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# The Asian Conference on Ethics, Religion & Philosophy

Osaka Japan 2012

## The Asian Conference on Ethics, Religion & Philosophy

### Conference Proceedings 2012

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*Language, Testimony and the Moral Imperative*

Kawuki Mukasa

Anglican Church of Canada General Synod Office

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Abstract:

A tradition in Western Philosophy locates the moral imperative in the autonomy of our capacity to reason. Kant describes it as the categorical imperative to do the right thing, unencumbered by context or subjectivity. But multiple voices and the competing value-systems that characterize our reality today make it impossible to divorce ethics from context and experience. A different paradigm; one that responds to the complexity of our time is required. In this paper I argue that the requirement of ethical responses arises from intersubjective recognition and the dynamics of community-building. A key tool in this regard is language and the mystery of self-disclosure through authentic testimony. Drawing on Wittgenstein's two theories of language and reading them as complementary functions of language, I demonstrate how the conventional and creative functions of language form an intersubjective locus for ethical determinations and actions. By investing in the trustworthiness of authentic self-disclosure, this approach, I argue, opens avenues for disentangling the difficult ethical issues of our time.



## **Testimony, Language and the Moral Imperative**

**Kawuki Mukasa**

**The Anglican Church of Canada**

### **INTRODUCTION**

In a stable community there is a general assumption that people will be guided by a certain moral code or impetus to do the right thing in their actions. This is normally a simple matter of bilateral or multilateral trust. It is assumed that we all know the right thing to do in a given set of circumstances and it is expected that we will all do the right thing under those circumstances.

But the trust we have in one another to do the right thing is sometimes violated or betrayed, when others behave in ways that do not conform to the values we believe in. When that happens relationships are put under considerable stress and the stability of the community is tested. We could say therefore that all things being equal, it is in the community's best interest that members agree on what ought to be the prevailing norms and values of that community as well as what is right and what is wrong under certain circumstances. The absence of such a consensus, we may argue, will undermine the community's stability and cohesiveness – unless diversity of opinion is a value around which there is general consensus.

In light of all this we may be tempted to raise the question: what values should we live by? The intent of this question is to present a set of ethical standards that we as a community may covenant to observe. Attempts by the community to respond to this question, however, often lead to conflict as competing interests among those who have voice begin to surface. Consensus may eventually be reached but will more than likely take into account only the concerns of those in the community who have the privilege of voicing their claims.

I would like to suggest that even though the foregoing question is very important, it should not be the one we turn to first. There is a set of other questions that ought to be asked before we move to the consideration of the values we ought to live by. Why, for example, do we need to live by certain values in the first place? How do those values come into being? And where does this impetus to do the right thing (this moral imperative) originate? Preliminary questions such as these refuse to take for granted the reality of our nature as moral beings and seek instead to examine and understand the foundation of that nature.

In this paper I focus on such preliminary questions, in particular the origin of the moral imperative. I propose a different paradigm from the one commonly employed to determine the origin. I start with the two most commonly held assumptions about where the moral imperative originates. I briefly assess their merits and limits. I then proceed to propose another way of understanding the moral imperative, that has the capacity and the flexibility to accommodate an ever growing range of experiences and diversity of voices. I will appeal to Wittgenstein's two

theories of language (understood in a complementary sense) to demonstrate how ethics and values get constructed and how our participation contributes to this process. I conclude with an illustration of some of the claims I make in the paper.

## **ORIGIN OF THE MORAL IMPERATIVE**

### ***Commonly Held Modes of Explanation***

Where does the moral imperative originate? Answers to this question tend to fall under two general categories. There are those that locate the source outside the human being; an external force to which we respond in obedience. When you, for example, choose to enter an established community, you commit yourself to becoming a full member of that community; to abide in its values and live by its norms and ethical standards. In this regard the established values of the community are an external force imposing itself on you with certain demands. You, on the other hand, are opting (by free will or coercion) to respond to those demands in obedience, regardless of dynamics in your inner life. You may be unwilling to observe the moral code of the community but you're still obliged to live by it as a simple matter of obedience.

The ultimate "external force" claims often come from religion. Most religions teach that God's Will is the origin of whatever is good, right and just. To do the right thing is to act in accordance with God's Will. So then, when the Will of God is imposed on us we must respond in obedience; acting and behaving in ways that are in alignment with that Will, regardless of our own attitudes or desires.

Another category of answers to the question of the origin of the moral imperative includes those that understand it as emanating from within us; as part of the inner structure of our being. Immanuel Kant's Categorical Imperative is a good example. The impetus to do the right thing, according to Kant, is embedded in our nature as rational beings. It is grounded in the autonomy of reason to will the right thing over our subjectivity or particular experiences. We are moral beings not because of any external force imposed on us, but because of the inner dynamic of our rationality, which operates independently as a fundamental structure of our nature. We make moral judgements as a categorical imperative, that is to say an internal command or natural law, independent of external circumstances or subjective states.

In practical terms we may perhaps speak of the moral life, not as reflected exclusively in one or the other mode of explanation but both. The potential to act morally is part of our nature. We already have a built-in capacity to live moral lives. The particular moral code or set of ethical standards that we actually live by, however, is always an external force imposed on us. Our moral behaviour does not come out of the blue. We learn to live by a set of ethical standards handed to us.

Construing the origin of the moral imperative in this way has the advantage of understanding morality in universal terms. We are able to articulate ethical standards that we may consider to be universal and not dependent on particular circumstances. God's Will applies to all of us regardless of our different situations. The inner structure of a person as a rational being is common to all individuals in spite of our different experiences. Thus we can say that these modes of explaining the origin of the moral imperative enable us to affirm that there are certain core values and ethical standards that apply to all of us and demand of us to act or behave in certain ways regardless of who we are, where we are or what our experience and sensibilities may be. The affirmation is a challenge to the much despised doctrine of Situational Ethics; a doctrine that claims that moral demands are determined by the dynamics of given situations and should not be regarded as universal or binding in every situation.

The pitfalls of Situational Ethics notwithstanding, it should be said that the foregoing configuration of the problem has its limits as well. The difficulty lies in locating the moral imperative in the person as an individual. The locus is described as a built-in dynamic; a prompted response to some external agency or a combination of the two. The focus is on the individual in isolation. The problem is that individuals come from different situations, grapple with different experiences and have different priorities. There will, no doubt, be certain experiences that are common to the human condition and it is possible to argue that on the basis of that we could build a universal morality. But the more pervasive characteristic of human life is its diversity. Universal claims in the context of diversity will encounter resistance until the dissenting voices are silenced.

