing because of the following reasons:

(1) The failure of the ICC and the national judicial system to prosecute the alleged perpetrators from both parties to the conflict; (2) the failure of the GoU to support and legitimize the traditional justice mechanisms; (3) the failure of the GoU to recognize the suffering of the victims through truth telling mechanisms and reparations; and (4) the failure to address the socio-economic marginalization and political disempowerment of Northern Uganda, which constitute the main root causes of the conflict (2009, 1).

Hence, transitional justice has not been realized in Northern Uganda after the LRA war with the GoU.

### **3.2.2. Restorative justice**

This is a theory that true justice repairs and re-establishes peace and harmony within societies torn apart by war and human cruelty. For Zehr and Gohar, restorative justice is “a process to involve, to the extent possible, those who have a stake in a specific offense to collectively identify and address harms, needs and obligations in order to heal and put things as right as possible” (2003, 40). The main goals of restorative justice is to put key decisions into the hands of those most affected by crime, make justice more healing and transformative, and reduce the likelihood of future offenses.

Zehr and Gohar (2003) observe that to achieve these goals: victims are to be involved in the process and come out of it satisfied; offenders should understand how their actions have affected other people and take responsibility for these actions; outcomes should help to repair the harms done and address the reasons for the offense; and both victim and offender should get reintegrated into the community.

### 3.2.3. Traditional justice

In a post-conflict situation, the theory behind traditional justice is that harmony, peace and fairness can only be realized when the offenders and the offended confront the crimes committed in truth, contrition, reparation, forgiveness and reconciliation. The essence of traditional justice system is centred on four core elements according to Ogora (2009): (i) truth telling and the opportunity for perpetrators to confess; (ii) reparations (or the payment of symbolic compensation); (iii) reconciliation; and (iv) the restoration of relations.

Ogora proposes to transform the traditional justice mechanisms by taking into account contemporary realities so as to complement the limitations of more standard forms of transitional justice. The reasons he gives are facts that; “traditional rituals and ceremonies are often presented in their ‘ancient’ and ‘archaic’ formats as they used to be practiced in the past. Yet times have changed: new conflicts including mass atrocities have sprung up and new generations have been born who are not familiar with traditional practices” (Ogora 2009).

Among the traditional justice mechanisms Ogora identified are: *Mato Oput* of the Acholi, *Kayo Cuk* of the Langi, *Ailuc* of the Iteso, *Ajupe* of the Kakwa, *Ajufe* of the Lugbara, *Aja* of the Alur, and the *Tolu Koka* of the Madi among others (*ibid*:1). Other traditional justice mechanisms he mentioned across the African continent were; “*Inkundla* in South Africa, *Gacaca* in Rwanda, *Magambo* in Mozambique, and *Bashingantahe* in Burundi” (Ogora 2009, iv). For him all these traditional justice mechanisms have all been associated with the concept of *Ubuntu*, since most of them focus on the restoration of broken relations (Ogora 2009).

To modernize traditional justice systems, Ogora (2009) identifies three key areas, which are: cultural revitalization and consultation with estranged groups like the youth and the Born-again Christians; alteration of methods and procedures by which cultural rituals and ceremonies are to be conducted; and lastly, coordination of all existing rituals into one procedure.

## 4. Discussions

In our discussions, we shall try to analyse the justice systems proposed above, the Acholi traditional justice system and the social philosophy behind it.

### 4.1. Retributive justice system

The ICC, which seems to endorse retributive justice system, emphasizes punishment of the offenders and pays little attention to the plight of the offended. This makes justice lopsided. The indictment levied against the top five commanders of the LRA does not help to improve the situation of the offended. In as much as it did not help to stop the war, it still does not help the victims of the war.

But this paper argues that the real problem is not about the ICC indictment, but the imbalance between punishments, which is negative, and improving the conditions of the victims, which is positive. Even in administering punishment, there is lack of impartiality; prosecuting the

LRA commanders and leaving the UPDF commander that are implicated in the atrocities scot-free.

Associating the LRA with other terrorists' organizations in the world without proper investigations is a demonstration of this impartiality (Lanz 2007, 5; Dunn 2007, 148). Understandably, the voluntary referral of LRA case for prosecution to the ICC is an expression of confidence in the nascent ICC institution's mandate and a welcome opportunity to demonstrate its viability (Akhavan 2005, 404). From this background, the ICC suspects for the atrocities in Northern Uganda became this terrorist organization called the LRA. The accusing fingers pointed at the UPDF by the Human Rights Watch (2005, 24-36), were then neatly ignored.

The view of this paper is that retributive justice by itself without the corresponding restorative justice leaves a lot to be desired in Northern Uganda. But this paper understands restorative justice in the sense of healing wounds of conflict, mending and reconciling societies and their members. Northern Uganda needs justices that punishes the offenders and heals the wound inflicted on the offended. This missing link is provided by the alternative justice system proposed by AERL.

#### **4.2. Transitional and restorative justice systems**

From the literature surveyed we can read that transitional justice requires: (i) prosecution of all perpetrators of atrocities, in our case, both the LRA and the UPDF implicated in committing crimes in Northern Uganda; (ii) identification of a comprehensive justice mechanism; (iii) establishment of truth commission; (iv) and in addressing the root causes of conflict, which in our case is socio-economic marginalization of Northern Uganda. As per now, no significant effort has been made to address any of these issues outlined. The transitional justice system is ignored by both the GoU and the ICC.

On the other hand, restorative justice, which requires that key decisions should be put into the hands of the people of Northern Uganda who are most affected by the crimes committed against them is ignored. The prosecution of the top five LRA commanders by itself does not reduce the likelihood of future offenses, since the UPDF officers who were equally implicated feel exonerated. If this allegation is true, then the UPDF will think they can commit atrocities another time and nothing will happen to them. This will make impunity a real threat to lasting peace.

Similarly, the victims of the Northern Uganda war cannot come out satisfied that justice has been done to them simply by prosecution. Besides, the offenders do not acknowledge the damage they caused and they are not willing to accept responsibility for these offenses. Likewise, the plight of over 20,000 children abducted during the war, will not be addressed, which threatens lasting peace.

What transitional and restorative justice systems do not recognize is the social nature of crime. That any crime committed has social implications, so it requires a social context to comprehensively address it. The two systems take for granted that crime is a personal responsibility. The Acholi traditional justice system, which I am going to explain shortly, addresses this missing link.



### **4.3. Acholi traditional justice system and the social philosophy behind it**

Justice is the fair distribution of benefits and burdens in the community, according to Acholi traditional system. This is derived from their social philosophy, which theorizes that crime is both a personal and social affair. Lajul identifies this as an African social philosophy, which states that, whatever affects an individual, affects the community, and whatever affects the community, affects the individual (2011, 128). In this line Mbiti says; *I am, because we are; and since we are, therefore I am* (1969, 106). An individual exists because of society, and society persists in the individual members. From this social philosophy, springs two principles: communal responsibility and individual responsibility.

The communal responsibility principle holds that social welfare or deprivation affects all the members of a community; and equally, individual welfare or deprivation influences the entire community. In the same way, crimes committed by individual members of society, affects all the members of that society, and crimes committed by members of a particular society, equally impinges on all the members of that society. In fact, the collective condemnation of tribes belonging to ousted political leaders because of crimes committed individually by those leaders, which has been common in Uganda, is a result of this philosophy. The people of Northern Uganda still think they are being collectively victimized as they were from 1971-1979 during the reign of Idi Amin. They have a collective responsibility therefore, to preserve the innocent children abducted by Joseph Kony during the war.

However, the Acholi also uphold individual responsibility principle, which states that if any crime is committed by an individual against the members of one's own society, it is the individual or his/her immediate family to bear responsibility. The Acholi for this reason would not mind if Joseph Kony was prosecuted for the crimes he and his commanders committed against their own people, because they have individual responsibility to answer for such crimes. Forgiveness and reconciliation, on the other hand, should be extended to the family members of the perpetrators because they are not directly responsible for the crimes committed by their sons and daughters.

## **5. Findings, conclusions and recommendations**

In this section, the paper will identify the main findings of this paper, draw main conclusions and give some recommendations for the various stakeholders of justice, if peace and reconciliation are to prevail in Northern Uganda.

### **5.1. Findings**

This study found out that justice should target both the offenders and the offended. Unfortunately, the study found out that the ICC's emphasis is placed on the offenders and not on the offended. Alternative justice systems like transitional and restorative justice, place emphasis on the offended. However, the Acholi traditional justice system targets both the offenders and the offended. Besides, Acholi traditional justice system takes into consideration the social philosophy and context within which crimes are committed. This goes beyond the

offenders and the offended; it also involves the members of the community from which both the offenders and the offended come.

It was also found out that, the Acholi traditional justice system begins with the acknowledgement that continuous revenge, which is encouraged the Acholi social system, may lead to the extermination of society. Bloodshed, especially in the context of inter-tribal or inter-community violence, must be stopped. The mechanism to stop it was through negotiations between antagonistic communities, interceded by neutral parties. The key elements of the Acholi justice system, constitutes the following: the offenders acknowledgement and acceptance that they have wronged the offended; the offenders payment of reparation to the offended for the wrongs they have caused; the offended forgiveness of the offenders; and reconciliation between the two parties in burying their bitterness by symbolically drinking (*mato*) the bitter herb (*oput*) so that peace and harmony is restored. *Mato oput* then, is not identical with the Acholi justice system, since it is only the climax of that system of justice.

Thirdly, the study found out that the people of Northern Uganda need justice more than at any other time in their history, since this is the only way their region can stabilise and be put on track of peace and development. For this to happen, they do not need only retributive justice, but also traditional justice. In traditional justice, what matters are not the ceremonies, rituals and procedures, not even agreement of all stakeholders, but adoption of the constitutive elements of this justice system as outlined above. For that matter, the frank acceptance of guilt by the offenders is a pre-requisite for this justice system to prevail.

Fourthly, for reparation to take place the evidences gathered through truth telling are needed. On the basis of these evidences, reparations or prosecutions can and be done. Legal processes could be used to verify such evidences. Where false claims are made, such compensation should be denied. Sufficient funds may be required to make this possible, which the international community could help to mobilize.

Fifthly, reconciliation requires honesty in accepting guilt and responsibility for crimes committed on the basis of which forgiveness can be realized. This honest process can lift dampened spirits, heal broken hearts and mend broken relations both at personal and community levels. For individual perpetrators that can be identified, depending on the gravity of the crimes, should be allowed to undergo modern legal redress. This would be an area the ICC would be most competent to handle, but the majority of other cases, should be relegated to lower courts within national boundaries, or boundaries where such perpetrators have migrated. In this way, there will be no blanket amnesty for all grave crimes committed.

Lastly, restoration of relationships between identifiable members of the victims and perpetrators' families should be organized and effected under the auspices of the traditional justice system. In this way justice as a process of healing and restoring individuals and communities to a state of peaceful and harmonious co-existence will be achieved.

## 5.2. Conclusions and recommendations

In a post conflict situation, true justice should target both the offenders and the offended, and where the entire communities are affected, they too should be part and parcel of such justice procedures. The ICC in addressing injustice at international level using its preferred methodology, prosecution, should then try to understand these two components of justice. They should learn the unique situations within which it operates, particularly in executing its mandate in African countries. Local justice mechanisms should objectively and positively be studied and adopted to strengthen the mandate of the ICC.

Secondly, the legitimacy of the ICC depends on being recognized and accepted by the different peoples in the world. When people acknowledge the positive role played by the ICC in addressing conflicts and restoring peace, justice and harmony in the different parts of the world, then they will be popularly accepted. This paper recommends that they make an effort to understand world systems and the philosophies behind them, before universalizing prosecution as the key method of executing their mandates.

Thirdly, true justice in the context of armed conflicts should help to heal the wounds created by wars; mend broken hearts, revive dampened spirits and restore social relations torn apart by conflicts. To realize this, the world needs a much broader methodology, including prosecution when and where it is necessary, but above all bringing about peace through reparation, reconciliation and restoration of normality among and within the affected communities. This will help them address the needs of the offended and not only concentrate in punishing the offenders.

Fourthly, violence and crimes in the world will still continue to have social implications and sometimes these social implications are ignored. Crimes affect people beyond the confines of the offended parties. This paper recommends that for a long lasting solution to the social impacts of violence, better methodologies of addressing crime and violence should be adopted. The International community could learn from the unique justice systems of the world and sometimes, from the so called primitive or indigenous communities.

The paper also concludes that, the way things are, the root causes of injustice in Northern Uganda has not yet been addressed. The paper recommends that the socio-economic marginalization, not only of people in Northern Uganda, but also of any other parts of Uganda, should be taken seriously. This can be addressed through government socio-economic policies and programs supported by civil society organizations, the international community and implemented progressively. These will likely close doors to future grievances among the different regions of Uganda.

Lastly, the paper concludes that African social philosophy of communal and individual responsibilities and the contexts in which they are applied have not yet been understood and appreciated by many scholars at international level. The paper recommends that the African social philosophy that limits and identify communities with tribes, clans and villages should be extended to include all humankind, since we all belong to one big human community. Equally, communal responsibility should now be replaced by individual responsibility, even though crime by nature has social connotations.

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## *Spinoza as a Philosopher of Education*

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### **Abstract**

In at least two senses, it might be risky to put 'Spinozism' and 'education' together in the title for a paper. First, it is risky because, as any philosopher of education might quickly agree, education is something we believe that we should keep away from any kind of "ism". Second, it is also risky because Spinoza is at most a historical figure whose ideas, no matter how great are they, cannot give us what we actually need to meet the challenges of education in the 21st century. I want to argue that these two reservations though they are legitimate, are not valid in the case of Spinoza. Despite the fact that Spinoza is indeed a historical name and that there is 'ism' added to this historical name, the very nature of his philosophy may still make Spinoza a perfectly relevant point of departure for a new account in philosophy of education. Some of the widely discussed issues in philosophy of education, for instance, such tensions as value neutrality *versus* value imposition, self-interest *versus* responsibility or intrinsically *versus* instrumentally valuable aims of education, I argue, can be resolved and transcended through a Spinozistic understanding of reality. Besides, provided that Spinoza is not to be taken as a past master but rather as a possibility-to-come, education can come to be conceived as a non-totalitarian and open-ended search for truth. This paper aims to explore what I call these non-totalitarian hopes for truth and their relevance to current problems of philosophy of education.

**Keywords:** Spinoza, conatus, education, aims, desire, activity-passivity, joy, immanence.

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## Introduction

Two concerns are very fundamental in the discipline of philosophy of education: First, any 'ism' is not desirable if we really like to embrace a fully free, autonomy-driven, value-neutral and objective orientation in education. And, second, new challenges require new solutions, so any philosopher –no matter how visionary she was- cannot be considered as a reliable resource once and for all.

I completely agree with this. Yet, I like to argue that Spinoza is still an exception! In other words, I want to argue, one can stay in accord with Spinoza and yet she can still bring some fresh solutions to problems of education, i.e., political and ideological partisanship in education, value imposition and indoctrination, and self-interest at the expense of responsibilities or vice versa.

Spinoza is an exception, not because his work –Ethica- is basically a book on education. Quite the opposite, Spinoza is perhaps one of the rare philosophers who did not think and write anything specifically on education. However, exactly for the same reason his novel approach to metaphysics –that is 'immanence'- is large and flexible enough to inspire new ways of thinking about education, which is completely different from what Deleuze calls 'dogmatic image of thought'.

It is true that we are too modern to revisit some of the 17<sup>th</sup> century debates such as substance, God-Nature, attributes or conatus. But, at the same time we are as badly confused as our pre-modern ancestors when it comes to talk about 'how to live' and even more so when it comes particularly to teaching our children 'how they should live'. No doubt, we have some answers to all these issues and are sometimes even too self-confident about the reliability of our answers. However, most of the time we are very weak and defenseless against the objections that might come from some Nietzschean skeptics, Darwinian naturalists or contemporary neuroscience researchers.

Think about these questions: What is personal wellbeing? What is a flourishing life? Why should I be a good person –when it is not clear at all what it means to be good? What is the difference between 'being good' and 'living well'? What if Dostoyevsky is right i.e. 'no God means no transcendent punishment' and what if there is no God? Then should I do whatever I like to do?

Spinoza's philosophical program, which was developed mostly in Ethica and TTP, can be read as an invitation. This invitation is mainly concerned with some of our very fundamental assumptions which are responsible for our understanding of life, living, valuing and experiencing, and it attempts to replace them with better ones. Thus, these assumptions that Spinoza thinks we should drop do also have some direct influences on how we tend to conceive education, its aims, successes as well as shortcomings. For Spinoza, these assumptions are not only wrong but are also against joy, affirmation and power-to-be.

Please note that philosophers –particularly those of Enlightenment- do always want to free themselves from assumptions as much as possible. This is because of their strong motivation for certainty. Remember Descartes: His motivation in starting with

‘cogito’ was of this kind... A firmest ground which relies on no assumption and is not refutable.

Spinoza, unlike Descartes, gives us his assumptions at the very beginning. Axioms, definitions, postulates, etc. This is not to say that Spinoza does not take so-called motivation for certainty seriously. He rather takes it perhaps too seriously. Yet, his way of pursuing certainty or soundness does not require a no-assumption state for mind. He has his own assumption too. But, one of the distinctive aspects of his philosophy lies in here: His assumptions do not gain their truth value from a transcendent authority, so they are not in any sense dogmatic. It might be surprising to claim that Spinoza is not a dogmatic philosopher considered that he is always listed among 17<sup>th</sup> century rationalists. But, unlike other two founding fathers of rationalism (Descartes and Leibniz) Spinoza asks us to evaluate his assumptions by being strictly linked to this world, being in this world. In other words, given that there is only one substance and God-Nature is the unique plain of immanence where this substance is expressed in infinite ways, it becomes absurd to call Spinoza as dogmatic. He is rather a defier, a duelist or a bidder at best. He just asks us to think as free as possible through his system developed in *Ethica*, follow his assumptions, compare them with rival ones and see if these assumptions help us develop not only more truthful world view but also more joyful, affirmative and worldly one.

This last remark is important: Spinoza is not a pragmatic. Therefore his invitation is first and foremost about truthfulness. As a rationalist, he tends to conceive truth and happiness as one and the same thing. One cannot have an adequate knowledge of God-Nature and one becomes at the same time less flourishing.

Let me mention but briefly what these assumptions are and in what ways they are against joy, affirmation, happiness and virtue:

### **Assumption 1. Transcendence**

Transcendence is perhaps one of the oldest assumptions that has survived in different weights until today. The idea is simple: There is something that transcends this universe/world/reality and we need this transcendent reference if we are to make sense out of our lives in this world. In most cases this transcendent reference is God and the ways it is depicted evoke human beings: He has idea, purpose and motivation.

According to Spinoza we have no good reasons to assume that the idea of transcendence is true, nor is it necessary for human flourishing. He writes in E1 PROP. XIV: “Except God no substance can exist or be conceived”. (Spinoza, 1920, p. 12) This is the famous monistic thesis of Spinoza, where the term ‘God’ is synonymous with ‘Nature’. That is to say that there is only one substance (Nature), besides of which there is nothing to conceive.

Spinoza adds in PROP. XV that “Whatever is, is in God...”. (ibid, p.13) For Spinoza, belief in so-called transcendent God or power is merely a result of fear, the fear that is triggered and amplified by our ignorance of Nature. In fact, the more we know about nature and its law-like causal manifestations the less space remains for us to believe. Think about fairy tales of the past. Just until 200 years ago people across Europe used to believe that fairies do really exist. A.C. Grayling writes that until the end of 19<sup>th</sup>

century it was very common among people to believe that when there are something lost in or around houses fairies must have been responsible for this inconvenience. (Grayling, A.C., 2010, p. 236)

For Spinoza, the idea of transcendence is not only simply groundless, but it is also a barrier to human survival when it is accompanied with supernaturalism and superstition. In Turkey, until 50 years ago people in rural area used to believe that when babies suffered from diarrhea giving them water was unnecessary because angels were supposed to do it. As a matter of fact, diarrheal dehydration continued to play a very important role in infant mortality (25% of all infant loss in Turkey) until recently, and the cultural climate of transcendence and supernaturalism was possibly at work in shaping this superstition.