How do we speak of the moral imperative in a way that is large enough and flexible enough to accommodate the growing diversity and complexity of human experience? How do we construct a moral code that reflects and honours the multiplicity of voices that are now in the public square?

## **ORIGIN OF THE MORAL IMPERATIVE**

### ***An Alternative Mode of Explanation***

In response to the foregoing questions I propose the view that the moral imperative arises from the dynamics of community-building. It consists in the ongoing inter-subjective relationships that we have with one another as social beings, and the recognition of our interdependency. It is rooted in my recognition of other people's subjectivity (that they see, they feel, they desire, they value, they hope etc) and in understanding that my own interests are somehow tied up in the fulfillment of theirs. This web of inter-connected, reciprocal relationships is what prompts us to act and behave in ways that are of mutual and multilateral benefit. Herein is the locus of the moral imperative.



Now, it is conceivable that members of a community may choose to suspend their own subjectivity in order to live for the fulfillment of another without any expectation of reciprocity. How we relate to infants is a good example. In this case the notions of inter-subjectivity and interdependency are eliminated. The infant's actions (such as crying for attention) are entirely in self-interest and may not be regarded as an exercise in moral behaviour. On the other hand the moral code of the community in question would perhaps already have something to say about how we relate to infants. In such a state of affairs (where the moral imperative is one-sided) the moral demands still emerge from the web of the relationships in the community, including a category of members who (for the moment) do not understand the notion of interdependency. The nature of these relationships will have led to the concession by the adults to suspend their own subjective demands in the interest of fulfilling those of the infants.

The claim that morality arises from the dynamics of community-building requires a deeper examination. How does the moral code of a community develop and how do individuals participate in it? I have said that it is the recognition that my welfare is tied up with the welfare of other members of the community that persuades me to behave in accordance with the established values of the community. The impetus to do so is not entirely altruistic (even though there are times – such as in our relationship with infants – when that is the case). It is rather an opportunity for me to find a place in the community where I may disclose who I am and have my subjective needs and demands fulfilled.

The living moral code of a community develops through the engagement of members with one another around values handed down from the past. It is a process of on-going recognition and authentic self-disclosure among members, anchored in the community's norms, values and traditions. Those norms and values are themselves products of the same process of engagement and interaction by those who come ahead of us. The community's values as well as its ethics must therefore be viewed as constantly evolving, as new generations of participants make their contribution through the on-going process of recognition and self-disclosure.

Here is the key distinction between this mode of explaining the origin of the moral imperative and the more familiar configurations discussed in the previous section. The moral code is not a fixed entity that is inherited simply as a tradition for our consumption. It is a living organism that reflects the challenges facing the current generation of the community. It is an inheritance that each generation contributes to and breathes life into before handing it over to the next. The tool by means of which this on-going exercise is fulfilled from generation to generation is language; in particular the representational and creative functions of language. Allow me now to demonstrate how language enables a community to maintain a living structure of values to which its members contribute for their fulfillment and that of the community as a whole.

## **RECOGNITION, TESTIMONY & LANGUAGE**

Human beings have always struggled with the challenge of explaining the world and ourselves in it. In doing this we develop certain overarching narratives which represent the nature of the external world to us. This is the conventional testimony of a given people. It is passed on from generation to generation and represents what those people understand the world to be. Let us for the time being use the term *Worldview* in reference to these comprehensive narratives.

Since these are conventional testimonies of people in particular locations (or situations), we can say that there is a contextual dimension to how we represent the world to ourselves. Thus we can, for example, speak of a Western *Worldview*, an African *Worldview*, an Eastern *Worldview* and so on. This enables us to pay attention to the conventional understanding of the external world by people in a particular location (or set of circumstances), to the exclusion of people in other locations. It follows that individuals will recognize the existence of an external world in terms of its configuration by the community in which their lives are unfolding. At the same time, they will attempt to bear testimony about their own existence in the world, using the same conventional tools by means of which the external world is represented. These two inter-locking dynamics (recognition and testimony or self-disclosure) are at the centre of the web of relationships in the community from which its values emerge.

But the foregoing skips over a critical question: how is representation possible? One may be tempted to quickly respond to that question by saying: with language, of course. We use language to represent the world around us. The assumption behind such a response is that the words we use somehow correspond directly with certain aspects of the world we intend to make reference to. The question we are raising here however probes deeper than that. How is it possible that when I say “table” people who understand this particular language will form in their minds the image of a particular object? To appreciate the significance of this question, we have to remember that for people who do not understand the language, the utterance “table” is but mere sound. It does not create an image of a particular object in their minds. This observation tells us that there is no intrinsic connection between the utterance “table” and the piece of the external world it represents. The word is an arbitrary audio sign. In fact other signs may represent the very same object: “meeza” for example.

Now, if there is no intrinsic connection between the word spoken and the object in the world referred to, how then does language function to represent the world? A plausible answer to this question came from a Swiss philosopher by the name of Ferdinand Saussure. According to Saussure, that audio sign, which to the person who understands the language appears to be naturally and directly corresponding to a particular object in the world is in fact part of a comprehensive structure or system of interconnected and inter-related signs, constituting the language in question. The audio sign makes no sense on its own. It has meaning only by virtue of its interconnection and inter-relatedness with other signs in the whole structure of a given language.

The critical observation that Saussure proceeds to make is that the meaning of the sign in question is in how it contrasts with other signs in the system. It represents by its difference within the whole structure. We may understand this better by thinking about how we experience the external world with our senses. I recognize a table as such when I look at one by its

difference or distinction from its environment. When the table blends in with the environment it becomes invisible. In the same way, the ability of the sign to represent lies in its uniqueness – its difference – within the structure of the language. It follows that the structure of language mirrors the structure of the world. Language represents the external world by virtue of its ability to reflect the world.

And here we run into what appears to be a paradox. If language reflects the objective world as it is, how can it at the same time represent the world that is locked in my subjectivity? If it enables me to recognize the world as an objective fact, how can I use it to disclose the world of my subjective experience? On the one hand it would need to be fixed in certain ways in order to represent the world with some degree of accuracy and consistency. On the other hand it needs to be fluid enough to open up dimensions of the world that are not yet in the public square such as those locked in our subjective experiences. How is that possible? It would seem that you cannot have it both ways. Yet we have said that the inter-locking dynamic of recognition and self-disclosure is at the centre of our participation in community.

Austrian philosopher Ludwig Wittgenstein provides what I would call a plausible accommodation, if we read his two theories of language as complimenting rather than contradicting each other. Now, there is neither the time nor the space to explore Wittgenstein's influential theories in any detail here, suffice to simply assert that in attempting to secure a stable foundation for meaningful representation, Wittgenstein established conventional objectivity. In attempting to account for how language is deployed ninety-five percent of the time, he accommodated its creative function. In other words by his two seemingly contradictory theories, Wittgenstein demonstrated the dual function of language: the conventional function of naming the external world as it is and the creative function of disclosing the hidden world of our experience.

Thus the word “table” names a piece of the objective world when it is uttered as part of the conventional function of language. But when it is uttered in the creative mode (shouted, whispered or perhaps said with a certain set of emotions) it expresses or discloses my subjective experience of that piece of the external world. But when others recognize the dimension of the world disclosed by my utterance, that too now becomes conventional knowledge about the world in general.

This then is the basic structure of the process from which a community's worldview, values and ethics evolve. On the one hand we recognize the external world according to its configuration in the conventional narratives of our community. Recognizing the reality of this external world and the demands it imposes on us enables us to inherit it from the past and to sustain it for this generation. On the other hand we open up the dimensions of the world that are locked in our subjective experience for others to recognize; making those dimensions accessible as our contribution to the collective knowledge of the community about the world, including its values and ethics.

Let me conclude with an attempt to illustrate certain aspects of the claims I have just made in this paper.



## **RECOGNITION, TESTIMONY AND THE ANGLICAN COVENANT**

The Anglican Communion is in the middle of ratifying a Covenant which says something about the values members of the Communion ought to live by as well as the consequences upon those who do not. As one might have perhaps anticipated, the process is not an easy one. There is strong disagreement particularly over the section that stipulates consequences. That section, according to some, does not go far enough to discipline those who may choose to walk outside the values laid out. Others feel that the Covenant is over-reaching in this regard. It would seem that the drafters of the Covenant had no choice but to negotiate a compromise that most people in the middle would find comfortable enough to live with.

The exercise of ratifying a covenant assumes that rational human beings will have the opportunity to study and reflect on it and then choose to opt in or out. On the surface it all seems fair enough. People have to make a choice but it is one they would make freely one way or the other. In this case, however, the choice is not as simple as it may seem on the surface. A communion already exists and the choice that people are being asked to make is not about opting in or out. It is about staying in or walking away. Thus, as an external code of conduct, the Covenant imposes itself in a way that appears to be disrupting a network of relationships that already exists.

Here is what happened. Members of the Anglican Communion disagreed over a fundamental issue that threatened the cohesion of the community. In order to keep the community from breaking up, consensus had to be built around a set of values that hopefully most members would agree upon. The presumption was that such a consensus would restore a state of affairs in which members are in agreement over the values and ethical standards of the community. In view of all of this the question that immediately presented itself was the kind that appealed to the traditional configuration of the problem. “What values should we live by?” This question (uttered or implied) set in motion a round of activities that set up a structure of values and ethical standards in the form of an “external” force or code of conduct that required members to respond with simple obedience.

I would like to suggest that a different kind of question could have led to a more fruitful path. What would have happened, for example, if an enquiry into the dynamics of community-building grounded on the principle of recognition and self-disclosure had been engaged, instead of a direct stipulation of a code of conduct to which members could relate only on a take-it-or-leave-it basis? A new set of values that adequately reflects the growing complexity of the relationships in the Communion could have surfaced. Furthermore, a model of inclusion, flexible enough to accommodate the growing multiplicity of voices in this community would have been established. And the authenticity of the testimonies by every member in the context of mutual and multilateral recognition would have established an environment of greater cohesion and stability for the Communion.

*Reincarnation Vs. Resurrection: The Debate Ends*

Abdulla Galadari

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Abstract:

There are two types of death, the death of the body and the death of the soul. Many world Scriptures portray that although a body is alive, the soul within that body may remain dead. The Bible and the Qur'an makes a portrayal that although people seem to be alive, their souls are dead. The body is sometimes symbolized as the tomb for the dead soul. Therefore, it is possible that as long as the soul is dead, it continues to reincarnate into other bodies (tombs), until the soul is resurrected, breaking the wheel of Samsara.

Although Christianity preaches resurrection, this paper attempts to present a Biblical mystery about reincarnation. Reincarnation in Hebrew is "gilgul." The term shares the same root as Gilgal and Golgotha. Golgotha is the place where Jesus was crucified, according to the Gospel. Gilgul means round or wheel. It is for that reason Golgotha is also translated as the place of the Skull, as it is round. This paper shows how the symbolism of Jesus' crucifixion in Golgotha is a portrayal of breaking the wheel of Samsara and how the dead souls in their tombs (bodies) may be resurrected to life.

In the Qur'an, death is almost always referring to the death of souls, and not the body. Therefore, resurrection may be understood as the resurrection of the dead souls, and not the body. Hell is described as a place that whenever flesh degenerates, it is replaced for another, so that people may taste suffering. This may also be understood as reincarnation of the soul in different bodies, until the dead soul is resurrected.

This paper shows that the debate between resurrection and reincarnation may not be needed, as resurrection is the point where the wheel of reincarnation is broken.

## **1. Introduction**

Two apparently contradicting philosophies about the afterlife exist, reincarnation and resurrection. There are various understandings of the nature of reincarnation or resurrection between different religious traditions. In general, reincarnation is the general notion of rebirth, whether it is transmigration of conscious souls, as in Hinduism, or transmigration of fruits of actions (karma) taken up by a different, yet related personality, as in Buddhism. For the purpose of this paper, whether it is a rebirth of a conscious soul or rebirth of its karmic actions, in both cases it would be called a soul, regardless of its form and understanding.

Reincarnation is not strictly an Eastern philosophy. Many other traditions of major religions include a concept of reincarnation, such as Jewish Kabbalah, sects within Isma'ilis of Islam, as the Druze, and some Christian Gnostics of the past (Haddad 1991, Walker 2003). Many traditions of ancient Europe in the past include concepts of reincarnation such as Pythagoreanism and Manichaeism. Also, resurrection is not strictly a concept within the Abrahamic religions, as it also exists in Zoroastrianism, as well as in Ancient Egypt.

From the outset, those two philosophies seem to be contradicting each other. Logically, it may appear that both philosophies cannot be true. Either one is true or both are false, but they cannot coexist at the same time. The purpose of this paper is to analyze the Bible and the Qur'an textually and linguistically to further understand the concepts of resurrection and reincarnation to show that those apparent contradictory philosophies may as well be non-contradictory at all. They may seem to be two faces of the same coin. This paper is not necessarily stipulating facts of the concepts of the afterlife. It only attempts to open the eyes of many who dispute seemingly contradictory views, when in reality, there may be none.