According to Spinoza God/Nature is a plain of immanence, where every finite things exist and act necessarily. Thus, in the Spinozistic universe there cannot be any event which is not determined logically and/or causally, nor can there be any event explanation of which is not possible in this one and the same plain of immanence. Therefore, it is always more rational, more justified and more healthy to try as much as possible to know more adequately about this unique God/Nature.

Thus we have reached the first assumption that Spinoza asks us to replace with transcendence: Monistic immanence is our best assumption at the moment.

### **Assumption 2. Anthropocentric teleology**

Spinoza writes at the end of the first chapter: "... that men commonly suppose that all natural things act like themselves with an end in view, and since they assert with assurance that God directs all things to a certain end, they say that God made all things for man..." (Spinoza, 1920, p.31) In all three monistic religions the conception of the God is anthropomorphic in the sense that he looks and acts like man, is anthropocentric in the sense that he arranges everything exclusively for human needs, and is teleological in the sense that he gives the nature a telos, purpose or aim. And it is also true that most people –if they are not specifically critical about religiousness– hold these assumptions regardless of whether they are strong believer or not. Likewise, our education systems help these assumptions survive across generations as they fail to emphasize that we in fact have no any single evidence to keep holding these assumptions. According to Spinoza all this has nothing to do with the truth, but is caused simply by ignorance and inadequate understanding of nature.

Moreover the assumption of anthropocentric teleology is not as innocent as it first seems. Unjustified belief in personal God, accompanied with the belief in his purposeful involvement with worldly affairs of men, is responsible for many contemporary problems including environmental crisis. It is always a quick move from "man is the measure of everything" to "everything is for man". As obvious, the latter is far from being peaceful against nature.

Still more interesting is our unjustified tendency to search for some ultimate end in our lives. The problem lies here: Our best theories tell that we fail to find any evidence in favor of the notion of 'ultimate end'. It has been almost canonical among well-known scientists to argue that evolution knows no telos. The only impetus at best

available in micro universe of living creatures, they report, that is the impetus of 'survival', is far from looking spiritually promising ultimate ends.

Spinoza, on the other hand, is well aware of these facts. His famous 'conatus' doctrine denotes the same truth: Every 'thing' (not only living things) necessarily strives to continue to exist, and that is the only 'purpose' if one will still need an ultimate purpose. Then, for Spinoza, life has no any previously given telos, nor would it be a truthful attitude towards God/Nature to be in search of any meaning beyond what exist at the expense of a joyful understanding of this unique God/Nature.

We thereby reach our next assumption: This world needs no further meaning than joyful striving to continue to exist, which is only possible by having more adequate knowledge of God/Nature.

### **Assumption 3. Free-will**

No doubt, whether free will exists or is just an illusion has perhaps been the most controversial issue for many decades. Therefore it is not possible at all to give a final answer to this problem in this piece of work. Yet, it might be argued that we are in no sense as certain as we used to be in the past about possibility of free will. We perhaps still feel that we (exclusively only human beings) are free authors of our life in the sense that we can at least choose some of the crucial aspects of our life, but we are certainly not sure if we are really completely free from environmental, genetic, or neurobiological determinants. About 350 years ago Spinoza once again was among the first kids who told that the king is naked!

As human beings, Spinoza claimed, we are not in any sense different from rest of the cosmos (including animate as well as inanimate entities) with regard to freedom to choose what encounters we will experience. Any encounter, for Spinoza, means affective change in our actual embodied beings, as well as in our minds simultaneously. Since all finite modes are simply modifications of the one and the same Substance (i.e. God/Nature) all strive to exist as much as possible in accord with the conatus doctrine. Out of this endless striving flourish our so-called life stories. In fact, in most cases what we think we freely designed is simply result of what encounters we had and what affects these encounters created on our lives. However, since we are aware of the effects of these encounters but not of the necessary causal chain behind them we easily welcome the illusive idea that we are free.

Western concept of education, to an important extent, is an output of this assumption which tends to see human beings as -what Spinoza calls- "kingdom within the kingdom". No doubt, we are still far from being certain about the possibility or impossibility of free will or the degree of freedom. But it is puzzling to see that the controversy has not arrived yet in philosophy of education at all. All this shows, I argue, that we are once again happy about our pre-established assumptions in education and we resist to possibility of replacing them. If we are to follow Spinoza, we should stop appealing to consequences. If belief in free will really turns out to be an illusion what better assumptions we can make to justify that our educational attempts will really help children have a flourishing life, that is a life which relies on truth, adequate understanding of Nature and joyful affirmation of reality.



Our best knowledge derived from the empirical works of various researchers are suffice to justify that (a) we have no good reason to assume any kind of ontological transcendence, (b) we have no good reason to assume that an anthropocentric teleology exists, and finally (c) we have no good reason to assume that human beings unlike all other things are free. Given that all these points are arguably well-established by our current scientific knowledge, Spinoza emerges as one of the most relevant philosophers that can be revisited for contemporary problems of philosophy of education.

Spinoza, on the other hand, does not leave us here totally hopeless. According to him, the fact that there is no any transcendent authority and we are equally on our own, like all other modes with no particular advantage of free-will in this world, where there is also no previously given telos, does not mean that we are destined to get lost. Conatus, the striving to continue to exist, is applicable for us as well, and, in fact, whatever we do is just an expression of this immanent conatic desire. All finite things (modes) encounter with each other necessarily as an effect of the same conatic power. The more we have adequate knowledge of God/Nature, the more we are active (strive better), and therefore the more joyful affects we get out of our encounters. The formula can be read reversely: The less we are aware of God/Nature, the less active we are and therefore the more sad affects act on us.

### **Conclusion**

The relevance of Spinoza for philosophy of education lies here: In what ways can we help children to have more adequate knowledge of the God/Nature so that they can affirm the world as it is and strive more joyfully, more active and more virtuously. The program outlined here does not need a so-called freedom of will, nor does it call for transcendence or teleology of any kind. It simply asks us to clarify first what we know as adequate as possible about the God/Nature and then create learning environments accordingly.

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## *Eusebism and the Unified Theory of Rights*

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### **Abstract**

In ancient Greece was coined the term εὐσεβεία to define a sense of respect of exceptional magnitude, as the two terms used implied "εὐ" (good) and "σεβόμεαι" (to respect, revere).

We live in what Bobbio described as “the age of rights” and new rights are raising everywhere, as well as the proposals to recognize new subjects of rights (e.g. nonhuman animals), but are there really so many different rights? Is it possible to identify just one common principle, of which all those “rights” are mere specifications?

Eusebism is intended to reunite any relationships, and to show how different proposals are simply shifting the discrimination’s paradigm (e.g.: from humans to nonhumans), not even trying to remove it at all, due to a misconception at the basis.

The Eusebism’s unifying element is absolute and unconditional respect for everything that exist and that, since strictly connected (humans, nonhumans, the environment), may not be artificially divided, just to consider as “good” the predominance of one over another.

Humanism, animal rights, environmentalism represent philosophical currents that, even if useful and innovative, still remain confined within objective limitations, since all consider just one element.

Eusebism incorporates all those perspectives, assimilating them inside a general comprehensive theory that, recognizing and valorizing differences and diversities, rejects any discriminations.

Eusebism’s perspective inversion is explained by the question: “Why should I deny respect?”, in contrast to classical approach that, beginning from preconceived thesis, researches proves and demonstrations to recognize rights and respect.

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## Positive Law And Law Of Nature

There is a law that is the set of rules codified and incorporated into an order: we call this “positive law”.

Legal positivism states that law is a mere social construction.

Natural law theories state that laws should just transpose the principle of nature.

According to Bobbio, the persuasion of the existence of an absolute foundation of right would arise as a result of the action of persuasion. The proponents of new rights would reach to believe that their arguments are compelling and undisputed and that, therefore, they transcend the individual social contexts.

It was Bobbio’s opinion that there is an irremediable contrast between different interpretations of what is “natural” and what is not, and he assumed that as a proof of this theory’s wrongness.

I think that Bobbio was wrong, as the existence of different opinions, in itself, doesn’t imply that one may not be correct: this only proves that different people have different ideas.

The intellectual aversion that the contemporary age has developed against the natural law has led to contradictions and gimmicks, such as that of the Italian Constitution, that in order to avoid the use of the expression “inherent rights”, referred to the “unalienable rights”: where the first phrase refers to something that inevitably existed before man, the second—in the name of understatement—simply alludes to something that, pre-existing or not, cannot be denied, removed, disposed or alienated.

But why can it not be alienated, if there is not an innate principle? If everything is a source of the will of the law-maker, who is citizen of its time and its socio-cultural context, why should we consider something intangible?

Stating that there are no absolute and innate principles, of which laws are mere transposition, contradicts the daily observation: everybody, even without studying the law, feel deprived, when they suffer what they consider an injustice.

Anyone considers himself injured if, without having done anything to others, is beaten, killed, deprived of liberty, etc.: in my opinion that does not happen because there are laws, and people know that they have been violated, but because those expectations are innate and pre-judicial.

We could even not call “legal right” what is not sanctioned by the law, calling it “expectation” or “claim”, but that does not change the substance of the instances that are innate, not based on coding, and that do not cease even when laws refuse to acknowledge them.

If there was nothing “natural”, it would be unintelligible and without reason. From the dawn of the laws to date, certain contents have been constantly consolidated, and, when rejected, there have been revolutions, wars and fights to reassert them.

The history and the history of law teach that there has been an evolution towards a well-defined purpose, and that when some tried to reverse it, that was a failure: if, as dictated by legal positivism, there were no other rights than those posited, then why, for example, would the dictatorships of the '900 have disappeared under the pressure of freedom of expression instances? There are innate aspirations that push in one direction and in one only, which requires training and the adaptation of standards that reflect.





## Unify The Rights

The historic route of rights was troubled and sometimes contradictory: I think that this is due to the inability of lawmakers to actually evade their own perspective, merely advocating the interests of their own or of their donors or sponsors.

For example the white law maker enslaved black people, Aryans banished Jews, men degraded women, human beings reified non-humans, etc.

For practical reasons, as well as philosophical, the only possible conclusion is that IF there are rights, then they must be up to all that is, or they cannot be recognized at all.

Of course I am not talking of civil law, which mostly comes from balancing of conflicting interests, and can only be of a conventional nature.

In short, I think that, if about civil law, the assumption of legal positivism is widely shareable, this is not possible when it comes to criminal law.

Given that we are discussing the idea of defining the limits of interference with others in relation to the fundamental aspects of existence, it is hard to consider the possible application of different criteria with regard to the same thing: as it is not “fair” to terminate the life of a human being, it cannot be fair to terminate that of a non-human, a plant, or to interrupt the flow of a river. Or, at least, we should find a principle (not arbitrary—and let me underline—NOT ARBITRARY) that justifies such discrimination.

All those law scholars who are not familiar with the animal rights theory may, of course, consider it illogical even to think about subjects of law different from humans. It is understood that in my theory animal rights are not the finishing, but the starting line.

Human animals, non-humans, plants, minerals, are all connected by a common origin, and the elements that constitute us are in constant transformation from one state to another.

What yesterday was gas in the air or mineral in the ground, tomorrow will be part of an animal body, and so on. Therefore, if I recognize the right to exist in an animal body, how can I deny it to the mineral or vegetable, which, in turn, allowed it to exist?

We should have clear the difference between shifting discriminations, and removing them at all: while today biocentrism is considered the most advanced and comprehensive theory, I also disagree with it for some reasons.

In first place: i) the definition of what is “life” is a convention, also subject to criticism and different theories (e.g.: virus), ii) not knowing the phenomenon which enables what we consider “not alive” to become “live” is not a priori possible to say that an act on the first does not afflict the second, for example preventing it to come to existence, iii) everything that human science describes as “alive” can continue to carry out its biological functions only through the use and interaction with what is “not alive”.

All the above said theories are simply trying to extend legal rights or claims, without actually giving up the subjective perspective, but they seem to miss the point that in a closed system, which on a large scale can be thought of as the whole universe, we cannot exclude a priori some elements, because all are interconnected and interdependent.

In philosophical terms, an attempt was made to limit (or, as in the minds of many, “to extend”) the ownership rights on the basis of the intellect, the ability to speak, to discernment, to feel pain, to carry out a process “vital”, but these should not be assumed to discriminate between those who can and who cannot have rights, but—if anything—useful parameters to determine “what” rights should be recognized and to whom.

Who owns an intellect that makes him capable of complex thoughts will, for example, claim the right to express those thoughts, or, who can feel pain, not to be injured, those who live not to be killed, etc.

Different beings, different characteristics, different needs means different rights.

I can even say that when we discuss about some human behaviors, we use misleading concepts: we can call “racist” anyone who is against people of different colors or from different parts of the world, as well as we can call speciesist those who eat animals. I don’t think that those people actually hate foreigners or animals: I rather think that they are just selfish and that they prefer to be in charge, or are trying to protect themselves from those they consider a menace, or simply satisfy their taste.

In short, it is clear that humans are largely affected by a problem of selfishness, and each time that we simply move the stick—for example granting rights to the slaves but not to the animals—we are not removing any and all discrimination; therefore, we are actually making a discrimination.

## **Conclusions**

It makes no sense to talk, distinguishing them, about human rights, animal rights, environment: everything that exists is interdependent and denying the ownership of rights to some, attributing them only to others, is a short-sighted and arbitrary discrimination, which—by syllogism—does not really allow for the protection of anyone.

Nor is it necessary to speak of “right”, because the words are used only to invoke concepts based on conventions, and it is wrong to stay attached to them, so much so as to dismiss the substantial problem, staying anchored to the form: protection, right, aspiration, expectation, etc. can be used and interpreted endlessly, but the key issue is to implement those absolute moral principles and translate into behaviors and rules that guarantee them.

Should we define this system “right”, “law”, “protection”? I do not think that it is important, since the words have only the meaning that people decide to give them: for

this reason, I find useless the endless treatises on the meaning of “right”, given that it is a concept devised by man; therefore, describable in any way.

By contrast, a moral “right” is something that must pre-exist to definitions and interpretations; otherwise, it would be mere will (of peoples or individuals it does not matter): this is where the rules must tend, in an impartial and objective light, so that the author may appear to be a man as well as a woman, a human being, as well as a non-human, etc.

As long as the regulatory principles will be inspired to favoritism towards the law maker, what is “right” cannot find citizenship in laws.

As long as our concept of right will leave out the interconnection of everything that exists, it will be forced to grope in the darkness of prejudice and discrimination, as a mean of harassment of all, since there can be no respect for anyone if there is not for each.

I believe that a unified theory of rights is the only possible solution to exit the crisis, cyclical and inevitable, in which human societies have continue to lie, due to the inability to deal fairly with the fundamental questions of existence.

Once we have understood and stated the principles to define and inscribe in them all that exists, as in physics, the right can be considered perfect; that is, capable to properly govern any relationship.

To exit from the subjective perspective, my theory, the Eusebism, promotes the adoption of five basic principles, which characterize the moral theory, and that are, therefore, transferable to right:

- 1) RESPECT (for what is other than itself)
- 2) OPPORTUNITY (repeatability by an undistinguished number of subjects)
- 3) BALANCE (the interests involved must receive mutual satisfaction)
- 4) CIRCULARITY (first law of thermodynamics, nothing is created, nothing is lost: everything turns)
- 5) NON-INTERFERENCE (not to interfere with the existence, evolution or the survival of what is other than itself)

In concrete terms, the unification of rights can take place through a reformulation of the rules designed to punish all human conduct detrimental not only (directly) to other humans, and giving up the notion that those who make the laws can arbitrarily dispose of everything else.

The scope of such a change is so radical that today it is hard to imagine the practical application and it is clear that it will require a long transition for the social values to evolve to such an extent as to be fully applicable to such a regulatory system; however, we should not be discouraged by the complexity and length of time that will be needed to fully realize the change: on the contrary, it is necessary to focus on the importance of beginning it.

It is my opinion that even if we focus just on human rights, we can see that the distinctions are confusing, since they should be conceived just as mere specifications of the same principle. From a moral point of view, it should be clear that there is not anything like racism, sexism, speciesism, etc. Those are just symptoms of the innate human aptitude to prevail over others: once we have this simple fact clear, then we are free to proceed to the next step—to fight against any and all discrimination.





***Bringing to Justice those who Kill Falun Gong for their Organs***

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The European Conference on Ethics, Religion & Philosophy 2016  
Official Conference Proceedings



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This conference raises the questions, "what is justice and why do we seek it?" The answers to these questions depend on context. In determining what constitutes justice, one size does not fit all.

I approach these questions from the perspective of crimes against humanity and genocide. Justice in the face of those crimes means, first, deterrence. The most effective deterrence for any crime is the prospect of detection, apprehension, prosecution, conviction and punishment. Establishing an effective justice system can deter grave human rights violations from occurring.

Justice also means providing a historical record which has authority through impartial investigation. Justice requires as well helping the victims address their victimization by providing them a remedy. Justice must further hold perpetrators to account.

When justice is not available against grave human rights violations, these violations spread. Not stopped in time, they eventually engulf us all. Justice is not merely one ideal amongst others. Its functioning is necessary for human survival. An unjust world is a world where humanity self destructs.

Mechanisms for bringing to justice perpetrators of grave human rights violations have historically not existed. It has historically been easier to prosecute a person for one murder than for a thousand murders. Justice systems have been geared to dealing with individual crimes, not mass crimes.

One reason for that is individual crimes are seen as and often are aberrations. Mass crimes involve mass criminality. Bringing to justice perpetrators of mass crimes means mass remedies, an effort beyond the capacity of most justice systems.

Mass crimes can involve the complicity of thousands and the silent approval of tens of thousands. Mass crimes are not the work of a few. They are the responsibility of a society within which the crimes are perpetrated.

Yet, the functioning of justice requires society acting against the perpetrators. It is true that justice imposed by outsiders is still justice. But outsider justice does not come squarely to grips with the environment in which the criminal behaviour has festered.

When the society in which the criminals are embedded has tolerated and even encouraged the crimes, transition to justice requires a break with the past. The environment which at one time endorsed the crimes must reject them. Revulsion at the crimes can and must lead to internal demands for justice. Before we get to justice, we must get acceptance of the ideal of justice and rejection of injustice.

The best mechanism for getting from injustice to justice is justice itself. The phrase "Justice, justice you shall pursue" is not a stutter or mindless repetition. It appears in Deuteronomy<sup>1</sup> not just because in Greek "deuteronomy" means "repetition of the law". It is rather a reminder that justice goes from small to large. Justice is both an

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<sup>1</sup> Chapter 16 Verse 20

overarching roof and the rungs of the step ladder which get us there. We arrive at justice overall by doing justice in individual cases. Society comes to appreciate the horror of mass crimes in stages, first by glimpses, by peeling back the cover which hides their enormity.

In the post-Nuremberg history of bringing Nazi war criminals to justice, the trial of Adolf Eichmann put only one man on the dock. But it had an unleashing effect. It invigorated the pursuit of justice for the crimes of the Holocaust everywhere, including Germany.

Mass crimes have multiplied in the twentieth century not because twentieth century humanity has been worse than its predecessors. It is rather that technology has made mass crimes easier to perpetrate. Human nature in the twentieth century remained what it was before. But technology changed dramatically.

The Holocaust happened not because antisemitism was new, but rather because radio, which spread hatred, and trains, which brought victims to their death, and poison gas, were new. The combination of the same old hatreds combined with modern technology was lethal on a scale never before seen.

The same old humanity, with its same old capacity for good and evil, combined with technological development and the absence of an effective justice system for mass crimes, made the twentieth century deadly, a century of genocide. The twentieth century was a warning which the twenty first century has yet to heed.

The twenty first century, with its enhanced technological developments and rudimentary international justice system for mass crimes, places us all in peril. What are we going to do about it?

Attempts to deal with mass criminality often focus on the leadership. Yet, leadership means nothing in a vacuum. Leaders have no impact without followers. Mass crimes happen with the complicity of masses of ordinary people, who attack their neighbours, associates, former friends and sometimes even relatives.

In a modern technological world, the ranks of perpetrators include masters of the technology which generate the weapons of murder. Perverted experts hide behind their technology, wilfully blind to the larger context. They are cogs pretending to be unaware of the machine.

Comprehensive justice means bringing all perpetrators to justice, the followers and not just the leaders, the mechanics of the machinery of death. The focus on leadership not only is arbitrary and selective. It also distorts the nature of the crimes. Absolution of the mass of hands-on perpetrators denies history, undermines deterrence and provides an inadequate remedy to the victims.

The question then becomes: how do we provide justice for a mass crime which is commensurate with the scope of the crime? I suggest six steps. First of all we need victims to engage the justice system. When the justice system is engaged, justice itself is put on trial. We can find out how well or badly the justice system can address

victimization only if this trial takes place.

Second we need to get at the facts. We need an investigation to determine individual culpability. But, even before that, we need to get at the scope of the crime, the way the violations happened and how they happened.

Third we need to provide a remedy to victims. A justice system which ignores the victims is a justice system in name only.

Fourth we need to hold the perpetrators accountable. A mass crime is not only victims. It is also perpetrators. We must certainly not forget the victims. But we must also not forget the perpetrators.

Fifth we need to be comprehensive. A system must be put in place so that every perpetrator can be brought to account and every surviving victim, and their family and their community receives a remedy.

Sixth, we have to end where we began, with continuing to establish the facts even after all the perpetrators and victims are gone. Perpetrators and victims are mortal. Justice should be never ending.

In order to give a fuller explanation of these statements, I want to attempt to work them out in a specific setting, the attempt to seek justice for the killing in China of Falun Gong for their organs. I choose this example partly because of its modernity. This is a violation which is twenty first century. The violation is tied to modern technology, organ transplantation. The justice system which should be in place to address the crime does not exist. So, to be specific, how do we get to justice for the mass killing of Falun Gong in China for their organs?

Falun Gong is a spiritually based set of exercises started in 1992 with the teachings of Li Hongzhi. It is a blending and updating of the Chinese spiritual and exercise traditions, Buddhism, Taoism and Qi Gong. The best know Qi Gong is Tai Chi. Falun Gong is a Chinese equivalent of yoga.

The practice of Falun Gong was initially encouraged by the Communist Party of China because the exercises are beneficial to health and cut down on the health system expenses. The practice was ultimately repressed out of Communist Party fear for the Party's ideological supremacy, after those doing the exercises became more numerous than members of the Party.

Starting in July 1999, those protesting the repression of Falun Gong or continuing the exercises were detained and asked to recant. If they did not recant they were tortured. If they did not recant after torture, they disappeared.

The disappeared became a vast forced organ donor bank. Practitioners of Falun Gong have been killed in China for their organs, in the tens of thousands, starting from 2001. Other prisoners of conscience too have been victims of this abuse - Tibetans, Uyghurs and Eastern Lightning House Christians. But Falun Gong have been the overwhelming majority of these prisoners of conscience victims.

The first step in getting to justice for this victimization, the need to engage the system, has been only tentative. Finding a person killed for their organs who would seek justice is, by definition, an impossibility. Finding a family member of a victim killed for their organs willing to engage justice is not much easier.

Justice within China, given Communist Party rule, is an impossibility. The Communist Party rules the police, the investigators, the prosecution, the judges and even the defence bar. The Party will not bring a case to Court against itself.

Any attempt by Party outsiders to try to do so, within China, is fraught with peril. As Chinese human rights lawyer Gao Zhisheng has said and shown by his own experience, attempting to promote while you are in China respect for human rights through law means that you will become a victim of human rights violations yourself.

Family members, as one might expect, are not advised by the authorities that their loved ones have been killed for their organs. All the family knows is that a member of the family has disappeared. They do not even know that the disappeared have been arbitrarily detained by the authorities.

The anonymity of the detention of Falun Gong practitioners has been, in part, the consequence of the dynamic of repression in China. Falun Gong practitioners who disclose their identity to the authorities once detained are returned to their home location and their friends, relatives, work associates and neighbours victimized for not having turned them in earlier and for not having prevented or stopped them from practicing Falun Gong. Practitioners, from this experience, have learned not to disclose their identity on arrest. The result is that the family does not know where they are and the jailers do not know who they are.

The community of Falun Gong practitioners outside China wants and attempts to seek justice for the human rights violations inflicted upon their co-practitioners in China. Indeed, that is one of the strengths of this community.

As a lawyer, I can see gaps in the international justice system. Actually filling the gaps requires the willingness of victims to engage the system, show its faults and mobilize efforts to remedy them.

Many victims are reluctant to seek justice for mass crimes. They have learned to distrust society. They have abandoned hope for justice. Seeking justice is a work of patience. The effort itself is a retraumatization. Victims do not wish to be defined by their victimization. Simply to move on with their lives many victims attempt to leave their victimization behind.

The Falun Gong community, including escapees from China, distinguishes itself by its unflagging commitment to justice and its willingness to pursue every available remedy for the victimization of its co-practitioners in China. This commitment, if it produces results, can alleviate the plight of the victims in China. Even if the efforts fail, they allow us to point out flaws in the international justice system and generate support for fixing them.

The second step, the need to investigate the facts has been pursued ambivalently. David Kilgour and I have done our own investigations, in a report titled *Bloody Harvest*, which came out in three versions, in July 2006, in January 2007 and, in book form, in August 2009. Ethan Gutmann authored independently a book on the subject *The Slaughter*, which came out in December 2014. We three then published an update to our combined work, released in June 2016 in Washington DC.

There are a number of other private sector investigations besides, all coming to the same conclusion, the mass killing of prisoners of conscience in China for their organs, primarily Falun Gong. What is missing is any governmental or inter-governmental investigation.

It is not for want of trying. The Office of the United Nations High Commissioner for Human Rights has been presented with a petition with 1.5 million signatures asking the Office to investigate, to no effect. There is something wrong with a UN human rights system which can ignore a petition of 1.5 million people.

The United Nations Office of Drugs and Crimes, the UN implementation mechanism for UN Treaty on Human Trafficking, which includes organ trafficking, has also refused to do anything on this file. The Office has made the startling claim that organ trafficking does not include transplant tourism.

What legally is untenable, even inexplicable, becomes clear if one thinks about not what the law means but rather who the members of the United Nations are. The United Nations Office of Drugs and Crimes, like the Office of the United Nations High Commissioner for Human Rights, hears Chinese Communist Party/Government footsteps.

The European Parliament has asked the European Union to investigate, but so far also to no avail.<sup>2</sup> Here too, there is something wrong with a European system which can ignore a resolution of its own Parliament. The flaw is also self evident, the unwillingness of the European Union civil service, the European Commission, to accept direction from its own Parliament.

The United States House of Representatives in June 2016 passed a resolution making a similar request to the Department of State, to investigate organ transplant abuse in China.<sup>3</sup> In the United Kingdom, the Conservative Party Human Rights Commission also in June 2016 asked the British government to investigate.<sup>4</sup>

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<sup>2</sup> Resolution of December 11, 2013

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT>

<sup>3</sup> June 13, 2015 Resolution 343

<https://www.govtrack.us/congress/bills/114/hres343/text/eh>

<sup>4</sup> March 2016

[http://conservativehumanrights.com/reports/submissions/Falun\\_Gong\\_Submission\\_Human\\_Rights.pdf](http://conservativehumanrights.com/reports/submissions/Falun_Gong_Submission_Human_Rights.pdf)

The fact that these requests were made is promising. The history of ignored requests means that we cannot be sure that these requests will actually lead to investigations. We need to continue to press until we get at least one governmental or inter-governmental investigation launched.

Bringing perpetrators to account is a remedy for the victims, but it is not the only remedy. Simply providing a historical record, telling the truth, bearing witness is, in itself, a remedy. Part of victimization is burying the crime, forgetting the victim. By remembering the victimization and the victim, we, even without more, help to provide a remedy.

Prosecution, conviction and sentencing are the work of the state or inter-state organs. Noticing, taking account of what happened, remembering, are the work of us all. If we want to give the victims a remedy, we can do our part.

Outside the Falun Gong community, there has been far too little of that. The Falun Gong community, understandably, is sensitive to the persecution of their co-practitioners. Outside that the community, the sensitization is far too thinly spread. We need more people in more places to pay attention to what has happened to this victim community.

As for court cases against perpetrators outside China, they run afoul of a number of legal obstacles. Civil remedies run up against the doctrine of sovereign immunity. States legislate that other states can not be sued in local courts.

Since perpetrators are individuals, the doctrine of sovereign immunity, on its face, should not present an obstacle to holding perpetrators to account. Nonetheless, the doctrine of sovereign immunity is expanded to cover individuals acting in state functions, since states act through individuals. The logic is that penalizing individuals for acting in state functions prevents the state from functioning.

Again, superficially, this exemption of individuals acting in state functions from being brought to account foreign courts should not impede justice for gross human rights violations, since gross human rights violations are not properly state functions. On the contrary, at least formally, all states reject gross human rights violations and claim that they are not engaged in them.

Yet, typically sovereign immunity statutes do not provide exemptions for grave human rights violations. This absence stands in contrast to the exception for commercial activity, which is often present. States typically allow foreign states to be sued in local courts for violation of commercial promises, but not for promises to respect human rights.<sup>5</sup>

There are some exceptions. The US allows for officials of states designated as sponsors

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<sup>5</sup> For Canada, see the State Immunity Act  
<http://laws-lois.justice.gc.ca/eng/acts/S-18/index.html>



of terrorism to be sued for grave human rights violations.<sup>6</sup> Canada allows for officials of states designated as sponsors of terrorism to be sued for terrorism.<sup>7</sup> But these exceptions are too narrow. For one, they do not catch officials of non-designated states and China has not been designated in any country by any of these statutes.

A designation system is inevitably going to be politicised and slow. A better gatekeeper, to prevent private prosecution by those who would use phoney accusations of human rights abuse as a political weapon, would be the requirement of consent by the state prosecutor.

Even with this problem, the absence of an exemption for grave human rights violation in sovereign immunity statutes, there would seem, at first glance, for China, a way out, since Chinese human rights violations are directed not by state officials acting in state functions but rather by Communist Party officials, acting in Party functions. In China, the state is a puppet; the Party pulls the strings.

Sovereign immunity applies to the state and state functionaries; not to the political parties and party operatives, even in the governing party. This seemingly simple rule has not, regrettably, been applied by foreign governments and courts to China. Foreign governments and parties view the Communist Party and Chinese state to be so closely linked that they have extended sovereign immunity from the state to the Communist Party.<sup>8</sup>

There have been many civil suits around the world against the lead persecutors of Falun Gong - against Jiang Zemin, Bo Xilai, and Luo Gan. These lawsuits have in most cases run aground on the shoals of sovereign immunity. They have mostly not led to judgements against the perpetrators. But they have led to calls for reform in the law of sovereign immunity, a call for an exception for grave violations of peremptory norms of international human rights law, not a victory, but a small bit of progress nonetheless.<sup>9</sup>

Criminal prosecutions have not got even that far. Prosecution at the International Criminal Court in the Hague is a non-starter because the Court has jurisdiction only over nationals of states parties to the Court treaty, crimes committed on the territory of states parties, or situations referred to the Court by the Security Council. China is not a state party to the Court treaty and has a veto in the Security Council.

Many states have universal jurisdiction criminal laws allowing for prosecution of international criminals found on their territories. Those laws typically require the

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<sup>6</sup> Foreign Sovereign Immunities Act  
<https://www.law.cornell.edu/uscode/text/28/1605A>

<sup>7</sup> Justice for Victims of Terrorism Act  
<http://laws-lois.justice.gc.ca/eng/acts/J-2.5/index.html>

<sup>8</sup> See for instance *Rong Jin v Bo Xilai*, 2016 ONSC 917

<sup>9</sup> See for instance Bill C-632, 41st Parliament of Canada, second session  
<http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=6729743&File=4>

consent of the state prosecutor for initiation and state prosecutors, in the case of China, have been reluctant to consent.

What is needed is specific laws which make complicity in organ transplant abuse an extraterritorial offence, an offence for which prosecution is possible even if not committed on the territory of the prosecuting state as long as the perpetrator is found in the jurisdiction. Further, laws should impose compulsory reporting of transplant tourism so that the authorities know about the offence when committed.

Israel,<sup>10</sup> Spain<sup>11</sup> and Taiwan<sup>12</sup> have enacted such laws. Legislators in Canada,<sup>13</sup> Belgium,<sup>14</sup> France<sup>15</sup> and Australia<sup>16</sup> have proposed such laws. The victimization of Falun Gong has here too led to steps for law reform, without the reform being complete.

That is pretty much the result so far. Efforts globally to seek remedies around the globe for the mass killing of Falun Gong for their organs have not so much resulted in justice as exposed defects in the global justice system. The remedies for victims have, for members of the Falun Gong community, been elusive.

Even when the machinery of justice is operating, its wheels grind slowly. But they grind inexorably to an inevitable result.

When the machinery of justice needs to be constructed, arriving at the result of justice is even slower, much slower. But the results are just an inexorable. The cry for justice will never be stilled, until we get to justice itself.

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<sup>10</sup> Organ Transplant Act 2008

<http://www.declarationofistanbul.org/resources/legislation/267-israel-transplant-law-organ-transplant-act-2008>

<sup>11</sup>

[http://www.ont.es/infesp/Legislacin/ExtractoLeyOrganica\\_5\\_2010.pdf](http://www.ont.es/infesp/Legislacin/ExtractoLeyOrganica_5_2010.pdf)

<sup>12</sup>

<http://www.dafoh.org/taiwan-legislation-sets-a-new-standard-in-the-combat-against-rogue-organ-harvesting-practices/>

<sup>13</sup> Bill C-500 on February 5, 2008, the second time as Bill C-381 on May 7, 2009, Bill C-561- December 6, 2013

<http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=6375892&File=4>

<sup>14</sup> Sénat de Belgique Session de 2006 2007, December 13, 2006

<sup>15</sup> <http://www.assemblee-nationale.fr/13/propositions/pion2797.asp>

<sup>16</sup> Human Tissue Amendment (Trafficking in Human Organs) Bill 2013



### *Intercultural Religious Education (Bursa Sample)*

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#### **Abstract**

In this paper, it is discussed the attitude of intercultural religious education in Turkey. All religions have set some promises for human beings and the promise of a happier life. Shared values play a significant role in establishing close ties and good relations with the people of various intellectual and religious backgrounds. Programs of religious education and religious educators have roles in ensuring peace and tolerance between the followers of different religions and contributing to universal peace. These roles are, in general, to take into consideration the values of different religions, to introduce them objectively and to be respectful to different faiths. Pre service religious educators are experiencing different cultures. There are several international companies and their workers, international students and immigrants especially from Syria in Bursa. They have courses theoretically about intercultural education. Since religious educators has important role intercultural understanding, this article has been prepared. Students were interviewed, observed. Datas were analysed by descriptive analysis method.

**Keywords:** intercultural religious education, higher education, Turkey

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By the cause of accelerated globalization process and changing nature of modern technology, no societies can hold themselves from external influences; with this, funds, technology, people and ideas are passing and changing between country's borders freely and creating new thoughts and new ways of lives on the last quarter of this century. In this process, with the rapid increasing of informatics and skill of moving, versatile relations between human ended for them in being nested with so many cultures more. This situation has also affected the education and religious education too. Every society aims to channel their accumulations to their new generations and to prepare their kids and teenagers to the life. In this context, they utilise formal and non-formal education. Also, societies engaged in to learn and teach the religion, morals, ethic values and the other culture elements to their individuals. (Erakkuş, 2015) On the other hand, the opinion of "people from different religious traditions and beliefs should be in the effort of building dialogs with each other" started to spread out in every corner of the world. All religions have set some promises for human beings and the promise of a happier life. Shared values had played a significant role in establishing close ties and good relations with the people of various intellectual and religious backgrounds. It can be said that, people who are coming from different backgrounds of societies' multi-cultured environments need to know and understand each other in order to live live in peace, tolerance and dialogue. According to this new perspective, religion education and one of it's branch, inter-religious education, serve people to know each other and contribute an environment of peace, tolerance and dialogue Many countries are making an effort in order to establish and run more effective and fruitful religion educations by revising religion education programs for establishing a peace, tolerance and dialogue environment between societies. (Bahçekapılı, 2011). Some regulations about the syllabus of religious culture and moral knowledge have started in Turkey to give more opportunities to acknowledge various belief systems. The role of educators who will take part in education of religious education is also important. Programs of religious education and religious educators have role in ensuring peace and tolerance between the followers of different religions and contributing to universal peace. In general, these roles are to take into consideration the values of different religions to introduce them objectively and to be respectful to different faiths.

The city of Bursa locates at southaest of Marmara Sea, at the west of Turkey. The region where Bursa locates is being called "Marmara Province". The province of Marmara is the most developed region of Turkey. In 2015, Bursa's overall population was 2.847.547. (T.C. Bursa Valiliği, <http://www.bursa.gov.tr/icerik/240/nufus.html>, Date of access: 25 May 2016). There are so many international companies located in Bursa. As there are settled foreigners there are also who comes for tourism to Bursa. Foreign "quest students" are having their education at some universities and high schools in Bursa. Refugees from Syria and Iraq are living in Bursa especially for last five years. Higher education staff-student, student-student, student-society, student-living world interactions are highly important. (Sarıtuñ, 2016). Pre-service religious educators are experiencing different cultures in Bursa. Students at Faculty of Theology have courses theoretically about intercultural education. The reflection of these educations is a point of wonder.

## Method

In this study;

- It is done with a total 152 participants at Teaching Certification Course and at Faculty of Theology, Uludağ University in 2016.
- A nine questioned survey applied to participants.

**Table 1:** Numbers of participants and their departments.

DEPARTMENT	NUMBERS
Religious Culture and Moral Knowledge Teaching Department	55
Theology Department	95
Others	2

- 55 people from primary level of from religious culture and moral knowledge teaching department,
- 95 people from Theology department,
- 2 people from other departments joined to this study.

**Table 2:** Number of students and graduates who joined in this study

GRADES	NUMBERS
3rd Grades	59
4th Grades	58
Graduates	35

- 59 people from 3rd grade and 58 people from 4th grade and 35 people as graduated joined in this study.

**Table 3:** Gender of participants and their numbers in this study

GENDER	NUMBERS
Male	57
Female	95

- These students were as 95 female and 57 male.

**Table 4:** Places of where participants joined from and their numbers

PLACES	NUMBERS
Turkey	121
Caucas Region	4
Cental Asia Region	5
Indian Region	1
Far East and Southeast Asia Region	2
Middle East Region	2
Northern Africa Region	2
Central and South Africa Region	5
Balkan Countries	10

There were;

- 121 people from Turkey,
- 5 people from Central Asia region,
- 2 people from Far East and Southeast Asia region,
- 2 people from Middle East region,
- 2 people from Northern Africa region,
- 4 people from Caucasus region,
- 1 person from Indian region,
- 10 people from Balkan countries,
- 5 people from Central and South Africa region.

## Findings

**Table 5:** Answers to “Have you ever had any education on Intercultural religious education, Multi-Culture Education etc. areas? Question

ANSWERS	NUMBERS
Yes	65
No	85
<b>Total</b>	<b>150</b>

- To the question of “**Have you ever had any education on Intercultural religious education, Multi-Culture Education etc. areas?**”, 65 people gave answer as **YES** and 85 people gave answer as **NO**. The “Intercultural Religion Teaching” lesson locates in Religious Culture and Moral Knowledge Teaching for primary schools program. There is no such a lesson in Theology curriculum. But those who answered to this question as YES from Theology department, mentioned that they this lesson within History of Religions.

**Table 6:** Answers to “Should teachers or chaplain applicants know other cultures and believes?” question

ANSWERS	NUMBERS
Yes	151
No	1
<b>Total</b>	<b>152</b>

- To the question of “**Should teachers or chaplain applicants know other cultures and believes?**”, 151 people gave answer as **YES** and 1 person gave answer as **NO**.

**Table 7:** Answers to “Should kids on school age and teenagers know other cultures and believes?” question

ANSWERS	NUMBERS
Yes	128
No	22
<b>Total</b>	<b>150</b>

- To the question of “**Should kids on school age and teenagers know other cultures and believes?**”, 128 people gave answer as **YES** and 22 people gave answer as **NO**. It’s important to see while for teachers and chaplains the negative answer was 1, but for kids and students is 22.



**Table 8:** Chart about “Religion and moral teaching practices of different cultures and religions at a school or in a common religious education institution” view

<b>VIEW</b>	<b>NUMBERS</b>
Should be focused on common points. Distinctions should be on the second plan	13
Should be focused on moral and ethic topics	9
Should show respect to distinctions	5
<b>Total</b>	<b>27</b>

- There are some results about “*Religion and moral teaching practices of different cultures and religions at a school or in a common religious education institution*”;

- 13 people indicated as “Should be focused on common points. Distinctions should be on the second plan”.