## **2. Resurrection**

Christianity and Islam are the main two religions that zealously preach resurrection of the dead. It is one of the tenets of the profession of the Christian faith, as it is no doubt a teaching of Christ. It is included in the Apostle and Nicene Creeds. The Jews at the time of Christ were divided



between the Pharisees and the Sadducees. The Sadducees did not believe in resurrection. However, they neither believed in reincarnation. They did not believe in an afterlife of any sort. Jesus Christ sided with the Pharisees in his argument against the Sadducees in the matter of resurrection [Matthew 22:23 – 33, Mark 12:18 – 27].

Noteworthy to state, the Sadducees neither believed in resurrection nor reincarnation (Gorr 1990). Hence, it should not be seen that the Jesus' argument was against reincarnation, but against the belief of no afterlife. It might have been possible that the Torah did not talk explicitly about the afterlife, because it did not have to. The Israelites came out of Egypt, in which the ancient Egyptians have been faithful to the concept of the afterlife, and specifically resurrection. However, the debate between Jewish scholars on who is resurrected may also seem to mirror that of the ancient Egyptians, whether it is all people or only the righteous. Some argue that Jesus Christ rejected reincarnation, citing the Gospel, where the Jews ask Jesus about a blind man if he were blind because of his sin or that of his parents [John 9:2 – 3]. Jesus said that it was neither, but he was blind such that he can see the work of G-d in his life. However, this argument is not necessarily valid in proving Jesus' rejection to the concept of reincarnation. Reincarnation doctrine does not necessitate that only people with bad karma (sin) are the ones who would be deformed in this life. Nonetheless, proponents of reincarnation in Christianity cite that since John the Baptist has been described as coming in the spirit of Elijah [Matthew 17:10 – 13], it may also be interpreted as some sort of reincarnation, although not completely, since Elijah did not die. Besides, the Bible also states that Elisha had the spirit of Elijah caste upon him, when Elijah was taken up. Nonetheless, Elijah was taken up in a whirlwind in a place called Gilgal [2 Kings 2:1], which is important as will be seen later in this paper.

Jenson (2011) made a review of the concept of reincarnation in the Early Church. She states that although reincarnation was rejected by the Church as a doctrine in the Second Council of Constantinople (Fifth Ecumenical Council) in 553 AD, it was a belief held by many early Christian theologians, such as Valentinus and Basilides of Alexandria. Other early theologians, such as St. Justin Martyr did not believe in reincarnation, while other Church Fathers, like Origen of Alexandria, were conflicted with the idea. Jenson states that it is possible that some of the Church Fathers were influenced by Platonic philosophy, who believed in

reincarnation. The Fifth Ecumenical Council denounced Origen's belief of reincarnation, although there is no direct evidence that he explicitly believed or taught it (Katsunoff 1959). Nonetheless, if the Council denounced his teaching and ordered that his writings are burnt, then that may explain why his explicit beliefs on reincarnation, if any, do not survive today, though there are also evidence in which he did not believe in the transmigration of souls.

In Christianity, resurrection is not only a fundamental tenet because Christ argued in favour of it, but he himself was the embodiment of the resurrection of the dead in the body. According to the Gospels, Jesus was crucified and was resurrected on the third day and his resurrection was in the body. This is an emphasis made in various verses of the Bible, whether in the Gospels or in the epistles of the apostles.

In contrast to the Torah, which does not seem to be explicit about the afterlife, the Qur'an is very explicit on the topic of the afterlife and the resurrection of the dead. The most fundamental topic discussed by the Qur'an is the Day of Resurrection and the afterlife.

For those reasons, Christianity and Islam have explicit mentions of resurrection of the dead in their respective Scriptures that talking about reincarnation would appear to be very absurd. However, to understand resurrection, death must first be understood. Resurrection of the dead cannot be defined if death is not defined.

### 3. Definition of Death

In the Qur'an, death is discussed many times. However, in almost all of those instances, the subject of death is that of the death of souls. The Qur'an does not mention the death of the body (*badan*) or (*jasad*), but more specifically, the death of souls [Qur'an Āl-'Imrān 3:185, al-Anbiyā' 21:35, al-'Ankabūt 29:57].

“Every soul tastes death in the end to Us shall you be brought back.” [Qur'an al-'Ankabūt 29:57]

As it can be clearly seen from above, the Qur'an talks about death and resurrection. However, it is very important to note that, textually and

linguistically, it does not refer to the death of the body, but more precisely, the death of the soul.

Noteworthy to state that in religions preaching resurrection, they also give importance to burying the dead instead of cremation. The ritual of burial is important. What is inside a grave? A grave has bones with dust covering it. When we look at our bodies, we also see bones with dust covering it. Therefore, our bodies are graves for our souls. In numerous places within the Qur'an, not only is the subject of death talks about the death of souls, but also the Qur'an makes explicit references that although some people may appear to be alive, they are in fact dead, because their souls are dead.

“20. Those whom they invoke besides Allah create nothing and are themselves created.

21. (They are things) dead, lifeless: nor do they know when they will be raised up.

22. Your Allah is one Allah, as to those who believe not in the Hereafter, their hearts refuse to know, and they are arrogant.”  
[Qur'an al-Nahl 16:20 – 22]

In the above verses, it also talks about death and resurrection, but who is the Qur'an describing as dead in need for resurrection? It portrays that those who do not surrender to G-d are truly dead and not alive. They are described as being arrogant with an ego. The verses use the same term for arrogance as the Qur'an uses to describe the only sin of Satan, which is having an ego [Qur'an al-Baqarah 2:34, Al-A'rāf 7:12 – 13, Şād 38:73 – 78].

Seemingly the Qur'an is talking about zombies. People walking the earth and think they are alive, while in fact, they are spiritually dead. In another verse, the Qur'an also explicitly states that those who do not listen to the message of Islam are dead in their graves [Qur'an Fāṭir 35:22]. Evidently from the Qur'an, when the topic of death is discussed, it seems to refer to the death of souls and not the death of bodies. In contrast, the Qur'an states that those who are killed for the sake of G-d are not dead but alive [Qur'an al-Baqarah 2:154, Āl-'Imrān 3:169].

“And say not of those who are slain in the way of Allah. "They are dead." Nay, they are living, though you perceive (it) not.” [Qur'an al-Baqarah 2:154]

From the above verse, there is also further emphasis that the Qur'an when defining life and death, does not refer to the body, but to the soul. Therefore, it can be seen that the Qur'an is distinguishing between the definitions of death and life. This can be further identified in the Qur'anic intention when describing graves. When Muhammad was saddened that many people are not hearing his message, the Qur'an stated that G-d will make to hear whom He wills to hear, and that Muhammad cannot make those who are in their graves to hear. This verse in the Qur'an even further explains that the Qur'anic intention for the term grave is not necessarily a physical grave on the earth, but the physical grave of the body, which is made of earth.

“Nor are alike those that are living and those that are dead. Allah can make any that He wills to hear; but you cannot make those to hear who are (buried) in graves.” [Qur'an Fāṭir 35:22]

This is further exemplified by another verse in the Qur'an stating that the Qur'an may only be understood by those who are alive. Again, this continues to allude to those who are spiritually alive.

“69. We have not instructed him (Prophet) in poetry, nor is it meet for him: this is no less than a Message and a Qur'an making things clear:

70. That it may give admonition to any (who are) alive, and that the charge may be proved against those who reject (Truth).” [Qur'an Ya-Sīn 36:69 – 70]

When putting it all in context, the Qur'an appears to talk about souls that are dead. It does not talk about the death of bodies. Also, it describes what appears to be living bodies, which is made of earth, as graves of the dead souls. This concept can be further made evident from the Qur'an where it describes that on the Day of Resurrection, the graves will be opened, and as the graves are opened, what is inside the breasts will be made manifest.

“9. Does he not know,- when that which is in the graves is scattered abroad

10. And that which is (locked up) in (human) breasts is made manifest-” [Qur’an al-‘Ādiyāt 100:9 – 10]

Many scholars understand that on the Day of Resurrection, when bodies are resurrected, then everything that was concealed by people in their hearts will be made manifest. However, it may also be understood that since the bodies are the graves of souls which are inside it, then as the graves are opened, then it metaphorically means that it is people’s bodies that are being opened to resurrect the souls that are locked dead inside it. Also, as the Islamic pilgrimage (Hajj) describes the journey of a dead soul into life, Surah al-Hajj emphasizes the resurrection of those who are in their graves, which may also be understood as dead souls in moving bodies to be resurrected. After all, the Hajj does portray bodies moving, but still wearing a funeral shroud, because it is not the body, but the soul inside it that is truly dead.

“And verily the Hour will come: there can be no doubt about it, or about (the fact) that Allah will raise up all who are in the graves.” [Qur’an al-Hajj 22:7]

This concept moves in parallel about a mysterious event that has occurred during the Crucifixion of Christ, but is usually overlooked. After all, there are many parallelisms between Christ’s Crucifixion and the Hajj (Galadari 2010). During the Crucifixion of Christ, the tombs of righteous people were opened and their bodies came out of their tombs.

“<sup>50</sup> And when Jesus had cried out again in a loud voice, he gave up his spirit. <sup>51</sup> At that moment the curtain of the temple was torn in two from top to bottom. The earth shook, the rocks split <sup>52</sup> and the tombs broke open. The bodies of many holy people who had died (or slept) were raised to life. <sup>53</sup> They came out of the tombs after Jesus’ resurrection and went into the holy city and appeared to many people.” [Matthew 27:50 – 53]

The event of tombs of righteous ones being opened is a very mysterious event that is recorded in the Gospel of Matthew, which is the only Gospel that has referred to this event. Although it may be understood that the event has taken place as tombs in the ground opening up and the bodies of righteous people were resurrected, it may also be understood that the righteous souls that are dead inside their bodies (tombs) have been



resurrected with life in their bodies. The Qur'an also has an allusion to graves as seen in the following verses.

- “1. The mutual rivalry for piling up (the good things of this world) diverts you (from the more serious things),
2. Until you visit the graves.
3. But nay, you soon shall know (the reality).
4. Again, you soon shall know!
5. Nay, were you to know with certainty of mind, (you would beware!)
6. You shall certainly see Hell-Fire!
7. Again, you shall see it with certainty of sight!
8. Then, shall you be questioned that Day about the joy (you indulged in!).” [Qur'an al-Takāthur 102:1 – 8]

In the above verses, the Qur'an portrays that people do not really know true reality. Were they to know true reality, they would see Hell in front of their eyes. If the definition for grave remains consistent with its usage by other verses in the Qur'an where it portrays dead souls in their graves of living bodies (zombies), then in the above verses, they could be understood to be talking about those dead souls, though seemingly bodily alive. Another linguistic interest is the term for true reality (*yaqīn*). The term means to form in a particular shape, to describe, to be convinced, and to represent allegorically. The above verses emphasize that people do not know with certainty true reality (*yaqīn*).

This may be understood that people do not understand the allegory portrayed for the true reality. If people understand true reality then they will understand that the bodies of people walking are an allegorical representation of graves, in which the dead souls are encaged. If they have understood true reality, then they will see Hell in front of their eyes. They will understand that this life along with its suffering is in itself Hell. They are living (dead) in the realm of the dead. They are in the shadow of death (*ẓil mawt*), which is represented by (*ẓulumāt*), which means darkness. It is

for that reason the Qur'an emphasizes that it attempts to take people out of the darkness and into the light, or in other words from the shadow of death to life.

“Allah is the Protector of those who have faith: from the depths of darkness (shadow of death) He will lead them forth into light. Of those who reject faith the patrons are the evil ones: from light they will lead them forth into the depths of darkness (shadow of death). They will be companions of the fire, to dwell therein (Forever).”  
[Qur'an al-Baqarah 2:257]

Since Qur'anic commentators understand that darkness and light described by the Qur'an in this context is allegorical, then it must be signified that death and life are also allegorical representations in the Qur'an, as it is described in the following verses.

“19. The blind and the seeing are not alike;

20. Nor are the depths of Darkness (shadow of death) and the Light;

21. Nor are the (cool) shadow and the (genial) heat of the sun:

22. Nor are alike those that are living and those that are dead. Allah can make any that He wills to hear; but you cannot make those to hear who are (buried) in graves.” [Qur'an Fāṭir 35:19 – 22]

When the Qur'an portrays people living in darkness, it is not literally that they are not under daylight, but spiritually and allegorically are in darkness. Consequently, the above verses talk about people who seem to be living, but the Qur'an calls them dead, even in accordance to traditional Qur'anic commentators, such as Al-Ṭabari, Ibn Kathīr, al-Rāzī, al-Qurṭubī and others. Not only is the meaning of the dead and alive made to be metaphorical, but the whole context is an allegory. Those who are blind in contrast to those who see, is a metaphoric analogy as those who hear the words of G-d and those who do not. It is not specifically the physical eyes that are blind, but it is the inner spiritual eye that is considered blind in this analogy. This is the same as the contrast between darkness and light, as well as those under the shadow and those who are not. This type of

metaphorical representation is also made clear by another verse in the Qur'an in the Surah of Hajj.