- 9 people indicated as “Should be focused on moral and ethic topics.”

- 5 people indicated as “Should show respect to distinctions.”

As it mentioned before, all religions focused on to make people happier and to have a better social life.” In multi-culture lifetime, people are in a situation of to live together and to interact with each other. With this, having a common point and showing respect to other believes are important. Belief systems already making a point to “being a human”, “having humanitarian values” and showing respect to basic rights of all individuals. But member of these belief systems/religions could lose their tolerance.

**Table 9:** Indications about lessons

<b>INDICATION</b>	<b>NUMBERS</b>
About belief systems, unbiased informations should be given. It has to cover all belief systems	55
There should be a general religious/moral education, it should be also given to anyone who requires	24
Students should have education according to his religion/belief, should know other religions/beliefs	19
<b>Total</b>	<b>98</b>

- 55 people indicated as “About belief systems, unbiased informations should be given. It has to cover all belief systems”.

- 36 percent of participants indicated as “Students at schools and other addressee should be unbiased and should know other beliefs”.

- 24 people indicated as “There should be a general religious/moral education, it should be also given to anyone who requires”. These two groups implied the importance of to know their religion as a culture. In the second group also implied to “people can get information about his belief”.

- 19 people indicated that “Students should have education according to his religion/belief, should know other religions/beliefs”. Those who picked this answer suggested a

education/teaching model which gives priority to society's beliefs but also covers other belief systems too. But there can be a problem about whether the common belief system will be based on or will be there lessons whatever the student numbers on any belief system. These issues can cause problems on practice.

- Only 1 person answered as "I am against to teaching of a different belief system".

**Table 10:** Views about teaching of lessons and methods

VIEW	NUMBERS
There should be interaction with people from different beliefs	2
Every single view should be expressed easily in lessons	3
Appropriate teaching materials should be prepared	1
<b>Total</b>	<b>6</b>

Highlighters about teaching of lessons and methods;

- 2 people indicated as "There should be interaction with people from different beliefs".
  - 3 people indicated as "Every single view should be expressed easily in lessons".
  - 1 person indicated as "Appropriate teaching materials should be prepared".
  - 3 people indicated as "Lessons should be taught appropriate to region's belief specialities".
- Those who gave this answer are graduated students who are working as chaplains. Shafii sect is common at the region where these chaplains perform their duty and education materials and sources which they use are for Hanafi sect. In this situation, chaplains and teachers indicated to learn the region's belief system.

## Result

The responses that was given by the respondents for the question of "Have you ever communicate with other cultures / societies / individuals?" is to decisive on the outcome of the subject.

**Table 11:** Answers to "Have you ever communicate with other cultures / societies / individuals?" question

ANSWERS	NUMBERS
Yes	119
No	32
<b>Total</b>	<b>151</b>

- To the question of "**Have you ever communicate with other cultures / societies / individuals?**", out of 152 people, 119 people gave answer as **YES** and 32 people gave answer as **NO**. Actually, Uludağ University and especially Faculty of Theology has a multi-cultural social circle. They might have answered the question according to their past lives or their social circle of their families. Large majority of students who is studying in Bursa where they have a great opportunity to come together with different cultures, are looking positive to intercultural religious education.

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## *Thoughts and Practices of Religious Education in Alternative Schools in Turkey*

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### **Abstract**

Operators, researchers and other social elements in the field of education, have long been discussing the outputs of education. Today what the educators in most schools attach importance to is the competitive sense rather than individual differences. Therefore, alternative education and alternative schools are progressively becoming common throughout Turkey. The basic objective of this study is to discuss the point of view of these schools' to religious education. The study has been realized in accordance with the body of literature. The content of the study is constructed with the properties of different school types defined as alternative schools, their position in Turkey and the religious education in these schools. It is an descriptive study. Alternative school models suggest integrative education, awareness of individual differences, supporting values in school as well as teaching them and emphasize the importance of self-motivation in the process of bringing values, which religions provide, into life. Various types of school models exist in many civilizations. People have the opportunity to attend any school model. As the student who manages to take the appropriate education for himself is healthier he will be open to religious and ethics education. When uncompetitive school models which consider the factors such as individual choices and learning speed of students form education models that are not disjointed from social life, religious education will be studied again from preschool to higher education to meet the expectations of the society.

**Keywords:** alternative education, alternative schools, religious education

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As in all throughout the world, the interest towards to alternative schools is also on the rise in Turkey. The concept of “alternative school” is being chosen within private schools but also this school concept can be seen in small number of public schools. There are numerous reasons to choose alternative schools.

Throughout history, mankind educated their children with the passion teaching their knowledge, their life, their norms and culture to channel them. With the rapid changing of social events and differentiation of personal needs made education to be done indiscreetly. By this, the culture channelling fuction of education brought the concept of “school” with it. By collective education, schools became institutions where systematical and regular training activities are held. (Memduhoğlu - Mazlum, - Alav, 2015). Instead of individual differences, competitive understanding view is taking place at schools in our day. In Turkish educational system practices, cognitive objectives are in the foreground. (Titrek – Zafer – Sezen – Ölçüm, 2013, p. 31). There are some views such as schools are not quite attractive for students, not answering needs of society and individuals, giving biased decisions on students’ mental progress, etc. In 2005, educational reformations specified the change towards education programs only in Turkey. But for constructing a durable and effective changing makes all education-related elements to take their shares from a possible change mandatory. Schools are centered on learning and teaching progress are should have a view of being open, acceptive and adapting to oneself to mentioned changes above. In this view, it should be considered in details on physical, social, cultural, economic and executive structural elements. (Elkatmış, 2013). According to some scholars and educators, the following critics should be applied to ongoing mass education system.

- To make blindly obedience and simplicity interiorize by limiting freedom,
  - Targeting good, submissive and passive individuals instead of free and independent ones,
  - Restrain students to live their childhood by giving targets and aims them early in their ages,
  - Prioritise of state’s and other social institutions’ expectations to child,
  - Not making out of new talents and even dulling talents that already exist,
  - Being disconnected from life,
  - Making school the aim but not the tool,
  - Prioritise the school success to life success,
  - Being teacher, institution or system based instead of being student based,
  - Giving priority more to numbers than to quality,
  - Having an overloaded syllabus,
  - Exterminating imagination, critical thinking and reproductivity,
  - Being predicated on discipline, submission and punishment,
  - Disregarding the individual for the sake of social benefit.
- (Gezer, 2007).

This situation dragged so many parents into pursuit and the faith to classical schools started to decline. On this lose of a faith, “taking child as an individual and making him free” view - as one of the main pillars of new educational understanding- became also effective. (Dündar, 2007). There are some new schools emerged in regardless of the schools that named as mass education or main trend schools. The format of contradictory process of school against to human’s nature, is dragging unwanted action forms and failure together with it. Succes focused education conception, caused students to be ignored or put them out of the system. In



fact, the main aim of the help of schools' towards children and teenagers is making them to be grown as a character-wise, happy and peaceful individuals. (Öcal, 2004). Alternative schools such as Montessori, Reggio Emilia, Waldorf, International Bakalorya, Home School etc. evaluate education as a whole, making this school models attractive. In literature, "alternative education" is being addressed as "alternative schools". Alternative school view is being used in two ways: Firstly, having unique education methodology and philosophy and being student-based school models. Secondly, school services to under risk group and crime-committed children. Second way is more common in the USA. The common characteristics of alternative schools are being small sized, having a supportive society, having individualistic programming, being multi-optional, having autonomy and democratic structure, giving support to family's and society's experiences, well qualified standarts and rules, having certain aims, being always inspected institutionally and being student centered. (Aydm, 2010).

Religious education which is born from religion as being faith to believe in and education which has an influence over people is and important necessity for individualistic and social life. To fulfill this need, people believed a certain religion in every age. They wanted to learn fundamentals and teach to others about religion they believed. And with education they succeeded this in. With this, the need of learning the believed religion and teaching to others gave birth to religious education. (Yılmaz - Kılavuz, 2009, p. 2). Morals and ethical values are simultaneous phenomenon to mankind's creation. Either being seen as religious believes or being traditions, way of life or a must to live together, morals and ethical values have a certain and important place in individualistic or social life. For this, morals was a topic of research from the very begining of the history of thinking and there had been numerous studies and publications about it. About morals' origin, beside religious and philosophical explanations, there had been a seperate field of research about it's origins and the progress of morals on social sciences. (Gündüz, 2010). The religious education is covering content as methodology and covering methodology as much as content. While one of these covers the topic of "What to teach?", the other one covers also the topic of "How to teach?" In religious education, both of them have their importancy. (Yılmaz - Kılavuz, 2009, p. 2).

In some schools there are lessons that target to explain about religion and morals in general, in some of others there are lessons which aim to introduce the specific religion and belief system practices. In some of other schools, religion and moral topics are being given within firstly in social sciences and in other lessons. In some schools they are making some activities within extracurricular activities by clergymen and religious teaching teachers. The main aim of education institutions is to prepare the individual into life and to give qualified education to youngsters and adults. To accomplish this duty, education institutions must plan their plans with utmost particularity. This planning must be shaped according to the nation's social character, progress level of growing generation and according to this generation's needs and attentions. (Çakmak, 2013, p. 81-104). The main trend schools' paying attention to transfer of knowledge, not paying attention to local conditions and needs, not covering of individual's preparedness level and needs are giving challenges for students to be ready to life. Religious, morals and ethic values teachings become on second plan. Alternative schools are giving importancy for earning positive behaviour at school rather there is a religious education and ethics lesson or not.

School age is the time for children and teenagers to create their personality and physical development. Development is a whole factor and there is a strong bound between physical, mental, emotional and social improvement. Emotional and social progress is so connected that they cannot be recognized without one and other. (Başal, 2012, p. 179). Alternative school approaches defend that at the education, child should be approached integratively. Some researches show that while child gains positive behavior at school, he or she also gets negative behavioral acts from his fellow friends and his teachers. (Musayev, 2014, p. 1-12). The individual adopt the society's behavior into himself and become a part of it. In this progress, child learns about how to obey the rules and values of the group and adopt this system of values. (Başal, 2012, p. 179).

### ***Method***

This research is being prepared to investigate the education of religion at alternative schools in Turkey. It's a qualitative research. According to Karasar, scanning models are research approaches describe a situation as it's own which was in the past or still exists now. (Karasar, 2010). In researches where scanning model is accepted, if the situation, individual or object which been subjected for the research would be identified as it is in it's own situation, they should be observed without any attempt to change or effect. (İslamoğlu, 2011).

There has been an interview with some schools that using alternative school approaches in Turkey.

*Chart 1: Interviewed Schools*

<b><i>Numbers</i></b>	<b><i>Name of the School</i></b>	<b><i>Age Gap</i></b>	<b><i>Approach</i></b>
1	Bursa Pembe Kule Anaokulu (Kindergarten)	3 - 6	Montessori
2	Ankara Sihirli Bahçe Anaokulu (Kindergarten)	2 - 6	Montessori
3	Arel Okulları	3 - 18	IB Organizations
4	İstanbul Özel Taş İlk ve Ortaokulu (Primary and Secondary Schools)	6 - 14	IB Organizations
5	Coşkun İstanbul Ortaokulu (Secondary School)	10 - 14	IB Organizations
6	İstanbul Saklı Dünyam Anaokulu (Kindergarten)	3 - 6	Reggio Emilia
7	Bursa Çağdaş Eğitim Kooperatifi 3 Mart Özel Anaokulu (Kindergarten)	3 - 6	Montessori and IB Organizations
8	A nameless school	3 - 18	IB Organizations

### ***Findings***

***There has been a conclusion after interviewing with schools:***

Montessori approach and International Baccalaureate, is been practiced from pre-school till to end of high school. Reggio Emilia approach on the other hand, is only been practiced for pre-school. Except previously named approaches there are also alternative school approaches, but

these named ones are commonly have been used in Turkey. But at Montessori approach due to subject pass system instead of class pass system, it can only be practiced for pre-school in Turkey. Montessori approach aims to highlight the child's potential by education. Student's spiritual progress is also important in this process. In Reggio Emilia approach, the the interaction of the child at social and physical environment where he/she gets interacted with other people is featured. Cooperation, problem solving, searching and learning are encouraged. At International Baccalaureate grounds on learning by interrogating. A problem about alternative schools in Turkey is that cannot finding educated pre-service personnel. Institutions are educating their own staff/personnel by in-service education. The other working personnel in small numbers are that who got educated abroad or those who had observations there.

Every society aims to channel their accumulations to their new generations and to prepare their kids and teenagers to the life. In this context, they utilizable from formal and non-formal education. Also, society engaged in to learn and teach the religion, morals, ethic values and the other culture elements to their individuals. The schools where they use alternative education, religion, morals, ethic values and the other culture elements are already integrated into programs. Pre-school institutions where Montessori approach is being used, religion and moral values are being educated within social decorum and cultural practices. It's been wanted to reach the creator of the universe to God/Allah, to know universe better, to know duties about relationship with other humans and entities in lessons at primary schools with an understanding named as "cosmic education". In International Baccalaureate schools, except religious culture and moral knowledge lesson and social science lesson, also epistemology lesson locates in Diploma program. Religion, morals and ethic values are also in this lesson's content. Regulations about these lessons are made in Ministry of Education's secondary education institutions weekly lesson table of distribution. Religion and moral values subjects are taking place under the name of "culture" in curriculum at Reggio Emilia's approach originated pre-school institutions.

Religion and values education is being the main topic of conversation between parents and educators more and more with every passing day. Topics of religion and moral values is integrated in Ministry of Education's lesson programs and syllabuses. Having an idea about alternative schools will be useful for related branch teachers and teacher nominees. Another subject about religion moral values education content is about religion and moral values education activities as extra curriculum at schools. In this subject there are systematically working institutions which have positive feedbacks. In institutions where children' and youngsters' education in general and religion and moral values education for age groups in private, there can be no educated personnel to be found for answering the demand from society. This situation can cause problems that hard to recover. While attention to alternative education and alternative schools is on rise, schools that use this approaches also gives extracurricular religion and moral values education.

The progress of kids and teenagers at school age should be seen as whole. Alternative school approach sees the individual as a whole. Psychomotor acquisitions are important as much as mental acquisitions. The importancy of to know how and by which method the subject will be taught and to know which subject about religion and moral values education will be picked, is same. The politics about alternative schools' religion and moral values education can be

summarized as: Implicit learning, integrated education, freedom relies on self-discipline, cosmic education that sees the universe as whole, how to use materials and books about moral values education, drama method, making organizations about moral values, respect and dialogue of all sharers, preparing physical and social environment, social service applications. A learner's profile in International Baccalaureate, is the main point of schools' moral values education politics. A unit named as "Planner" gives about to which value should be given to student in that unit plans. In Montessori approach, every single individual has accepted as "special person" by thinking that human came to earth with learning talent, says that adults can help to kids and teenagers at learning process, but the main responsibility relies on student's himself. There is no comparison between students. It's up to student that to do what and to do it with which education method in Montessori approach. There is "subject passing" instead of class passing. It's cared to earn life skills and positive behaviours in all education process. There is a high coincide between religions' and belief systems' rules and approach and practice in alternative schools. They are overlapping in most subjects. For this, there are alternative school approach accepted all-level schools are available that opened by institutions which religion and belief systems taken as reference.

### ***Result***

In Turkey, religion and moral values education at some schools who accepted alternative school or alternative education which are named as different education and school approaches in some sources, is being given according to Ministry of Education's planned curriculum. Lesson's content and the way of how to teach is being defined by ministry's approach. It's being detected that religions' and belief systems' moral teachings are being interiorised at school's atmosphere.

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## *The Influence of the Ancient Roman Philosophy on the “Secular Economic Mentality”*

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### **Abstract**

A “secular economic man” compares the enjoyments and the material benefits with the costs and his exertions. He strives to maximize his enjoyments and minimize the exertions. That ethos is derived from the Ancient Age Philosophy.

The literature for economics accepts that the liberal economic doctrine is based on the Natural Law Philosophy. And the Natural Law Philosophy stands to the Ancient Pagan world view. According to this thought, in the Universe there is natural order. Economic life is a part of the natural order; and the order is not relating to God; individual benefit (self-interest) is the core of the system.

If human aims mostly to pursue his desires, if his ambition controls his preferences; then preventing him from being disloyal or wicked becomes virtually impossible. He would exploit the society in service of his own desires. It is easy to realize that there is no ethical mechanism in this ethos to prevent cruelty. Moreover, it arises from “strong always crush the weak” principle. Thus, justice, according to that mentality, lines up with power, not with the Truth, Right. It can be said that “secular economic mentality” does not have a protective shield for lie, deceit, corruption, skulduggery, insidiousness, etc., hence for sinfulness. “The enjoyments/pleasures/hedonistic alternatives and the consumption” are in fact the testing of the human. And, another important issue is that the human is tested with the devils.

**Keywords:** Justice, Christianity, Islam, Secular Economics

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## Introduction

From The Risale-i Nur (“a true commentary on the Qur’an” (Nursî, *The Rays*, 2013, p. 312), Collection:

“O man! You should be aware that there are certain phrases which are commonly used and imply unbelief. The believers also use them, but without realizing their implications. We shall explain three of the most important of them.

The First: “Causes create this.”

The Second: “It forms itself; it comes into existence and later ceases to exist.”

The Third: “It is natural; nature necessitates and creates it.”” (Nursî, 2009, p.233).

We, in this study, are concerned with the relation of the influence of “the foundation stones of the unbelief” (Nursî, 2009 p. 232) on the *justice* (in the belief of *Tawhid* [“The True Christianity” and Islam]) and the “secular economic mentality”. (We referred to The Risale-i Nur to The New Testament, and to The Gospel of Barnabas.)

### **An Evaluation of the Influence of the Enlightenment and the Naturalist Philosophy on the Economics In Terms Of the *Individual* and the *Universe*<sup>1</sup>**

The “secular economic mentality” views economic life as a part of the *natural order*; and *the order is not relating to God*; individual benefit is the core of the system. (Erkekoğlu, 2015, p.161). *The Invisible Hand is the “emotion of benefit (self-interest)”*. Adam Smith considered that economic harmonies were not the acts of God but of the individual. (*Genel Ekonomi Ansiklopedisi*, 1988, p.223, 348). Adam Smith who claimed that if it is harmonized with the *natural laws*, “the society will perform *itself optimally*”, gave his work “in the period immediately before the Industrial Revolution”. According to him, when every individual pursues his own interest, “he is involuntarily directed also for the benefit of the society, by an *invisible hand*”. By doing so, “he causes a greater social benefit than that would become when he acted to protect the social benefit”. For him, “it is the natural order of the society where every individual can acquire maximum profit for himself”. Kazgan (2004) explained that for Bentham who replaced Naturalist Philosophy with Utilitarianism, “in fact, he did not do anything else apart from causing a new explanation of the past principles of liberalism”. She also stated that Bentham’s thought had its basis from the Enlightenment and that he took the idea that “the individual is a machine seeking happiness with reason”. Moreover, she said that the period of the Enlightenment, in terms of human happiness, had *equated goodness with its utility* for the ethical behavior. (Erkekoğlu, 2015, p. 128-130; Kazgan, 2004, p. 58-60). According to the Enlightenment economists: There is natural order in the universe; life is conducted by natural laws not by laws of human being; human being should not interfere to this order, (*laissez-faire*). (Kaya, 2000, p. 26-27.; Erkekoğlu, 2015, p.127) “According to the Enlightenment mentality, only the *reason* can provide all the available information about the human being, the society, the nature and the universe...” (Porter, 2001, p.2).

The period between the 16<sup>th</sup> and 18<sup>th</sup> centuries had been lived as “a deviation process from the Christianity”. Positive sciences had supported the foundation of the mentality of this process which had been its basis. The new religion produced by the positive science and the

<sup>1</sup> This title is cited from the Doctoral Dissertation of Erkekoğlu, (2015), p.134.