“Do they not travel through the land, so that their hearts (and minds) may thus learn wisdom and their ears may thus learn to hear? Truly it is not their eyes that are blind, but their hearts which are in their breasts.” [Qur'an Hajj 22:46]

The Qur'an clearly defines death as those who are spiritually dead and not bodily dead. In another verse in the Qur'an, the allegorical portrayal of life and death along with light and darkness is also described from a spiritual perspective, in which traditional Qur'anic commentators agree to such an understanding.

“Can he who was dead, to whom We gave life, and a light whereby he can walk amongst people, be like him who is in the depths of darkness, from which he can never come out? Thus to those without faith their own deeds seem pleasing.” [Qur'an al-An'ām 6:122]

If the Qur'an uses the terms death and life to describe souls, and if resurrection means to bring the dead to life, then it is plausible for the Qur'an when speaking of resurrection to describe bringing the dead souls to life.

In the Torah, the first usage for death talks about Adam and Eve in the Garden of Eden. G-d instructs Adam and Eve not to eat from the Tree of Knowledge of Good and Evil. G-d warns Adam and Eve that if they do, they will surely die. Although Adam and Eve do eventually bodily die, they do not die instantly as it is understood from G-d's words. Actually, the Serpent in the Garden argues with Eve the definition of death.

“<sup>17</sup> but you must not eat from the tree of the knowledge of good and evil, for when you eat from it you will certainly die.”” [Genesis 2:17]

“<sup>2</sup> The woman said to the serpent, “We may eat fruit from the trees in the garden, <sup>3</sup> but G-d did say, ‘You must not eat fruit from the tree that is in the middle of the garden, and you must not touch it, or you will die.’”

<sup>4</sup> “You will not certainly die,” the serpent said to the woman. <sup>5</sup>  
“For G-d knows that when you eat from it your eyes will be opened, and you will be like G-d, knowing good and evil.””  
[Genesis 3:2 – 5]

The Serpent in the Garden argues with Eve on the definition of death. The Serpent says that they would not certainly die. What is of great interest is that in Hebrew, the Torah’s usage for certainly die is (*mwt tmwt*), which literally means die die. In other words, G-d tells Adam and Eve not to eat from the Tree lest they die die. Then, when Eve tells the Serpent that they should not eat from that Tree lest they die, the Serpent argues that they would not die die. Death that G-d warns is the death of their soul. Although they do eventually bodily die, their souls died instantly once they ate from the Tree. Jewish and Christian commentators of the Torah agree in the principle of spiritual death that occurred in the Garden. Therefore, the true and real death, according to the Qur’an and Bible, is the death of the soul and not the body. It is the death of the soul that is certain death, according to the Torah. As the soul dies, it is the soul that needs to be resurrected to life. According to Christianity, Jesus Christ undoes what Adam had done. He undoes the original sin. He brings back to life the dead souls. His crucifixion in Golgotha, which also means wheel and reincarnation, undoes the death of the souls.

#### 4. Gilgul and (‘*ijl*)

The term for a lamb, as in a sacrificial lamb, is (‘*ijl*). The term (‘*ijl*) also means to be made quickly, to roll, to be made round, or a wheel. It shares the same meaning as (*gilgul*) in Hebrew, which also means to roll, to make round, to make a circle, wheel, or reincarnation. (*Gilgul*) shares the same root as Gilgal, where Joshua was staying during Passover before the Battle of Jericho, which means spirit [Joshua 5 – 6]. Also, (*gilgul*) shares the same root with Golgotha, which is the place where Jesus was crucified, as the sacrificial lamb during Passover, according to the Gospels [Matthew 27:33, Mark 15:22, John 19:17].

The term (‘*ijl*) is used numerous in the Qur’an. It is used in the Qur’an for the calf that the Israelites had taken while Moses was receiving the Torah [Qur’an al-Baqarah 2:51]. The Qur’an uses the term (‘*ijl*) for the

calf and demanding the Israelites to kill their selves (egos or souls) as atonement [Qur'an al-Baqarah 2:54].

The Qur'an also uses the same root (*'jl*) to mean quickness or hastily. It is usually used negatively, as those who want to see the punishment quickly [Qur'an al-An'am 6:57 – 58, al-Ra'd 13:6, al-Kahf 18:58, Al-Naml 27:46, 72 – 73, al-Dharyāt 51:14 – 15].

The terms (*'jl*) and (*gilgul*) are very important because they both mean to roll, as in a wheel. The term (*gilgul*) has its relationship with all Semitic languages. In Arabic, it is known as (*jalla*) or (*jalal*). Within Islamic context, the term is used as a praise to G-d in the form of (*jalla jalāluh*) understood as immanence. A magazine in Arabic is called (*majallah*), which is rooted in the term (*jalal*), because it means that the papers are rolled together, which also refers to the similar meaning of rolling in Hebrew and Aramaic. Besides meaning to roll, the term (*gll*) or (*glgl*) also means to exalt, as it is used in the Islamic context as (*jalal*), which is from one of names of G-d, (*Dhul-Jalāl wal-Ikrām*). The name Galilee is also rooted in (*gll*) and (*glgl*).

There are parallelisms in Christ's Crucifixion and the Islamic Hajj. In both cases, it represents the sacrifice of a lamb (*'jl*), or that Jesus is the lamb. Christ's crucifixion in Golgotha, which shares its root with (*gilgul*) is of great significance as it is related to the term (*'jl*), meaning to roll, wheel, or reincarnation. In Hebrew, the term for reincarnation is (*gilgul*). In eastern religions, reincarnation is described as the wheel of life, known as *Samsara*. The instance of the crucifixion of Christ in Golgotha (*gilgul*) and later resurrection seems to be a symbol of how to break the wheel of *Samsara* (*gilgul*). It may represent that the soul (ego) need to be crucified in Golgotha (Wheel of *Samsara*), such that the dead is resurrected into life (or enlightenment) in the body. Elijah is believed to be one of the immortals in Jewish, Christian, and Islamic faiths. Elijah was also in Gilgal before taken up to the heavens in a whirlwind [2 Kings 2:1]. This might be an allusion in the Bible that Elijah attained Life, once he was taken out of the wheel of reincarnation. It is important to utilize textual and linguistic morphologies to understand the symbolism of Scriptures when drawing parallels between Scriptural stories (Galadari 2011).