<sup>2</sup> 15<sup>th</sup> century is also included in this process

reason was “ideology”. *Natural sciences* and *natural order* have been considered as a “model” in the social sciences with a tendency towards “the superiority of *the reason over the Christianity, adoring the human* instead of *the belief in God*”. The following mentality, “*a big fish swallows a little fish*”, has been considered as a law for “the organization of the *natural order* in the society”. Laissez-faire has been the reflection of this mentality’s principle to Economics. (Tabakoğlu, 2005, p.7, 10-11; Tabakoğlu, 2008, p. 22-23; Erkekoğlu, 2015, p. 134,137). The mentality of that period of deviation had phased in 18<sup>th</sup> Century- European Enlightenment, Renaissance, Naturalist Philosophy, and in some movements during the Middle Age of which the thoughts had been at the basis of Ancient Age Philosophy, i.e. The Schools of The Cynics and Kyrene (Stoics and Epicureans). Their common characteristic is that “they had developed an irreligious life”. (Erkekoğlu, 2015, p.ii, 134-135). After the 19<sup>th</sup> century, an approval that the centre of the human belief is “reason”, caused the definition of homo economicus (in 1848, by J.S. Mill, *Essays on some Unsettled Questions of Political Economy*). The economic doctrines produced by the Liberalist or the Materialist mentalities (Classical economics or Marxist economics) from the Darwinian and Pantheist principles, continued during the 19<sup>th</sup> century. (Erkekoğlu, 2015, p.135). In the 20<sup>th</sup> century, the economic theories had included hyperrational human assumptions, complex modeling and were extremely mathematical. Economics had been mainly dominated by Mathematics and Evolutionary Biology. (Eren, 2011, p. 32-37). For John Stuart Mill, “the behavior of the human being is approximately related to the predictions of the results and to the motives superior to pure animal instincts.” (Mill, 1885, p. 134). Many examples given by Mill include practices that can be called as Lamarckian character development: Rational choices preferred by one generation preset the next generations to strenghten similar choices. In the 19<sup>th</sup> century, J.B. de Monet Lamarck claimed that structural changes in animals or plants can be induced by the environment. In addition, he claimed that later those are genetically conducted to prospective generations. (Persky, 1995, p.223, 227). In the 21<sup>st</sup> century, the view for the natural human, in parallel with Pantheist mentality, who lives for ready benefit and maximum hédoné by relying on his reason, being independent of religious belief but dependent on nature, has continued. However, economists have begun to make human assumptions as hyperrational, semirational (partly rational) also. (Erkekoğlu, 2015, p. 136). Eren (2011) noted that in the 21<sup>st</sup> century, the Mainstream economics’ assumptions which *do not reflect the truth* have been discussed. Moreover, New economics refers to a process by which economics is treated with its advances and different fields affecting eachother. (p.18). “Secular economic mentality”, assumes for human: rationality, egotism and nonsatiation (three axioms out of six); respectively, “preferring the option which brings utility for himself”; “preferring the option which brings utility only for himself”; “always preferring more over less even if having obtained the amount adequate for himself (Madi, 2014,p.112-115) (“*covetousness*”)”. This mentality is based on *individualism* and *materialistic hedonism* principles of the Pagan ideas of the Ancient age philosophy. (Madi, 2015, p.145).

“The secular economic man/homo economicus” optimizes (the word “optimum” comes from Latin language and Iuppiter Optimus Maximus (“For the Ancient Romans no assembly could be started without having taken the approval of Iuppiter Optimus Maximus.” Aşkit, 2009, p. 52. ) was a pagan god of the Ancient Roman pagans...) which means he chooses the best among alternatives. Homo economicus maximizes the pleasures and enjoyments of his life in this world. Hedonism and individualism arose in Ancient Age, at Rome and Greece; in those movements *self-interest and egoism* are essential. (Madi, 2014, p.4).Those mentalities were

influenced by Stoicism and Epicurism philosophies (Selik, 1980, p.39-43; Erkekoğlu, 2015, p.80-81)<sup>3</sup>:

- a. Human being discovering the laws of the universe by trusting only reason, should live with respect to the *nature*, he must not be loyal to the state or to God. He must live freedom strictly.
- b. Human being ought to use his mind in order to find pleasure in life, he must not be dependent on the outside entities.
- c. It was Stoicism which has propounded “natural laws” for the first time in the economic doctrines.
- d. “Hedonism” rising in Epicurism considered leading a happy life as “having minimum pain and maximum pleasure”. Phenomena in the universe come into existence with respect to certain laws. Belief in supernatural powers has been described as “futile delusion”.
- e. It can be said that “the Pantheist natural order mentality of the Stoic idea is the *stone* of the liberal economic doctrine in which is inherent the Natural Law Philosophy”. (Madi, 2014, p. 5).

In the Ancient Rome, when the urban-rural stability was destroyed, economic depression proceeded. Meanwhile, Epicurean philosophy became influential in the Roman thought. Epicurean movement appeared towards the end of the Greek Age when the city life had lost its integrationist effect. An idea that “the individual does not need the city for a virtuous life” gained strength. A tendency towards leaving the social life caused “individualist” and materialist mentalities” to improve. The thought that “mankind should aim individual pleasures which would satisfy him instead of social and religious principles” became influential. Hédoné/enjoyment from individual goals was preferred over the pleasures from the social goals and political and ethical responsibilities. (Yalçın, 1976, p.91). For Epicureans, the ultimate aim of the life is achieving “happiness”. Mankind should seek for the line of happiness. But without true knowledge there cannot be a true action, the former is the *donnée* for senses; the latter is the perception of *hédoné* (pleasure) and pain. Mankind should get rid of the fears of God and death. (Epicuros).( Kaliç, 2013, p. 48-49). For Epicureans, philosophy can make people internalize that “everything is related to the natural causes”. A person who lives the situation “of not being hungry, thirsty, not feeling cold” and expects that he could be so in the future, can compete with the biggest god in happiness.” (Gökberk, 1974, p.104-108 ). The Stoic thought appeared in the Greeks, had many supporters especially in Rome such as Cicero, Epiktetos, Seneca and Marcus Aurelius Antonius. (Karagöz, 2009,p.104-106). Cicero and Seneca were two of the most famous philosophers of Ancient Rome (Dürüşken, 2013, p.126)<sup>4</sup>, tended to Stoics. For Seneca, a wise person is the real master of the universe, fearless, whose virtue is his freewill. (Kaliç, 2013, p. 51, 52). For Stoic thought, wisdom is provided by the natural order. This thought supports Pantheistic idea. ( Yalçın, 1976, 91-93).

In the Canonical Gospels, Saint Barnabas is not stated as Apostle. As it appears from “Acts”, Paul met Epicurean and Stoic philosophers in Greece. Barnabas, always following Tawhid, believed in Jesus Christ (PUH) a Prophet of Islam, and had written his Gospel before “the

<sup>3</sup> The listing (of a.,b.,c.,d., e., is formed for this work); a.,b.,c.,d., are from the same resources)

<sup>4</sup> “Praeclari Philosophi Philosophiae Romanae (Prominent philosophers of the Roman Philosophy): Boethius, Titus Lucretius Carus, Epictetus, Seneca, Marcus Aurelius, Marcus Tullius Cicero, Aurelius Augustinus”

Canonical Bibles” were written.( *Barnabas İncili*, 2009, p. 39,49,51). From the Risale-i Nur Collection, “; “So, it is because the philosophy which does not obey the line of religion thus lost its way, that the ‘I’ took the reins into its own hands and ran into all sorts of misguidance. And out of the ‘I’ that was in this position, a tree of Zaqqum sprang forth and engulfed more than half of mankind. Thus, in the branch of power of animal appetites of that tree, the fruits it has presented to mankind are idols and goddesses. Because, according to the principles of philosophy, power is approved. “*Might is right*” is the norm, even. It says, “All power to the strongest.” “The winner takes all,” and, “In power there is right.” {Footnote: The principle of prophethood says: “Power is in right; right is not in power.” It thus halts tyranny and ensures justice.} It has given moral support to tyranny, encouraged despots, and urged oppressors to claim divinity.”(Nursî, *The Words*, 2013, p. 562-563).

### **Is A Heaven Withinside “The Secular Rational Economic Men” Possible?**

Those who claim that “improving egotism is essential for the individual”, propound that the individual will enjoy the happiness should he interest extremely with himself once (Kirschner, 1996), p. 17-18, 23-25). For Adam Smith, when the individual aims his own interest, he will serve the social interest so that even if he would do so consciously he could not serve insomuch. (Zeytinoğlu, 1981, p.41). “From absolute goodness comes forth goodness, and from the Possessor of Absolute Beauty comes forth beauty. So too nothing devoid of purpose can emerge from the Possessor of Absolute Wisdom.” (Nursî, *The Words*, 2013, p. 97). However, human can make ugly with his freewill. A person will affect the social outcome negatively if he prefers an alternative which provides utility only for himself “with a purpose of improving his egotism and taking an advantage”.( Erkekoğlu, 2015, p. 166).

Kazgan (2004) explained that “*what it has to be* and *what actually is* are confused”; also she claimed that the market models desired to be formed with perfect competition conditions were based in order to explain “what it has to be really” i.e. achieving the maximum for the social wellbeing. The conditions which “*really exist*” were different; moreover, liberal economics with this method of rationality has not seeked “what it has to be” had existed just how and has confused one with the other; and “*a belief that a heaven can be generated in a world with rational humanbeings, has become prevalent*”.(p.56).

Erkekoğlu (2015) showed that “*a heaven is not generated with rational humanbeings*” with the following example (simply with a standart game): Below a game is represented with a table, in which there are two players called 1<sup>st</sup> secular economic man and 2<sup>nd</sup> secular economic man, each “preferring the alternative which provides utility only for himself, preferring always more over less even having obtained the amount adequate for himself”; therefore they are egoistic, rational and nonsatiated (covetous) individuals<sup>5</sup>. Two options are offered for each player who makes their preferences without knowing each other’s choices. At the beginning, their economic conditions are assumed as “having wealth and capital abundantly”. The offerings are as follows: “Two doors exist. If you open the first one, only

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<sup>5</sup> A rational economic man “prefers the option which brings *utility for himself*”. An egoistic economic man “prefers the option which brings *utility only for himself*”. In fact, *egotism is the core* for the type of behavior for the homo economicus.



you will be in a Heaven but the persons with whom you have been living will go to the Hell. The other door provides nothing for you (your conditions will not change) but the other people with whom you have been living will go to Heaven.” (In this game, it is assumed that there is not a penalty for the cruel characteristics which choose Heaven for themselves and throw the others to the Hell!) Both players are unaware from each other’s preference and from the outcomes (gain or loss) of each other’s preferences; however, they know that each will affect the other’s situation and preference. Also, for example, if the first player chooses Heaven for himself while the second chooses Hell for the first player, then the outcome for the first player is nothing; i.e. zero gain. (p.169).

Accordingly: 1<sup>st</sup> rational economic man and the 2<sup>nd</sup> rational economic man would prefer the option which “provides maximum satisfaction/satiation”. 1<sup>st</sup> egoistic economic man and the 2<sup>nd</sup> egoistic economic man would prefer the option which “provides maximum satiation only for themselves”. 1<sup>st</sup> nonsatiated economic man and the 2<sup>nd</sup> nonsatiated economic man would prefer “always more over less even if they have got the sufficient amount for themselves”. (Erkekoğlu, 2015, p.169.)

<p>Left side-outcome: payoff of the “ 2<sup>nd</sup> secular economic man”</p> <p>Right side-outcome : payoff of the 1<sup>st</sup> secular economic man</p>	<p>1<sup>st</sup> secular economic man’s strategies</p>		
<p>2<sup>nd</sup> Secular Economic Man’s strategies</p>		<p>Nothing for me, Heaven for the others</p>	<p>Heaven for me, Hell for the others</p>
	<p>Nothing for me, Heaven for the others</p>	<p>Heaven; Heaven</p>	<p>Hell; Heaven</p>
	<p>Heaven for me, Hell for the others</p>	<p>Heaven; Hell</p>	<p>0;0</p>

Table 1: 1<sup>st</sup> secular economic man and the 2<sup>nd</sup> secular economic man<sup>6</sup>

By analyzing the table, it can be said for the 2<sup>nd</sup> secular economic man the following: He will choose Heaven for himself irregardless of what the 1<sup>st</sup> secular economic man chooses. If he makes a sacrifice (indeed, the sacrifice is nothing but giving up the Heaven although he has got the sufficient wealth and capital for living) and chooses nothing for himself; it is certain that 1<sup>st</sup> secular economic man “will always choose Heaven instead of zero for himself” since “as a course of his nature (!)” he is egoistic, rational and nonsatiated (covetous). Also 2<sup>nd</sup> secular economic man caused by his own egotism, rationality and nonsatiation, will choose the option which “provides utility i.e. Heaven for himself-*rationality*”, which “provides utility only for himself i.e. if he is in the Heaven but even the 2<sup>nd</sup> secular economic man burns in the Hell, he will choose being in the Heaven-*egotism*”, will always prefer more over less

<sup>6</sup> The Table is from the Doctoral Dissertation of Erkekoğlu, 2015, p. 170.



even if he has got the sufficient amount i.e. if he chooses zero for himself (his conditions do not change) by knowing that there is a possibility to maximize the social benefit; however it is not important for such a one (also there is a probability that if 1<sup>st</sup> secular economic man chooses Heaven for himself, he (2<sup>nd</sup>) will go to the Hell inasmuch as “life is a struggle with regard to law of nature, the method is being the strong, being strong is possible with rationality, the rational is the winner, in this struggle for survival ‘as a course of human nature (!)’ maximum satiation is obtained by improving egotism in order to survive, thus there is no other way than ‘the strong crush the weak’”) therefore he will choose Heaven for himself-*nonsatiation*. (Erkekoğlu, 2015, p. 170).

Since the method of thinking of the 1<sup>st</sup> secular economic man is not different from the 2<sup>nd</sup>, his type of behavior and his decision process are the same. The Nash equilibrium (Jehle and Reny (2000) explained for Nash equilibrium that it is “the most common concept of noncooperative equilibrium”. Every economic actor “must be doing the very best” he can, given the actions of all other actors (p. 160)) for this game is “Heaven for me, Hell for the others; Heaven for me, Hell for the others”; the pay-offs are “0;0”. (Erkekoğlu, 2015, p. 170).

In accordance with egotism, rationality and nonsatiation, unconcern for a situation in which even somebody else dies (even that person goes to Hell), maximum satiation for himself in a situation in which even somebody else dies (even that person goes to Hell), covetousness in a situation in which even somebody else dies (even that person goes to Hell), are some results that can be seen in this representative game. Finally, it is clear that *a naturalistic and materialistic belief of the “secular economic mentality” as “a heaven can be generated in a world with rational humanbeings” is not true*. (Erkekoğlu, 2015, p. 171).

Moreover, it is clear that egoistic, rational and nonsatiated individuals’ behaviors “do not naturally restore the social interest to an optimum condition”. Since here (in this game), the solution which can be defined as socially optimum (the best solution) is the preference of “Nothing for me, Heaven for the others” which brings the payoffs “Heaven; Heaven” (certainly be preferred by the true believers of God !). Also it is certain that no method could provide this equilibrium (the best solution for the society) with “the assumption of egoistic, rational and nonsatiated nature of human”. (Erkekoğlu, 2015, p. 172.)

### **About “Justice” in “True Christianity” and Islam, and “True Rationality”:**

From The Risale-i Nur Collection: “Fifth Satanic Stratagem: .... “Truly, egotism man’s most dangerous vein. It is his weakest vein, too. They can make people do terrible things by encouraging it.”; ... “In any event, the service of the Qur’an around which we are gathered does not accept the ‘I’, it requires the ‘we’. It says: “Don’t say ‘I’, say ‘we’.”” (Nursî, *The Letters*, 2010, p. 488).

“All the believers were one in heart and mind. No one claimed that any of his possessions was his own, but they shared everything they had.” (New Testament, Acts 4: 32); “To the Jews who had believed him, Jesus said, “If you hold to my teaching, you are really my disciples. *Then you will know the truth, and the truth will set you free.*” (New Testament, John 8: 31-32).

We propose the following “justice” from The Risale-i Nur. It is explained by two parts: Pure justice and relative justice.

“Pure Justice: “the rights of an innocent man cannot be cancelled for the sake of all the people. An individual may not be sacrificed for the good of all. In the view of Almighty God’s compassion, right is right, there is no difference between great and small. The small may not be annulled for the great. Without his consent, the life and rights of an individual may not be sacrificed for the good of the community. If he consents to sacrifice them in the name of patriotism, that is a different matter.

As for relative justice, a particular is sacrificed for the good of the universal; the rights of an individual are disregarded in the face of the community. The attempt is made to apply a sort of relative justice as the lesser of two evils. But if it is possible to apply pure justice, to apply relative justice is wrong and may not be undertaken.” (Nursî, *The Letters*, 2010, p. 71).

Similarly, from The Gospel of Barnabas,: “Then, the scribes and Pharisees being assembled, Jesus said to them: 'Tell me: if one of you had an hundred sheep, and should lose one of them, would you not go to seek it, leaving the ninety and nine?’” (Chapter 201).

We understand that “Justice is with Compassion”. Not the compassion of the human, but The Compassion of Almighty God... If human pities accordingly, it will be “true compassion”...From The Risale-i Nur Collection: “For those who freely consent to indulge in harmful actions may not be pitied. They are not worthy of it.” (Nursî, *The Words*, 2013, p. 160).

Thus, for a “true rationality”: one must not prefer the option which is harmful/damaging (evil) for himself (and for the public), and one should prefer the auspiciousness/benefaction; the alternatives which meet the requirements (legal and allowed by religion).

From The Risale-i Nur: “...all immorality and instability in the social life of man proceeds from two sources:

*The First*: “Once my stomach is full, what do I care if others die of hunger?”

*The Second*: “You work, and I’ll eat.””(Nursî, *The Letters*, 2010, p.319).

According to “the secular economic mentality”, meeting totally the requirement of one person and victimizing the others can be considered as “rational and efficient since a utility in the market is created...” Therefore, “a true rationality” may provide us a welfare and happiness in this world and thereafter. Our aim is not rendering the world to the best-living mode or style; but our aim is *to save both this life and our lives in the Heaven*.

## Conclusion

Erkekoğlu (2015) explained that homo economicus or “the secular economic man” does not have a belief in the hereafter and his entire aim is maximum and ready worldly (secular) benefit (p.133,215). Madi (2014) stated that the human assumption of the “secular economics” originates in Darwinian view; i.e. “*strong always crush the weak by struggling in order to survive*” (p. 128). Homo economicus struggles for ready and maximum interest.

Thus, there is nothing to limit this individual's satiation in this world. It is certain that maintaining justice is impossible with the mentality principles of which the human assumption is "secular".

Islamic world view considers "Power is in right (Nursî, *The Words*, 2013, p. 563)", by ensuring the justice. In the Islamic mentality, the individual's aim is not to maximize his self-interest; but "achieving high morality with compassion" is important. It is essential to live in peace and brotherhood, not to struggle with each other. The aim is not self-satisfaction by improving egotism, but to live for God's sake. For this, the principle is to cooperate, to support each other and to help each other. It is essential for the strong to protect and support the weak. "The secular economic mentality's principles for the individual are contrary to "the Islamic economic doctrine", to "the True Christian economic doctrine" as well; since: "Let no man seek his own, but every man another's wealth." (*New Testament*, 1 Corinthians 10:24,); "Whereupon, there came to him a doctor! saying: 'Master what must I do to have eternal life?' Jesus answered: 'How is it written in the law?' The temper answered, saying: 'Love the Lord thy God and thy neighbour. Thou shalt love thy God above all things with all thy heart and thy mind, and thy neighbour as thyself.' Jesus answered: 'Thou hast answered well: therefore go and do thou so, I say, and thou shalt have eternal life.'" (*The Gospel of Barnabas*, Chapter 30) "Prefer your brothers' souls to your own soul in honour, rank, acclaim, and in the things your soul enjoys like material benefits, and even in such innocent, harmless benefits as informing a needy believer about one of the fine truths of belief." (Nursî, *The Flashes* (Revised 2009 edition), The Twenty-First Flash, p. 217). In Islam and in the "True Christianity", based on the belief of *Tawhid*, the principle is that the parts of integrity should support each other's wellbeing. The principles of integration, of union are from the belief in One and Only One God, Allah. (Erkekoğlu, 2015, p. 148).

Therefore, Christians and Muslims should unite against deifying the economic means (and the nature, the causes, any idols etc.) which are the testings of the mankind. Naturalistic and materialistic (and all thoughts implying unbelief) mentalities of the "secular economics" cannot provide happiness neither in this world nor hereafter, certainly.