Smith (2003), in his case arguing the doctrine of reincarnation within the Bible, has also considered the relationship between the names Gilgal, Galilee, and Golgotha to be rooted in the term (*gilgul*), which means



reincarnation. He has used the linguistic form of the word as Biblical connotations that, though subtly refer to reincarnation, the Bible explicitly uses the same terminology.

## 5. Understanding Flesh in the Qur'an

The Qur'an uses the terms for flesh or body few times. It uses the terms (*jild*), (*badan*), and (*jasad*). When speaking of death, the Qur'an usually denotes death of souls and not the body or the flesh. Thus, it is necessary to understand how the Qur'an uses the terms for flesh or body to further comprehend the relationship between the body and the soul, according to the Qur'an.

As discussed earlier, the Qur'an shows that people do not know true reality, because if they were to know, they would see Hell in front of their eyes [Qur'an al-Takāthur 102:5 – 6]. It would appear that the Qur'an is alluding that this world in itself is Hell. Although the Qur'an discusses the death of souls, it does use the term for flesh in Hell. It says that in Hell, whenever the flesh (*jild*) withers away, then it is replaced with another flesh so that the soul may continue to taste suffering.

“Those who reject Our Signs, We shall soon cast into the Fire: as often as their skins (*julūduhum*) are roasted through, We shall change them for fresh skins (*julūdan*) that they may taste the penalty (suffering): for Allah is Exalted in Power, Wise.” [Qur'an al-Nisā' 4:56]

The Qur'an when speaking of death speaks of the death of souls and not bodies. It is also intriguing that the Qur'an when talking about graves it talks about people who do not understand the Qur'an are dead in their graves. Also, when talking about graves, the Qur'an states that people do not understand true reality, because if they were to understand true reality, they will see Hell in front of their eyes. When taking it all into context, this is Hell. People's souls are chained and are suffering in this Hell. When the Qur'an uses the term flesh (*jild*), it states that in Hell whenever the flesh withers away, then it is replaced with another such that people may continue to taste the suffering of Hell, and this is Hell. The Qur'an seems to be talking about reincarnation in this world, which is Hell. Since the soul is dead in its bodily grave, it is suffering the torment of Hell. As

long as the soul is dead, it will continue to reincarnate in this Hell to continue to taste suffering. Furthermore intriguing is how the Qur'an uses its terms eloquently. When speaking of death, the Qur'an states that every soul "tastes" death. It uses the exact same term when the Qur'an states that in Hell, flesh is replaced with another such that people continue to "taste" suffering.

The only way out of this cycle (*al-ʿājilah*) of reincarnation is when the soul is resurrected into life within the body. When the body is converted from a grave to a Temple of G-d, resurrection occurs, and it is at that point that the cycle (*al-ʿājilah*) of reincarnation (suffering) stops.

Eastern religions call it the enlightenment of the soul. The Qur'an also calls it the enlightenment of the soul, because the Qur'an numerously portrays that souls are in the darkness of the shadow of death, and its purpose is to bring souls into the light. In other words, the purpose of the Qur'an is to enlighten the soul, such that it may get out of this Hell, a world of illusion. There seems to be no difference in the message of the Qur'an and the concept of reincarnation.

## 6. Prohibition of Pork

Judaism and Islam forbid the eating of the flesh of pigs. In the Qur'an, whenever it talks on the prohibition of eating pork, it always specifically uses the term flesh of pigs (*lahm al-khinzīr*). In the Bible, the term used in Hebrew is also (*khinzīr*). It may seem that it is a jump from the subject of reincarnation and resurrection to the prohibition of pork, but in reality, it is related. To understand the reasoning behind the prohibition of pork is to understand the root of the word pig (*khinzīr*). The term (*khazar*) means to return back, to go around, to restore, or to repeat. For it to mean to return, to go around, and to repeat is especially important to the subject of reincarnation.

The prohibition on the eating of the flesh (carne) of swine is such that souls do not return and repeat their existence in this world by reincarnating. Those dead souls live in their graves of their bodies of flesh (carne).

“<sup>4</sup> who sit among the graves (*qburim*) and lodge in monuments; who eat the flesh of pigs (*khzir*), and whose pots hold broth of impure broth;” [Isaiah 65:1 – 5]

Since the Qur'an specifically prohibits flesh of pig, it would mean that dead souls are prohibited to return to their bodily graves. Now that the term pig (*khzir*) is understood to mean to return and to repeat, then it may unlock an interesting mystery in the Gospel. The Gospel portrays the story of Jesus casting out demons from two possessed people coming from the tombs. In the process, the demons request Jesus that if he is to cast them out of the human body, then to at least cast them out into a herd of pigs. When they are cast out into the pigs, the pigs run off a cliff and die [Matthew 8:28 – 34]. Why would the demons request Jesus to cast them out into a herd of pigs and then once they are in the pigs, they throw themselves off a cliff to die?

The significant thing in this story is that the two possessed men were coming from the tombs. When someone has an ego, it means that his soul is dead in its bodily grave. For this reason the demons requested that they go into a herd of pigs, which means to return and to repeat. As they entered the herd of pigs, the pigs ran off a cliff and died. It may be understood that they physically died, so that the demons may reincarnate again, as it was not time for their resurrection [Matthew 8:29].

## 7. Resurrection and Enlightenment

Christianity and Islam speak of one life and one death, and then resurrection. Eastern religions speak of a cycle of rebirths in a wheel of life known as *Samsara*. They speak of many lives and many deaths, until enlightenment is attained. From the outset, it appears that resurrection and reincarnation are completely different worldviews. It also appears that both worldviews can never be reconciled, as it seems illogical that both can take place at the same time. This dilemma is due to the limitations of human understanding of logic.

When speaking of death and life, the Qur'an speaks of souls, and not bodies or flesh. The soul does not have multiple lives in this world. As long as the soul is dead, it remains in its grave taking different bodies, in consistency with Hinduism [Bhagavad Gita 2.16 – 28].

“Just as a person puts on new garments after discarding the old ones; similarly, the living entity or the individual soul acquires new bodies after casting away the old bodies.” [Bhagavad Gita 2.22]

According to the Qur'an, it may be understood that this world is Hell, and according to the Qur'an every time the flesh withers away in Hell, then it is substituted with another, such that people may continue to taste suffering. Therefore, the soul is dead, and as long as it is dead the flesh that covers it will continue to be replaced for it to taste suffering and to taste its death, until a day the soul is resurrected into life. That is the day when the soul comes out of the darkness and into the light. It is the day that it attains enlightenment.