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*Justice, Mercy and Peace: A Christian Approach to Sustainable Reconciliation*

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**Abstract**

Over the past centuries, societies and nations across the globe have often suffered some form of social, political, ethnic, racial or religious violent conflict, from Chile to Afghanistan, Egypt, Syria, Iraq, Nigeria, Uganda to South Africa; from United States of America to United Kingdom, Belgium and France; from Sri Lanka to Tibet and the Philippines. It is often a very difficult task to heal the wounds and divisions of societies torn apart by sustained violent conflict. Yet the challenge of peaceful coexistence is fundamental not only to the survival, but also to the development of every society and nation. Peaceful coexistence presupposes justice, requires mercy and builds on sustainable reconciliation. This paper has therefore for its objective to propose a Christian approach to sustainable reconciliation as one that integrates justice, mercy and peace. The study first elaborates an understanding of justice, mercy and peace that is based on the Biblical perspective, the social teachings of the Catholic Church and the fundamentals of human rights. It further examines the relationship of justice, mercy and peace for establishing a sustainable reconciliation among peoples and nations. The paper concludes by recommending a conversion of hearts, a transformation of perception and attitudes and a change in structures as concrete measures towards building sustainable reconciliation among peoples, nations and the global world for a flourishing humanity.

Keywords: Justice, mercy, peace, human rights, sustainable reconciliation, Christian approach

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## INTRODUCTION

All over the world, from Europe to southern Africa, from Central America to Indo-China, political, social, economic, religious and ethnic problems have led people to an experience of violent conflicts and divisions. The option of using violence to settle conflicts has failed because violence provokes violence and sets in motion uncontrollable forces of hatred and destruction. National, regional and global security is increasingly coming under threat with the escalation of violent conflicts that militate against peaceful coexistence and development. In the face of this challenge, sustainable reconciliation is assuming a dimension of global imperative as people become more aware that problems of human relations, at any level, cannot be resolved by recourse to conflict strategy but rather by transcending the divisions and cultivating a culture of reconciliation. Sustainable reconciliation is indeed a prerequisite for peaceful coexistence which is fundamental not only to the survival, but also to the development of every society and nation. Individuals, societies and governments are therefore challenged to be architect of sustainable reconciliation. According to Tutu (2003):

“There is no handy roadmap for reconciliation... no short cut or simple prescription for healing the wounds and divisions of a society in the aftermath of sustained violence. Creating trust and understanding between former enemies is a supremely difficult challenge. It is, however, an essential one to address in the process of building a lasting peace.”

The objective of this study is therefore to propose a Christian approach to sustainable reconciliation as one that integrates justice, mercy and peace. In the first phase, the paper examines the issue of justice, mercy and peace from Biblical perspective and its interpretation in the context of Social Teachings of the Catholic Church. It further investigates the relationship of justice, mercy and peace for establishing a sustainable reconciliation among peoples and nations. It recognises the moral dimension of division in human relationship. In conclusion, the paper therefore advocates a conversion of hearts and a transformation of perception and attitudes which would led to new forms of mutual trust and reconciliation; as well as a change in structures that nurture imbalance of power, instability and oppression as a form of concrete measures towards building sustainable reconciliation among peoples, nations and the global world for a flourishing humanity.

### **A Christian approach to Justice, Mercy and Peace**

Christian approach to the issues of justice, mercy and peace is fundamentally rooted in the biblical perspective. The Bible does not indulge in conceptual and abstract definitions of what justice, mercy and peace stand for. It takes a pragmatic rather than theoretical approach to the issues involved in justice, mercy and peace. It is an ontological approach that builds on the biblical understanding of the being of the human person and on the rightful covenant relationship between God, the human person and the community/society.

## Justice

The English word justice is derived from the Latin term *jus*, meaning right or law. The Oxford English Dictionary defines the just person as one who typically “does what is morally right” and is disposed to “giving everyone his or her due”. The concept justice may however differ according to some cultural underpinnings. In the long history of Western culture, philosophers have considered the concept justice both as a moral virtue of character and as a desirable quality of political society, and have sought to indicate how it applies to ethical and social decision-making ([www.iep.utm.edu/just/](http://www.iep.utm.edu/just/)). Plato discussed justice as a virtue establishing rational order, with each part performing its own proper role. For Aristotle, justice refers to what is lawful and fair, where fairness involves equitable distribution. The modern philosophers like Hobbes and Rousseau considered justice in terms of social contract of the mutual agreement of everyone concerned ([www.iep.utm.edu/just/](http://www.iep.utm.edu/just/)). The social contract theory of justice has continued to influence contemporary philosophers like John Rawls. All such philosophical theories of justice underscore the fact that justice can be understood in terms of respecting persons as free, rational agents in political, social and economic interactions.

From the Christian perspective, two basic ideas define the concept of justice.

(a) The image of God: Every human being is created in the image of God (Gen 1:26); called to be in relation with God (Gen. 1:16), with one another (Gen 2:28; 3:9-11) and with the rest of creation (Gen 1:28; 2:15). The image of God emphasizes some fundamental realities about the human person. According to Rick Warren: Like God, we are spiritual being – our spirits are immortal and will outlast our earthly bodies; we are intellectual we can think, reason and solve problems, like God we are relational – we can give and receive love, and we have a moral consciousness, we can discern right from wrong, which makes us accountable to God (Warren, 2002: 171-172). Creation in the image of God is the Christian basis of human dignity and its teachings on the fundamental human rights with regards to the political, social, economic, religious and cultural order. It is the foundation of the Christian defence of the intrinsic and inalienable fundamental human rights expressed in philosophical language. The non-respect or violation of basic human rights is therefore considered as injustice.

(b) Covenant relationship: Justice also refers to maintaining the rightful covenant relationship which binds humanity to their creator God and to one another. God made a covenant with humanity in the person of Noah (Gen. 9:1-17) and with the chosen people of Israel in Ex 19 -20). This covenant relationship imposes obligations - the commandments (Ex 20), which form the basis of the rightly relationship between God and the human person (Ex 20:1-11); as well as human relation in society (Ex 20:12-17). To maintain the rightful covenant relationship in human community is to practice justice in the biblical sense.

This ontological and divine dignity of the human person and the practice of rightful covenant relation are central to the regulation of justice in human community. Hence, justice goes beyond giving one one’s rights to include treating every person, even the

most vulnerable according to his/her God given dignity as a child of God in relationship. It is from this understanding of justice that prophets like Isaiah and Amos cried out against the false religion and injustice of their time.

“Is such the fast that I choose, a day to humble yourself? Is it to bow down the head like bulrush, and to lie in sackcloth and ashes? Why do you call this a fast, a day acceptable to the Lord? Is not this the fast that I choose: to loose the bonds of injustice, to undo the thongs of the yoke, to let the oppressed go free, to break every yoke? Is it not to share your break with the hungry and bring the homeless poor into your house; when you see the naked, to cover him and not to hide yourself from your own kin? (Is 58: 5-7)

I hate, I despise your festivals, and take no delight in your solemn assemblies. Even though you offer me your burnt offerings and grain offerings, I will not accept them... But let justice roll down like waters and righteousness like an ever-flowing stream (Am 5:21-24).”

The prophet Jeremiah also spoke out against the oppressive rulers of his time who trampled the powerless and the underprivileged often represented by the stranger, the orphan and the widow (Jer 22:3-4). In the New Testament, Jesus criticized the Scribes and the Pharisees because they neglected to promote justice, mercy and faith, while paying meticulous attention to the issue of tithe collection (Mat 23:23). He called his disciples to “seek first the kingdom of God and its justice (Mat 6:33).

## **Mercy**

“Blessed are the merciful, for they shall receive mercy” (Mat 5:7).

According to *Theopedia: An Encyclopaedia of Biblical Christianity*, mercy is “experienced and exercised by a person who has another person in his power, or under his authority, or from whom no kindness can be claimed” ([www.theopedia.com/mercy](http://www.theopedia.com/mercy)). From the biblical perspective, mercy is primarily a divine initiative and act. It is rooted in God from whom it may be acquired as a Christian virtue and exercised in relation to fellow human beings (Matt 5:7; Jm 2:13). Mercy is an attitude of the mind and heart which animates human relations in society. Although justice is highest principle of every reasonable social order (Herr, 1991), yet legalist justice without mercy can lead to tyranny, hatred and destruction of the opponent. Mercy enlarges the heart and transcends justice to offer forgiveness, reconciliation and a new relationship. In the Gospel of John 8:1-11, the Scribes and the Pharisees presented to Jesus a woman caught in adultery and wanted to know Jesus’ stance with regards to enforcing the stipulated legal demand of justice. Jesus chose to follow a different logic: “Let anyone among you who is without sin be the first to throw a stone at her” (Jn 8:7). And to the guilty woman, he said: “Neither do I condemn you. Go your way, and from now do not sin again” (Jn 8:11). If justice is the foundation of social order, mercy is the soul and the life wire of human relations. The unforgiving servant of the Gospel of Matthew 18:23-35 was called wicked and condemned to greater punishment because he refused to forgive and cancel a small debt from his fellow servant, after his master had cancelled his own incalculable debt. Justice without mercy strangles the offender and destroys relationship. It is Christian

mercy and forgiveness that transforms the human hearts and leads to reconciliation based on a new relationship of mutual trust (Quadragesimo Anno, 137).

## Peace

The English term peace, in Greek *Irene*, in Latin *pax*, in Hebrew *shalom* and in Igbo *udo*, is a concept that lends itself to different definitions. The authoritative Oxford English Dictionary defines peace as: (a) freedom from, or cessation from civil commotion and disorder... (b) freedom from disturbance or perturbation... (c) freedom from quarrels or dissensions between individuals. The central idea running through is that peace connotes an absence of antagonistic conflict. It is a negative concept of peace. The Greek term *Irene* has also a strong sense of negative peace as an absence of conflict or a new state of social relations following hostilities (<http://hawaii.edu/powerkills/TJP.CHAP3.HTM>). In Ancient Rome, *pax* is a legal relation based on a pact. It is a state of relations free of conflicts.

On the other hand, *Shalom*, the Hebrew word for peace is better understood in the context of covenant relationship that binds the people of Israel with God and with one another. *Shalom* signifies an existential state of serenity, calmness and social harmony (<http://hawaii.edu/powerkills/TJP.CHAP3.HTM>). In the New Testament, peace could connote the absence of conflict, health of mind and body as well as social harmony. Peace is above all a divine gift that enables one live in serenity and harmony.

“Peace I leave with you, it is my own peace I give you. I do not give to you as the world gives. Do not be worried or upset; do not be afraid (Jn 14:27).”

“Glory to God in the highest heaven and peace on earth to men of goodwill (Lk 2:14).”

The Christian religion emphasizes the divine origin of authentic peace and challenges the receiver to share it with others and work for peace.

“Whatever house you enter, first say, peace to this house! And if anyone is there who shares peace, your peace will rest on that person, if not, it will return to you” (Lk 10:5-6).

“Blessed are the peacemakers, for they will be called children of God” (Lk 5:9).

This is an active concept of peace. It is peace that has its root in God but is actualized in the context of human relations by people who consciously work for it (Galtung, 1996). According to the Vatican II document: *Gaudium et Spes*:

“Peace is not merely the absence of war. Nor can it be reduced solely to the maintenance of a balance of power between enemies. Nor is it brought about by dictatorship. Instead, it is rightly and appropriately called “an enterprise of justice” (Is 32:7). Peace results from the harmony built into human society by its divine Founder, and actualized by men as they thirst of justice” (*Gaudium et Spes*, 78).

Indeed, four basic factors characterise the Christian concept of peace which runs through the Catholic Social Teaching on economic, political and social matters.

(a). Peace is a work of justice. It presupposes a just order and is distorted in a situation of inequalities and unbalanced power relationship (*Pacem in Terris*, 167).

(b). Peace is a task to be achieved. This takes in the sense of peace building and peace construction between individuals, societies, nations and the global community. Authentic peace implies creative struggle to transform unjust social structures and convert hardened hearts (*Gaudium et Spes*, 78). It is the work of human beings in social relations to build peace

(c). Peace requires education. Since peace is a task to be accomplished, it requires conscientious education to a culture of peace (*Gaudium et Spes*, 78). As noted by Gumut, (2006), “peace education concerns itself with human and social dimensions of peace. It introduces the concept of human dignity and human rights with specific reference to such values as economic equity, political participation, ecological balance and particularly the formative principles fundamental to international human rights standards” (Gumut, 2006:165).

(d). Peace is the fruit of love born out of Christ the Prince of peace. As noted by Gremillion, (1995), peace is the expression of true fraternity among men, a fraternity given by Christ, the prince of peace, in reconciling all men with the Father. Human solidarity cannot truly take place unless it is done in Christ, who gives the peace that the world cannot give

### **Justice, Mercy and Peace for a Sustainable Reconciliation**

The challenge of peaceful coexistence is fundamental not only to the survival, but also to a progressive development of every society, nation and the global community. But peaceful existence presupposes justice, requires mercy and builds on sustainable reconciliation. The Christian religion bears a strong message of reconciliation of humanity with God and with one another.

“All this is from God, who reconciled us to himself through Christ, and has given us the ministry of reconciliation, that is, in Christ God was reconciling the world to himself, not counting their trespasses against them, and entrusting the message to us” (2Cor 5:18-19).

The Christian message of reconciliation is often marred and eclipsed by the reality of human hardness of heart, greed and selfishness; by unjust social and economic structures; by imbalance of power relations and disregard for human dignity which in turn engender disharmony and violent conflicts. In the first half of the 20<sup>th</sup> century, the world suffered the tragic experience of two world wars led by the European super powers. For more than three centuries, the African continent has been torn apart by the devastating experiences of slavery, colonisation, economic, political, ethnic and religious conflicts. In the second half of the 1960s, Nigeria was engulfed in a genocidal civil war, the scars of which continue to hunt its diverse peoples and deter efforts to nation building.



The question is: how could societies torn apart by sustained violent conflict overcome their apathy to experience an authentic peaceful coexistence in the sense of genuine social harmony (shalom) that is not merely an absence of antagonism? The question boils down to the relation of justice, mercy and peace for social harmony and sustainable reconciliation. Justice has been established as the foundation and highest principle of every reasonable social order. The truth of this principle can never be denied or neglected in human interaction. There can be no genuine peace without justice. But the question still remains: could a social order regulated solely on the principles of justice go far enough to establish genuine sustainable reconciliation in society? Has human experience not shown that disputes regarding the meaning and application of justice have often led societies to sustained violence and counter violence which escalates mistrust and ruin relationship? The Christian religion advocates therefore an integration of justice, mercy and peace for a sustainable reconciliation. According to Herr (1991:88), “justice can control whatever causes social conflict but it cannot force people together. Every community, every society, needs a common bond. The communication and integrative force is love”. Mercy acknowledges justice but transcends it to meet the enemy with a forgiving heart that opens up to the other.

“But I say to you that listen, love your enemy, do good to those who hate you, bless those who curse you, pray for those who abuse you... Do to others what you would like them do unto you” (Lk 6:27-31).

“I give you a new commandment, that you love one another. Just as I have loved you, you should love one another” (Jn 13:34).

Love, in the *agape* sense of Christian charity, is one thing that cannot hurt another person even the worst enemy. Mercy, the forgiveness based on Christian charity, has the revolutionary power to overcome all barriers and to seek entirely new ways of doing things and new ways of authentic sustainable relationship.

“Admittedly, no vicarious charity can substitute for justice which is due as an obligation and is wrongfully denied. Yet even supposing that everyone should finally receive all that is due to him, the wildest field for charity will always remain open. For justice alone can, if faithfully observed, remove the causes of social conflict but can never bring about union of minds and hearts” (*Quadragesimo Anno*, 137).

Christian mercy does not condone injustice or unjust order but transcends the spirit of revenge and the search for the destruction of the opponent. Justice and mercy are two basic and indispensable principles which must work together for amending and healing the hurts and divisions of societies torn apart by sustained violent conflict. The Christian triad of justice, mercy and peace are indeed the foundation, soul and favourable condition for true sustainable reconciliation of human relations.

“Mercy and faithfulness have met, justice and peace have embraced. Faithfulness shall look down from earth and justice shall spring up from heaven” (Ps 85: 10-11).

When the work of justice, mercy and peace are not coordinated, the result is a scene of unilateral relations that offer no meeting point for sustainable reconciliation. But a proper integration of justice, mercy and peace would yield a harvest of genuine sustainable reconciliation in human relations. True peace and sustainable reconciliation between peoples, nations and the global community are born out of mutual trust rather being imposed.

## **CONCLUSION**

The thrust of study has been to advocate on an integration of justice, mercy and peace for a sustainable reconciliation. The paper has taken a Christian perspective in understanding the triad principles of justice, mercy and peace. It emphasized justice as the foundation of social order and mercy as the soul and life wire of harmonious human relations. Taken in isolation, efforts to build a peaceful coexistence would remain elusive. The paper therefore recommends an integration of justice and mercy which would entail a transformation of unjust structures that nurture imbalance of power, instability and oppression; as well as a conversion of hearts and a change of perception and attitude that is translated in concrete measures towards building sustainable reconciliation among peoples, nations and the global community for a flourishing humanity.

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***Employees Seek Justice as Religion and Work Intersect:  
A Perspective from the United States***

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## 1. Introduction

The main goal of this conceptual paper is to showcase how religion impacts the workplace in the United States (US). The demographics in the US workplace today is a rich mosaic of employees from various religious backgrounds such as Christians, Jews, Muslims, Hindus, Buddhists, among others. One of the predominant factors for this diverse religious backdrop has been the consistent rise in immigration (Morgan, 2005; Cash & Gray, 2000). In 2014, 5.9% of the population was represented by faiths other than Christianity such as immigrant Muslim and Hindu faiths (Pew Research Center, 2015).

There are several areas of conflict when employees wear their faiths to work (Grossman, 2008; Trottman, 2013). The main areas of contention arise in work schedule, dress codes, job responsibilities, requests for prayer rooms, celebration of religious holidays, employment discrimination, among others. The question that becomes a concern for any HRM (human resource management) leader is how to make business environments inclusive to all faiths (Bauza, 2006; Ramsey, 2007).

Employees today assert that if they cannot freely express their religious practices at work their complete *personas* do not belong with them. They feel it is unfair to restrict religious expressions only to Sabbath days (Bauza, 2006; Morgan, 2005). The EEOC (equal employment opportunity) received more 3,000 charges for religious discrimination in 2014 as employees seek justice for harassment and discrimination. This research paper will identify different court cases on religion and its implications for organizations & HRM (human resource management) leaders (US Equal Employment Opportunity Commission, 2016).

## 2. Important court cases & its relevance to HRM

This section will discuss court cases as it relates specifically to HRM practices which includes an employee's interactions right from recruitment through exit of a firm. HRM practices include a gamut of activities such as recruitment & hiring, training & development, performance & promotion, and compensation & benefits (Grossman, 2008).

### 2a. Recruitment & Religion

In *Elauf v. Abercrombie*, the question of how recruitment and religion intersect is clearly demonstrated. In 2008, the young applicant, Elauf, applied for a job with the national clothing retail store, Abercrombie & Fitch in Tulsa, Oklahoma (USA). She wore her traditional head dress or *hijab* for her first interview. The assistant manager rated her as a qualified applicant, but was concerned that her *hijab* might hinder their company's dress code policy. She consulted with her superiors who informed her the store policy did not endorse any "caps" as it was against their standard "look" policy of for employees. The applicant, however, was not informed about the dress code policy during the interview. Elauf was not hired for the job which she perceived as prejudice against her religious

attire. She sued the retail store for disparate treatment or direct discrimination. The company argued that it that it was not aware of her accommodation and its “look” policy was standard for all its employees. The legal battle between the plaintiff and defendant lasted almost 7 years. Elauf received monetary damages worth approximately \$45,000. The Supreme Court ruled that the plaintiff, Elauf, needs to demonstrate *only* a motivating factor (hijab in this case) for biased employment decisions for any disparate treatment cases (Supreme Court of the United States, 2014, James, 2015).

## **2b. Promotion & Religion**

In 2004, Elwazan sued ATA airlines as he perceived discrimination for promotion because of his religious background. The employee worked with the airlines for 20 years and applied for a promotion to become a co-pilot. For 15 months, the management sidetracked his request for promotion and promoted other employees who had less experience than Mr. Elwazan. The employee perceived his Muslim faith and the terrorist attacks of 9/11 had an unconscious bias against his professional development. After repeated requests, he was finally approved for training to become a co-pilot. The plaintiff felt that he was not given adequate time to prepare for this complex job. He completed all the formal requirements for this position, but was informed that the chief pilot felt his training was inadequate. The union also suggested that it was not the norm for a pilot to pursue litigation suggesting it did not endorse the plaintiff’s assertive stand for being denied promotion (Schaeffer, MacGillivray,, Beecher, & Golden, 2004; Hornaday, 2004).

## **2c. Benefits & Religion**

Hobby Lobby, a family business, in arts and crafts, sued as its religious beliefs impeded the firm from providing its employees certain benefits. This retailer operates with approximately 500 stores and has about 13,000 employees. In, 2012, the firm sued the US health and human services as it perceived offering contraceptive benefits to their employees under the Affordable Care Act (ACA) is against its religious principles. The company was specifically against contraception methods that mirrored the process of abortion such as the morning pill and intra-uterine devices. The law requires employers to provide comprehensive contraception coverage so that women have freedom in making decisions regarding their reproduction and also for their own well-being. The main question that was being contended was should employees be denied their rightful benefits because of the religious beliefs of the owners of the firm. The Supreme Court ruled in favor of Hobby Lobby suggesting that for-profit organizations, such as Hobby Lobby, do not have to provide benefits that violate its religious values (Liptak, 2014; Burwell v. Hobby Lobby stores, 2014).

## **2d. Dress code & Religion**

Rangel, a waiter, employed at Red Robin Gourmet, Inc. sued the firm for violation of his religious beliefs to comply with its dress code policy. After having worked for the company for 6 months, he was asked to cover his tattoos on his wrists as it went against its dress code policy. Rangel’s Kemetic faith requires him to wear tattoos which depict

his loyalty to his religion. It is also considered a sin in his faith to purposefully cover the tattoos. The firm had a dress code that did not allow employees to wear any kind of tattoos. Rangel had several conversations with his managers explaining his beliefs which was not given due consideration. He was ultimately fired from his job which he alleged as blatant discrimination. He sued the firm as he perceived he was not provided any religious accommodations for his displaying his religious tatoos. Title VII suggests that firms have a legal obligation to provide religious accommodations if it does not cause any undue business hardships to them. Red Robin settled and paid the waiter \$150,000 and also agreed to make changes to its dress code policy (EEOC, 2005, September ; Reilly, 2009).

In another case of dress code in 2013, Ms. Silver sued Kentucky Fried Chicken (KFC) as she perceived a violation against her religious beliefs as she was made to comply with its dress code policy. Her Pentacostal faith permits women to wear only skirts. The company's policy required employees to wear pants. She had been working for various KFC outlets of the firm since 1992 and had converted to this faith in 2010. She was fired from her job which she perceived as deliberate religious discrimination. She sued the firm and was paid \$40,000 for not accommodating to her religious beliefs (EEOC, 2013; Lawson, 2013).

## **2e. Job responsibilities & Religion**

In, 2014, Hall, a pharmacist, sued Walgreens, the drugstore retailer, as his job responsibilities went against his religious beliefs. Hall had been working for the company for six years and had arranged with his superiors that he will refer any requests on filling contraceptives (specifically Plan B) for abortion to other pharmacists. This arrangement worked well till the contraceptive became approved to be sold as an over-the-counter drug. He still maintained his earlier request of not selling or billing this product as it was against his moral principles. Hall, was a practicing Baptist, whose faith does not endorse its members supporting or promoting abortion practices. The management maintained that all pharmacists were required to comply with their job responsibilities which include selling any products that customers may want. In a final encounter before he was fired, his department received six boxes of Plan B which was mislabeled as behind the counter drugs. Hall bought the six boxes and threw them away. Hall was fired for not complying his role as mandated by the company of selling Plan-B. The plaintiff perceived that if the company had accommodated his religious requests for six years, it could have easily maintained the accommodation without undue hardships to its business (Smietena, 2014; Zaimov, 2014).

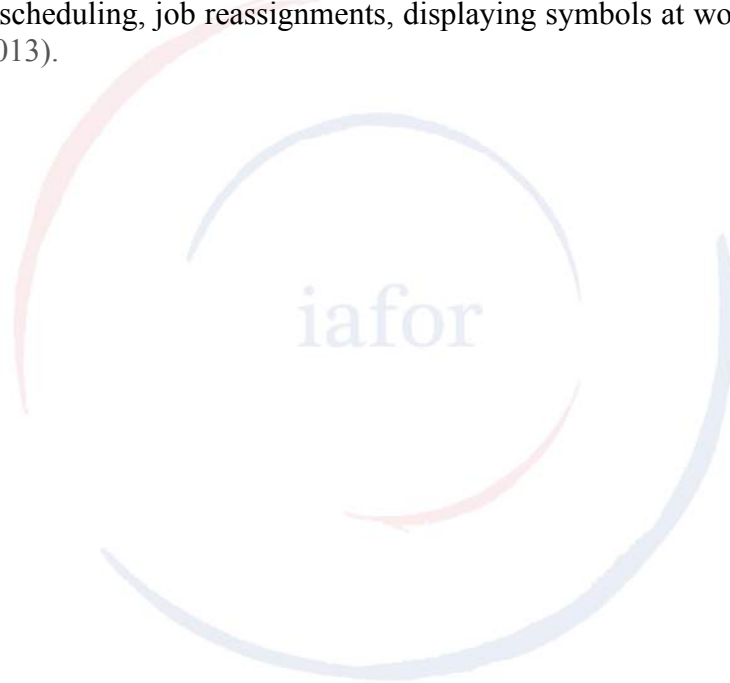
In 2009, Kelsey Novach sued Woodland Villange nursing home when she perceived her job responsibilities went against her religious faith. She had worked for the nursing home for 13 months and had received four negative performance-evaluations (such as tardiness, etc). Her responsibilities included keeping patients engaged such as reading books and playing board games, etc. In 2009, she was asked to use a rosary and pray with a Catholic resident. She told the colleague who asked to perform this duty that this religious practice was against her fundamental beliefs. Ms Kovach asked her to complete that task for the



patient. She was a Jehovah witness member when she was young and still adhered to its values and norms which does not endorse rosary recitation. She got a formal termination notice within five days of this incident for not specifically reciting the rosary with the patient. The jury supported the plaintiff but the firm appealed as it felt that the plaintiff had not provided adequate reasons for accommodations. The firm also perceivd her monetary punitive damages of \$55, 200 was not really justified (Grisham, & Hutton, 2014; Michigan employment law advisor, 2015).

### **3. Conclusion**

Organizations should adopt distinct policies for religious accommodations that are separate from other kinds of accommodations or diversity issues. HR professionals should identify policies on categories that have definite religious implications. These should include dress & grooming code, time-off during work, days-off for special holidays, work scheduling, job reassignments, displaying symbols at work, among others (Tanenbaum, 2013).



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***The Pure Concepts of the Understanding and Synthetic A Priori Cognition: the Problem of Metaphysics in the Critique of Pure Reason and a Solution***

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**Abstract**

Kant, though asserting that the transcendental concept of reason is only ideas, tries to make an utmost effort to ground the transcendental concept of reason in the world of sense through the understanding, while he cannot or is not allowed to ground them in a world of sense on account of the issue of ethics. The antinomy, which induces Kant to think that the validity of empirical rules as principles should be cancelled by the ideas, keeps tormenting him forever. Whether there are any measures to rescue Kant's transcendental philosophy from the abyss of emptiness is a crucial issue which should be addressed.

**Keywords:** Logic, Categories, Law of Nature, Cognition, Pure Reason

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## Introduction

Immanuel Kant explicitly states that the aim of his metaphysical exploration in the *Critique of Pure Reason* is to carry out an experiment which examines whether the assumption that the objects must conform to our cognition is viable, thereby establishing something about the objects before they are given to us (Bxvi). What urges Kant to make this experiment is the issue of ethics. Kant, who firmly believes that the universal principles of ethics have to flow merely from his concepts of reason (CPR, A480/B508), is compelled to launch an experiment, which is expected to prove the system of all principles of pure reason: that absolutely no concepts must enter into the complete estimation of synthetic *a priori* cognition that contain anything empirical, or that the *a priori* cognition be entirely pure (A14/B28). In performing this experiment, Kant had to acknowledge that 1) the existence of appearance cannot be cognized *a priori*, that is, we cannot anticipate that through which empirical intuition is differentiated from others (B221), 2) a pure category, in which abstraction is made from any condition of sensible intuition, is the only one that is possible for him (B304), 3) through a pure category, no object is determined, rather only the thought of an object in general is expressed in accordance with different *modi* (B304), 4) a transcendental concept of reason, in regard to the absolute totality in the synthesis of conditions, is not a concept that is usable in experience (A326-B383), 5) the concepts of pure reason, given as problems by the nature of reason, exceed the bounds of all experience, in which no object adequate to the transcendental idea can ever occur (B384). Since Kant is afraid of being accused that the concepts of pure reason are arbitrarily invented (B384), he, while asserting that the pure concepts of reason are only ideas and that the existence of appearances is a mere possibility (B221), tries to make an utmost effort to ground the transcendental concept of reason, and a pure category, in a world of sense, through the understanding. At the same time he is prohibited to ground them in the world of sense on account of the issue of ethics, whose universal principles should flow merely from his concepts of reason. The antinomy, which keeps tormenting Kant forever, induced him to probe a possible loophole. Kant, being trapped in this dilemma, has inadvertently divulged a direction of a possible footpath to get out of this impasse through the understanding, saying “since the unconditioned alone makes possible the totality of conditions, and conversely the totality of conditions is always itself unconditioned, a pure concept of reason in general can be explained through the concept of the unconditioned, insofar as it contains a ground of synthesis for what is conditioned” (B379). From our viewpoint, it seems tantamount to saying that a pure concept of reason, namely the concept of the unconditioned, is to be understood through cognition of the totality of conditions.

In addition, when Kant says “reason relates itself only to the use of the understanding, not indeed insofar as the latter contains the ground of possible experience (for the absolute totality of conditions is not a concept that is usable in experience, because no experience is unconditioned),...the objective use of the pure concepts of reason is always transcendent, while that of the pure concepts of understanding must by its nature always be immanent, since it is limited solely to possible experience” (B383-A327), we take it as a hint, thinking that if our use of the understanding contains the ground of possible experience that is unconditioned, and if the absolute totality of conditions is a concept that is usable in possible experience, then our use of the pure concepts of the understanding and reason which are limited solely to possible



experience is transcendental and by its nature immanent, thereby being an objective use. However, Kant, who ignores himself a possibility of the metaphysical solution for the dilemma, explicates his difficulty, saying “If I can say *a priori*: all outer appearances are in space and determined *a priori* according to the relations of space, so from the principle of inner sense I can say entirely generally: all appearances in general, i.e., all objects of the senses, are in time, and necessarily stand in relations of time” (B51). Kant cannot say so, because his problem of space in respect of magnitudes, which looms in the antinomy of pure reason, prohibits it. The fact that Kant cannot comprehensively solve the antinomy is the reason why he has to propose the separation of the transcendental aesthetics into time and space, which should have attributes different from one other. Accordingly, time, which is regarded as *a priori* form of inner sense (A155), is merely a subjective condition of human intuition, while this is the real condition under which time belongs to the representation of object (A35-B52), indicating that time is a subjective condition of the human mind, which is to be linked with object in possible experience.

On the other hand, space, which is regarded as the condition of the possibility of appearances (B39), is merely the form of all appearances of outer sense, i.e., the subjective condition of sensibility, under which alone outer intuition is possible for us (A26/B42), signifying the subjective representation related to something external that could be called *a priori* objective (A28). Hence, time is supposed to have a potential linkage with object itself, while space is to have a potential linkage with something external that could be *a priori* objective. Where does this potential linkage abide? It is thought to abide exclusively in the representation ‘I think.’ Though the linkage between something external and object itself is supposed to take place in the representation ‘I think,’ this topos, in Kant’s metaphysics, has a perennial defect on account of the deletion of space in respect to the real condition (YAMAMOTO 2015: 317-334). How about time? Is time the real condition of this topos? In Kant’s metaphysics, it may be or may not be. Another difficulty emerges in regard to time, looming in the antinomy of pure reason again in connection with the synthesis of a series on the side of the conditions (B436-A410-B437). Therefore, when Kant has to think that time is the *a priori* formal condition of all appearances in general, and that space, as the pure form of all outer intuitions, is limited as an *a priori* condition merely to outer intuition (A34), the world of sense including the representation ‘I think’ may never cease to be empty, provided that the representation ‘I think’ does not pertain to object itself. We, humans, would intuit the entire manifold of appearances in the world of sense, which is ordered in certain relations called the form of appearances (A20). Even if the existence of appearances is not grounded in the least within itself but always conditioned from Kant’s viewpoint (A566/B594), it never ceases to be the object of sensibility. Why does Kant never stop saying that time is nothing other than the form of inner sense (A33), or the formal condition of inner intuition (A34), or the formal condition of inner sense (A99), instead of saying that time is nothing other than the condition of inner sense? When he refers to time as an *a priori* condition of all appearance in general or the immediate condition of the inner intuition, he hastily adds that it is also the mediate condition of outer appearances (A34-B51). We think that there are two reasons: one reason is that Kant does not seek, in inner sense, *a priori* condition which is to be the determination of time, though he regards time as the formal condition of the manifold of inner sense (A138/B177), and the other reason is related to the issue of ethics (YAMAMOTO 2015: 317-334), which commands him to absolutely separate appearances in the world of sense, and thing in

itself, namely the pure concept of reason with each other. In association with the former reason, Kant, who thinks the representation ‘I think’ to be the topos for the connection of all representations, namely the unit of the combination of the manifold of a given intuition in general in an original consciousness (B160-B161), but not the condition of it, has to say that time contains an *a priori* manifold in pure intuition (A138/B177). What does the *a priori* manifold in pure intuition mean? It means nothing or nullity. Thus, Kant succeeds in making time and space nugatory and empty, thereby completely cleansing it of everything that may be only empirical and that belongs to anthropology (Groundwork 4:389). This is the ultimate aim of transcendental philosophy (A468/B496). Here, we have to ask Kant. Why can a thing never come before him except in appearance (B333)? What is the thing that comes before him only in appearance?

When Kant fails to reach the ground on which the validity of the empirical rules rests, he concludes, on account of his failure, that it is the empirical rules that the validity of the empirical rules as principles should be cancelled by the ideas (B375). And this conclusion is in conformity with Kant’s whole idea on ethics, which says “with respect to moral laws, experience is the mother of illusion, and it is most reprehensible to derive the laws concerning what I ought to do from what is done, or to want to limit it to that” (B375-A319). We think that his failure is grounded on his success in cleansing everything that may be only empirical. This failure, under the presupposition that what Kant says comes out true with respect to the moral laws, indicates that if Kant’s attempt to prescribe laws to nature fails, it may result in a total disaster for humans, who have no moral law which is to rest on the idea of the purposive causality of the supreme cause of the world, which is analogous to the highest intelligence, i.e., the cause of everything according to the wisest aim (A688/B716). It is urgently requested to find a measure to rescue transcendental philosophy from the abyss of emptiness. A part of the measure will be made clear in our following discourse.

### **Logic, Law of Nature and Pure Concepts of the Understanding**

Kant, in an attempt to perform an experiment in the metaphysical exploration, first shows us the methods of the exploration: the Table of Logical Functions (A70/B95) and the Table of Categories (B106), saying “The headings already exist; it is merely necessary to fill them out,...” (B109). Kant elaborates on the former, saying “If we abstract from all content of a judgment in general, and attend only to the mere form of the understanding in it, we find that the function of thinking in that can be brought under four titles, each of which contains under itself three moments” (A70/B95). The function of thinking is different from the general logic in such a way that in the use of judgments in syllogisms, singular judgments can be treated like universal ones, since in general logic, singular judgments have no domain at all: the predicate therefore holds of the concept without exception, just as if the latter were a generally valid concept with a domain with the predicate applying to the whole of what is signified (A71). If, on the contrary, a singular judgment is to be performed in conjunction with a domain with the predicate applying not to the whole of what is signified, the predicate does not hold of the concept without exception, because the judgment is to be grounded on the cognition in regard to the whole of what is signified. Kant thinks that in this situation, a singular judgment (*judicium singulare*), which rests on the cognition of the whole of what is signified, will be at issue with respect to the quantity

(A71). The function of thinking, which is different from general logic that is limited only to the use of judgments with respect to each other (*judicia communia*), deserves a special place in a complete table of moments of thinking, in general (A71-B97). According to Kant, the general validity of this transcendental logic, namely the principle of pure reason, should rest on whether “unity,” which is indicated in the Table of Categories, relates to “infinity,” which is indicated in the Table of Logical Functions, or not. If a singular judgment is understood through cognition with respect to quantity, as unity relates to infinity, the singular judgment is deemed equivalent to the generally valid judgments (*judicia communia*) (A71). Thus, in regard to logical domain, an infinite judgment is merely limiting with regard to the content of cognition in general, thereby being included in the transcendental table of all moments of thinking in judgments (A73). Kant thinks that since the infinite judgment belongs to the field of its pure *a priori* cognition, in order to attain it, it is important to exercise the function of understanding as the moments of thinking in judgments (A73), under the condition that objects are given to us in intuition, to which it can be applied (B87).

According to Kant, general logic, which abstracts from all content of cognition, expects that representations will be given to it from elsewhere, in order for it to transform them into concepts analytically (B102). And it is the business treated by general logic that analytically brings different representations under one concept (B104). General logic happens to be merely a thought without content, which might be completely empty, provided representations are not given from elsewhere. In contrast, transcendental logic has a manifold of sensibility that lies before it *a priori*, which the transcendental aesthetic has offered to it, in order to provide the pure concepts of the understanding with a matter (B102-A77). Here, it is important to notice that representations treated by transcendental logic are not the same as those treated by general logic. The former is supposed to bring the pure synthesis of representations under concepts, through cognizing a manifold of sensibility that lies before it *a priori*, while the latter is to analytically bring different representations, which are given elsewhere, under one concept (B104). First the procedure of general logic is followed since it seems to be associated with the law of nature. General logic enables us to bring different representations under one concept analytically if the representations are given from elsewhere, where the law of nature prevails. What is the law of nature? The law of nature is that humans appear in a world of sense and then disappear. Kant calls appearances *phaenomena*, to the extent that, as objects, they are thought in accordance with the unity of categories (B305-A249). Here, disappearances are referred to as *phaenomena*, to the extent that, as objects, they are thought in accordance with the unity of categories, which is limited by the law of nature. Appearances and disappearances are, as *phaenomena*, supposed to be things, since they are objects of the understanding and can be given to an intuition (A249). The standing and lasting I of pure apperception constitutes the correlate of all of its representations; so far as it is merely possible to become conscious of them, and all consciousness belongs to an all-embracing pure apperception, just as all sensible intuition as representation belongs to a pure inner intuition, namely that of time (A123-A124). In the process of disappearing, it becomes impossible for the standing and lasting I of pure apperception to be conscious of all of its representations. As a result, it has to forsake the correlation of all of its representations while the other standing and lasting I, in appearance, is to constitute the correlation of representations, as far as it is possible to be conscious of representations of the *a priori* manifold, namely disappearance. The representations of disappearances are analytically brought

by general logic under one concept, which is to be equivalent to the pure concept of the understanding, i.e., death itself. Since the principles of pure understanding can be related to objects of the senses only in relation to the general conditions of a possible experience, but never to things in general (B303), the pure concepts of the understanding are equivalent to “death,” which humans are destined to come across in possible experience according to the law of nature. In regard to this issue, Kant explicitly says “Time, as the formal condition of the manifold of inner sense, thus of the connection of all representations, contains an *a priori* manifold in pure intuition. Now a transcendental time-determination is homogeneous with the category (which constitutes its unity) insofar as it is universal and rests on a rule *a priori*. But it is on the other hand homogenous with the appearance insofar as time is contained in every empirical representation of the manifold. Hence an application of the category to appearances becomes possible by means of the transcendental time-determination which, as the schema of the concept of the understanding, mediates the subsumption of the latter under the former” (A138/B177-A178-A139). From our viewpoint, what he says is tantamount to saying that time, as the condition of the manifold of inner sense, thus of the connection of all representations, contains an *a priori* manifold, namely death, in pure intuition as nullity. The transcendental time-determination is homogeneous with the category, namely death, insofar as it is universal and rests on the law of nature. It is on the other hand homogenous with the appearance insofar as time is contained in every empirical representation of the manifold. Hence, an application of the category, death, to appearances becomes possible by means of the transcendental time-determination, which, as the schema of the pure concepts of the understanding, mediates the subsumption of the latter under the former.

Following what Kant says concerning the use of the pure concepts of the understanding (A139), we say, in an opposite manner, that the pure concept of the understanding, namely death, as a category, is of empirical use, since it relates *a priori* solely to appearances as conditions of a possible experience, and of transcendental use, since it can be extended to objects in themselves as conditions of the possibility of things in general. This category, death, pertains merely to possible experience on account of the fact that no human can experience it before he or she dies, and when he or she experiences it, the experience simultaneously evaporates into nullity. Our use of the pure concepts of the understanding is objective, since it is immanent by its nature, and is limited solely to possible experience (A327). At the same time, this category will pertain to the possibility of things since it is expected that general logic would analytically transform representations of the manifold into pure concepts, if they are given to it from elsewhere (B102). From elsewhere? Where is it? It is from the transcendental unity of apperception (B139). This transcendental unity of apperception is objective on account of the fact that 1) it pertains to the function which enables it to unite all of the manifold given in an intuition in a concept of the object (B139), 2) the subjective unity of consciousness, which is a determination of inner sense as appearance in time (B156), through which that manifold of intuition is empirically given for a combination (B139), should be the constituent of the transcendental unity of apperception. It is clear that the manifold of intuition is empirically given through this subjective unity of consciousness, i.e., the empirical unity of consciousness, on behalf of transcendental unity of apperception. While the empirical unity of consciousness, which concerns an appearance through association of the representations, is entirely contingent (B139-B140), it ceases to be contingent



when it concerns a disappearance through dissolution of the representations, which is prescribed by the law of nature. Upon disappearance, i.e., death, the appearance in time is nullified. Consequently, the subjective unity of consciousness, which is figuratively analogous to the empirical unity of consciousness, loses a determination of inner sense, resulting in the dissolution of the representations. Kant's view, which says "The pure form of intuition in time, on the contrary, merely as intuition in general, which contains a given manifold, stands under the original unity of consciousness, solely by means of the necessary relation of the manifold of intuition to the one I think" (B140), indicates that another I think should be thought to stand under the original unity of consciousness, solely by means of the necessary relation of the manifold of intuition to the one I think, provided that the necessary relation of the manifold of intuition among the I thinks is found. Since the representation of time is itself an intuition (B50), on account of the fact that intuition is nullified in conjunction with the dissolution of inner sense, namely death, we must think that another I think, which is to disappear, also stands under the original unity of consciousness by means of the necessary relation of the manifold of intuition to the nullified I think. When another I think disappears under the law of nature, we understand, in conformity with our cognition, that another appearance in time is nullified. Since we can only perceive time-determination through the change in outer relations (motion) relative to that which persists in space (B277), namely through appearance and disappearance, we do not have anything persistent on which we could base the concept of a substance, as intuition, except merely matter (B278). When this persistence is drawn from outer experience corresponding to appearance and disappearance, it should be the *a priori* necessary condition of all time-determination, thus also be the determination of inner sense in regard to our own existence through the existence of outer things (B278). What is this persistence? It is empty space-nullified time, in just the same way as nullity. We say that only in this way there arises from this relation a judgment, i.e., a relation that is objectively valid (B142), and that is not distinguished from the relation of these same representations in which there would be only subjective validity, e.g., in accordance with laws of association (B142). Following what Kant says (A123), we say that the objective unity of all empirical consciousnesses in the original unity of consciousness, which is the necessary condition of all possible perception, is attained in conjunction with the fact that the affinity of all appearances and disappearances is a necessity for the synthesis in the imagination of all possible perception, which is grounded *a priori* on the law of nature.

Kant says "concepts are entirely impossible, and cannot have any significance, where an object is not given either for them themselves or at least for the elements of which they consist, consequently they cannot pertain to things in themselves (without regard to how and whether they may be given to us) at all" (A139). Proceeding in conformity with this view, we think that the pure concepts of the understanding are possible and have significance on account of the law of nature, which does give the one I think itself an object, namely a nullified itself, or at least let it know the elements of which an object consists. What are the elements? They should be the elements of both a thing outside me (appearances themselves) and the representation of a thing outside me since the one I think, which is conscious of its existence as determined in time, perceives something persistent (B275), i.e., the determination of time, through experience or possible experience. Since appearances themselves are nothing but

sensible representations (A104), the elements of which an object consists should be the sensible representations, which are equivalent to pure synthesis of representations. What are the elements? They are nullity, in just the same way as empty space-nullified time. Kant explicates them, saying “Transcendental logic, however, teaches how to bring under concepts not representations but the pure synthesis of representations. The first thing that must be given to us *a priori* for the cognition of all objects is the manifold of pure intuition; the synthesis of this manifold by means of the imagination is the second thing, but it still does not yield cognition. The concepts that give this pure synthesis unity, and that consist solely in the representation of this necessary synthetic unity, are the third thing necessary for cognition of an object that comes before us, and they depend on the understanding” (B104-A79). Apparently, Kant’s explication shows us the way to proceed to an object in itself. The manifold of pure intuition, i.e., death, is given to us *a priori* for the cognition of all objects according to the law of nature. When Kant says that empirical intuition is possible only through the pure intuition (of space and time), whose attributes are supposed to be identical with geometry (B206), we think that since the pure intuition of space and time is already abstracted from all forms of sensible intuition on account of the analogy with geometry, the pure intuition of space and time is tantamount to the intuition of empty space-nullified time. If the synthesis of this manifold of pure intuition is possible by means of the imagination, this synthesis would be achieved through the synthesis of the manifold of space and time which are abstracted from all forms of sensible intuition, in other words, empty space-nullified time. We think that this is the pure synthesis of representations, which is to take place with the unity necessary for pure synthesis, which consists solely in the representation of this necessary synthetic unity. What does the representation of this necessary synthetic unity mean in this tautology? The meaning depends on the understanding. On what does the understanding rest? Though Kant does not elaborate on it, he seems to believe in a pure understanding (B185-A146). On the contrary, when it becomes clear that we can understand, through the revelation of the manifold of pure intuition, that time, as an indispensable element of the unity of all the manifold of intuition in inner sense (B185), is related to the necessary synthetic unity, which consists solely in the representation of this synthetic necessary unity, it is possible for us to say that the understanding depends on our cognition of the manifold of pure intuition as possible experience which we are to come across in our death. In this regard, our schematism of the understanding through the transcendental synthesis of imagination is the representation in general (*repraesentatio*), namely the genus (A320). In contrast to Kant’s transcendental schema (A138/B177), the schema stands in homogeneity with the category as a thing in itself, i.e., empty space-nullified time on one hand and appearance, i.e., filled space-elapsing time on the other.

Kant explicitly says that every transcendental illusion of pure reason rests on dialectical inferences, whose schema is provided in general by logic in the three formal species of syllogisms, as shown in the Table of Logical Functions (A70/B95), just as the categories find their logical schema in the four functions of all judgments (A405/B432-A406). The first species of these sophisticated inferences, which have to do with the unconditioned unity of the subjective conditions of all representations in general (of the subject or the soul) correspond to the categorical syllogisms, whose major premise, as a principle, states the relation of a predicate to a subject (A406-B433). Kant’s categorical syllogisms seem to correspond to the general logic which abstract from all contents of the predicate (A72), on account of our finding that



the unconditioned unity of the subjective conditions of all representations, in general, is nullity. Our findings indicate that 1) manifold of pure intuition which is already abstracted from content appears nugatory, 2) the synthesis of this manifold, which is possible by means of imagination, has nothing to do with empirical intuition, thereby its appearing nugatory, 3) the unity necessary for synthesis consists solely in the representation of the necessary unity, which depends on the understanding, whose schematism rests on the inner sense, whose representation is time, which is already abstracted, thereby its appearing nugatory. This is a perfect example of stating the relation of a predicate to a subject, which is Kant's categorical syllogism. How about the second species of dialectical argument? This dialectical argument, by analogy with hypothetical syllogisms, will make the unconditioned unity of objective conditions in appearances its content (B433). Our dialectical argument is grounded on the law of nature, which enjoins: Humans which appear in space and time are to disappear in space and time. Our transcendental logic, which has a manifold of sensibility that lies before it *a priori*, i.e., disappearance (death), is considered to provide the pure concepts of the understanding with a matter, on account of the fact that the pure concept of the understanding, namely death, is objective and immanent by its nature. Here, the most important and critical issue pertains to what the matter is. The matter should be homogeneous with the correlate of the representation of appearances and the correlate of the representation of disappearances.

The correlate of the representation of appearances is provided by the transcendental aesthetics, namely space-time, in such a way that space is filled and time is elapsing. The correlate of the representations of disappearances is also provided by space-time in such a way that space is empty and time is nullified. In this regard, the matter is equivalent to the manifold of pure intuition, namely empty space-nullified time. Appearances and disappearances are *phaenomena*, to the extent that as objects they are thought in accordance with the unity of categories (B305-A249). Since the division of objects into *phaenomena* and *noumena*, and of the world into a world of sense and a world of understanding, cannot be permitted at all in a positive sense (B311), the category of space in a world of sense is to be combined with that in a world of understanding merely as space being filled or empty as deduced from the law of nature, and the category of time in a world of sense is to be combined with that in a world of understanding, merely time elapsing or being nullified as deduced from the law of nature.

The law of nature enables us to empirically deduce (A85) that appearances signify the representation as filled space-elapsing time. Disappearance, which is determinable through the manifold of appearances (A251), signifies the representation as empty space-nullified time. Thus, appearance itself, i.e., the correlate of the representation of appearances agrees with the form of sensible intuition *a priori* (B164), i.e., space and time. This is our transcendental deduction, in which the possibility as *a priori* cognitions of objects of an intuition in general is exhibited, spawning the possibility of cognizing *a priori* through categories of whatever objects may come before our senses (B159). So far, we discussed the issue of appearance and disappearance, exclusively focusing on humans and living things. Here, a serious concern arises, as Kant implies in his saying: "Every universal proposition, even if it is taken from experience (by deduction) can serve as the major premise in a syllogism; but it is not therefore itself a principle...I would therefore call a 'cognition from principles' that cognition in which I cognize the particular in the universal through concepts. Thus every syllogism is a form of derivation of a cognition from a principle. For the major premise always gives a concept such that everything subsumed under its condition can be cognized from it according to a principle"

(A300-B357). Therefore, we need a metaphysical deduction in which the origin of the *a priori* categories in general is established through their complete coincidence with the universal logical functions of thinking (B159). Another concern is how to perceive empty space-nullified time, which Kant believes to be an entire absence of everything real in appearance (B241), through the synthesis of apprehension, i.e., empirical synthesis, which depends on the transcendental synthesis, thus on the categories (B164). These crucial issues will be discussed in our next discourse.

Kant never ceases to insist that things are merely objects of the understanding and that, nevertheless, can be given to an intuition, although not to sensible intuition (as *coram intuiti intellectuali*) (A249). Kant, who, thinking that the understanding cannot yield synthetic cognitions from concepts at all, calls the synthetic cognitions from concept principles absolutely (A301-B358), distinguishes reason from understanding by calling it the faculty of principles (B356). Kant's reason, as the faculty of principles, creates *noumena* as principle on which all his principles rest. In view of Kant's assertion that all principles of the pure understanding are nothing further than *a priori* principles of the possibility of experience (B294), we think that our understanding in regard to the pure concepts of the understanding is grounded on the *a priori* principles of the possibility of experience, namely death itself, since the possibility of experience rests entirely on the relation of appearance with disappearance (B294). In this regard, our proposition on the synthesis of manifold of appearance, namely empty space-nullified time, with manifold of disappearance, namely filled space-elapsing time is deemed to belong to all synthetic *a priori* propositions. Thus, our principles of the pure understanding are of empirical since they have ground in the synthesis of the manifolds of appearance and disappearance, and go nowhere beyond the field of possible experience, thereby being the synthetic *a priori* principles (A248-B305). It should be emphasized that our cognitions of the pure understanding are, in general, nothing more than principles of the exposition of appearances that do not go *a priori* beyond the possibility of experience (A250). Kant's cognition from principles in themselves is something entirely different from our cognition of the pure understanding which, in itself, does not rest on mere thought insofar as it is synthetic, but contains in itself a universe according to concepts (A302). We think that our cognition of the pure understanding is a universal concept of the faculty of reason, as far as that concept can be made comprehensible wholly in the absence of examples (B359), which are to be cognized through possible experience. Though understanding cannot yield synthetic cognitions from concepts at all (A301-B358), it can yield them from the comprehension of the law of nature, namely death itself, as possible experience. Thus, we clarified the part of transcendental logic, namely the transcendental analytic, expounding the elements of the pure cognition of the understanding and the principles without which no object can be thought at all (B87). This is a logic of truth since no cognition can contradict it without at the same time losing all content, i.e., all relation to any object, hence all truth (B87-A63).

### **Empirical Cognition, Magnitudes and Pure Concept of Reason**

Kant says "Things in space and time, however, are only given insofar as they are perceptions (representations accompanied with sensation), hence through empirical representation. The pure concepts of the understanding, consequently, even if they are applied to *a priori* intuitions (as in mathematics), provide cognition only insofar as these *a priori* intuitions, and by means of them also the concepts of the understanding,

can be applied to empirical intuitions” (B147). What do these bizarre, enigmatic sayings mean? They seem to indicate that 1) cognition comes through the pure concepts of the understanding, and *a priori* intuitions which are the pure concepts of the understanding, 2) empirical intuitions come through *a priori* intuitions and the pure concepts of the understanding, 3) things in space and time are given through empirical representation, which is given through empirical intuitions. From Kant’s viewpoint, *a priori* intuition is analogous to a non-sensible intuition or another kind of intuition than the sensible kind, which is an assumption or an intellectual intuition (B149, A249, A252, A254, A256-B312, B307). However, since this assumption rests on no foundation but is a problem itself (A287-B344), it might be a sheer illusion. When we take account of this, it comes out that cognition and empirical intuitions rest on an illusion, resulting in things in time and space and empirical representation being empty. Kant, in an attempt to rescue his metaphysics from the abyss of emptiness, brings up various concepts and principles, such as transcendental unity of apperception (A108, A118, B139, A156-B196), transcendental synthesis of the imagination (A119, B152, B153, B185), transcendental faculty of the imagination (A102), transcendental function of the imagination (A123, A124, B154), pure imagination (A124), transcendental unity of self-consciousness (B132) and transcendental schema (A138/B177), transcendental concept of reason (B379, A326), pure understanding (A119), pure concept of reason and transcendental ideas (B378), since he believes that reason itself contains the origin of certain concepts and principles, which it derives neither from the senses nor from the understanding (A299). This whole scheme is considered to rest on this principle: insofar as the imagination is spontaneity, it is the productive imagination (B152). Kant seems to think that this principle, i.e. the form of thinking, is the way of determining an object for the manifold of a possible intuition (A254).

On the contrary, we think that any imagination, even if it is spontaneous, should not be productive. Otherwise, it would cause a disaster, in which sheer illusions will be thought to be productive. Only when an imagination arises, spontaneously, in conjunction with what happens in accordance with the law of nature, it is to be productive. When such *phaenomena* that what appears never fails to disappear, is repeatedly witnessed by the standing and lasting I of pure apperception, it could precipitate a productive imagination in it, thereby enabling it to arise as the representation ‘I think.’ So far, we found that the pure concepts of the understanding could be given through empirical intuition when it is applicable to the manifold of pure intuition, namely empty space-nullified time. This manifold, which appears according to the law of nature, is to be intuited by the standing and lasting I through possible experience, and is understood as empty space-nullified time in conformity with experiencing the disappearance of the standing and lasting another I. Kant explicitly states that the categories, which do not afford us cognition of things by means of intuition except through their possible application to empirical intuition, serve only for the possibility of empirical cognition, and this is called “experience” (B147). We say, in an opposite manner, that if we can cognize a thing through possible empirical intuition, things which can be cognized through “experience,” i.e., the possibility of empirical cognition pertains to category. Here, we understand the pure concepts of the understanding, namely “death,” through cognizing the manifold of pure intuition, i.e., empty space-nullified time, by means of pure intuition, which is possibly applied to empirical intuition. Is empirical intuition different from pure intuition? No. They are the same in themselves but appear different from each other on account of the fact that what appears is to disappear. Filled space-elapsed time is a category taken as objects of

experience, while empty space-nullified time is a category taken as objects of possible experience (B147-B148).

Kant thinks that if the objects with which our cognition has to do were things in themselves, we would not be able to have any *a priori* concepts of them at all (A128). He seems to be embarrassed in regard to whence he should obtain them (A128). On the contrary, we say: since we take them from the object in itself, by investigating how the latter could become known to us, our concept of object in itself would be empirical, and thought to be an *a priori* concept, which is to be cognized and understood through possible experience. In addition, we take them from ourselves on account of the fact that that which is merely in us can “determine the constitution of an object distinct from our representations, i.e., be a ground why there should be a thing that corresponds to something we have in our thought, and why all this representation should not instead be empty” (A129). This is tantamount to saying that 1) empty space-nullified time, which is merely in us, determines the constitution of death itself, i.e., empty space-nullified time, which is distinct from our representation, i.e., filled space-elapsing time, 2) therefore, empty space-nullified time, which we have in our thought, corresponds to a thing in itself, i.e., empty space-nullified time, 3) therefore, all this representation, i.e., filled space-elapsing time, is not nugatory and empty. We understand that this scheme signifies the synthetic *a priori* cognition. Furthermore, following what Kant says (A129-B130), we say: when we have to do everywhere only with appearances, then it is not only possible but also necessary that certain *a priori* conditions precede the empirical cognition of objects.

Now the representation ‘I think’ – that all these appearances and all objects with which we can occupy ourselves are all in me, i.e., determinations of my identical self – expresses a thoroughgoing unity of them in one and the same apperception as necessary. The form of all cognition of objects also consists in this unity of possible consciousness. Thus, the way in which the manifold of sensible representation (intuition) belongs to a consciousness does precede all cognition of the object itself, not as its intellectual form, and but itself constitutes an *a priori* cognition of all objects themselves, insofar as they are intuited in possible experience. Following what Kant says (A130), we say: the manifold of pure intuition is not only possible, but indeed necessary *a priori* in relation to experience, only because our cognition has to do with nothing but thing in itself, whose possibility lies in ourselves, whose connection and unity in the representation of an object is encountered in us, and thus must precede all experience and first make it possible as far as the object itself is concerned. From this ground, as the only possible one among all, our deduction of the categories, i.e., empty space-nullified time, has been conducted (A130). Furthermore, we say: we now have one of the required pieces for the solution of the general problem of transcendental philosophy – how are synthetic *a priori* proposition possible? – namely pure *a priori* intuitions, space and time, in which, if we want to go beyond the given concept in an *a priori* judgment, we encounter that which is to be discovered *a priori* and synthetically connected with it (B73), in the concept and in the intuition that corresponds to it; and on this ground, such a judgment extends beyond the objects of the senses and can hold only for objects of possible experience as well. We comprehend dismemberment of a human, namely death, as nullity of the representations of appearances through the reception of the representations of disappearances, i.e., empty space-nullified time (the receptivity of impressions), and understand it as thing in itself, through the faculty for cognizing an object by means of these representations (spontaneity of concepts) (A50/B74).

Thus, we think, Kant's object "the understanding, which judges about the nature of things, and this in turn only in regard to its *a priori* cognition" (A13), has been provisionally achieved.

Here, a very serious and intractable problem in regard to this kind of metaphysics arises. Because of this problem, Kant has to conclude that the absolute whole of magnitude (the whole-world), of division, of descent, of the conditions of existence in general, together with all the questions about whether these are to come about through a finite or an endlessly continuing synthesis, has nothing to do with any possible experience (A483), being pressed to think of a thing in itself (A515/B534-A516/B544), which is merely intelligible (A567/B595). Since pure reason has no other aim than the absolute totality of synthesis on the side of conditions, and that reason has nothing to do with absolute completeness from the side of the conditioned (A336), we have to take the next step in order to solve this difficult problem.





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