Eastern religions speak of multiple lives and deaths in a cycle of suffering (*‘ājilah*) in this illusory world. Eastern religions speak of multiple lives and deaths, because it speaks of the body. The Bible and Qur'an speak of a single death and life, because it does not speak of the body, but speaks of the soul. According to Eastern religions, this world is an illusion, known as *Maya*, and not reality. The Qur'an also states that people do not know true reality, because if they were to know, they would see Hell in front of their eyes. Hence, this world is an illusion. Dead souls are hallucinating (*kharaf*) in this world. The message of Christ's crucifixion in Golgotha (*gilgul*) and that of Hajj of sacrificing a lamb, which is also called (*kharūf*), symbolizes killing the self, the ego, which is causing the soul to hallucinate (*kharaf*) in this world, which is not true reality. Eastern religions along with the Bible and Qur'an may be seen to contain the same message. They all call the ego as the enemy, which the Qur'an portrays as Satan's only sin. They all require the ego to be killed. It is through the death of the ego, does the cycle of Samsara (reincarnation) stop. The sacrifice of the lamb (*‘ijl*) is symbolizing the breaking of the cycle (*‘ajala*), which means wheel, as it describes the wheel of suffering that the Qur'an calls (*al-‘ājilah*). Also, as early Israelites during the time of Moses took the calf (*‘ijl*) instead of G-d, it symbolizes that they preferred the Wheel of Samsara instead of enlightenment, resurrection, and life.

The Crucifixion of Jesus Christ in Golgotha (*gilgul*) also portrays that the only way to break the wheel of Samsara is through selfless sacrifice by crucifying the ego and fully surrendering to the Will of G-d. As human souls have been subject to spiritual death due to Adam's original sin,

according to Christianity, then it is the crucifixion of the ego that would resurrect the soul in the body.

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The logo for the International Association for Freedom of Religion (iafor) is centered on the page. It features the word "iafor" in a light blue, lowercase, sans-serif font. The text is enclosed within a circular frame composed of two concentric, hand-drawn style arcs. The outer arc is a light blue color, and the inner arc is a light orange color. The arcs are slightly offset from each other, creating a sense of depth and movement.

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*Why Morality can Survive without Religion*

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0045

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Abstract:

Many people see a close connection between religion and morality to the extent that it became a part of the ‘commonsense view’. Moreover, a number of ethical terms have clear religious connotation or can trace their origin to a religious framework. In everyday dealings, the notion of moral *wrongness* is often equated with the religious notion of *sin*, and it seems significant that various religious texts contain specific moral rules, while religious institutions often endorse certain ethical positions or doctrines. Should we then admit that there is an essential dependence of morality on religion? In this paper I shall start by clarifying the three senses in which morality *might* be conceived as dependent on religion – (1) religion being the main source of moral knowledge (epistemological dependence), (2) religion providing a sufficient incentive for acting morally (psychological dependence), and (3) certain religious notions (e.g., God’s will) elucidating the deep meaning of the key terms of ‘rightness’ and ‘wrongness’ (semantic or ontological dependence). I will argue that morality, in both its theoretical and practical aspects, requires neither of these three supporting pillars. With regard to the first point, it will be argued that moral knowledge has a more mundane source; with regard to the second point, it will be questioned whether believers are typically more motivated to act morally, and with regard to the third point, it will be shown that any attempt to define moral notions in terms of God’s approval or disapproval is incoherent.

## Why Morality Can Survive Without Religion

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### 1. Introduction

I have often observed that any class discussion of the ethical issues with my students inevitably leads to mentioning of a religion. Indeed, depending on the geographical region, the close connection between religion and morality has become part of the 'commonsense view' – one of those deeply entrenched 'self-evident' beliefs that philosophers take so much pleasure in undermining. But, as is often the case in these situations, once the work of critical deconstruction of the commonsense is done, the original position resurfaces with increased vitality, now securely armed against the standard objections by developing itself into a more sophisticated philosophical view. At which point, the critic brings up a whole new list of substantial objections, and the cycle of arguing continues. All this has at least the benefit of always keeping the old topics fresh, and duly at the pages of the philosophical journals.

In this paper I have two main objectives. First, I would like to clarify that commonsensical position, which argues that morality has a close tie with religion. The connection between the two can be conceived in at least three different ways, which are not usually distinguished by the defenders of such a connection. Both theoretical and empirical reasons will be presented for arguing that in all three cases a system of morality would remain both meaningful and efficacious in the absence of any religious backing. My second objective is look briefly at a more subtle position of George Mavrodes, who offers a decidedly different way of looking at the alleged religious dependence of the categorical moral rules.

A person stating that morality depends on religion can be plausibly interpreted as arguing either for any one of the following three claims, or accepting any combination of these three. First, he might be interpreted as claiming that religion is the main source of moral knowledge. Without religious tradition or religious books, one might argue, we would remain ignorant as to what constitutes the proper set of moral rules and moral values. Let us refer to this interpretation as epistemological dependence of morality on religion. Secondly, one might bring up a religion in the context of the discussion of efficaciousness of moral rules. Admittedly, knowing what the moral rules are, and having a sufficient incentive for following them, indicates two different levels of moral maturity. It is common, then, to encounter an argument, suggesting that without the background religious beliefs in rewards and punishments, one would have no sufficient motivation for obeying the rules, especially in cases, when one might benefit from breaking a rule, and is able to do so with impunity. Let us refer to this view as a view of the alleged psychological dependence of moral action on religious beliefs. Finally, a more sophisticated (and more radical) version of a religious dependence theory would suggest that the core moral notions of rightness and wrongness should be defined in terms of divine properties, such as God's approval or disapproval of certain actions or types of actions. Let us call this last interpretation a claim to semantic or ontological dependence of moral concepts on divine properties. As I suggested earlier, a defender of the religious dependence theory might consistently embrace it either in the form of epistemological, psychological or ontological variety, or else, claim to adhere to two or three versions at the same time.

### 2. Epistemological Dependence

Does our knowledge of moral rules come from religion? The question is ambiguous in an important sense, and we should note this ambiguity. It may either be taken as an empirical question about the actual source of moral knowledge for a particular individual or group of people, or else, as identifying religion as the only possible, or the only reliable, source of this kind of knowledge. I suppose there is no need to deny that for many individuals, although by no means for all, the initial familiarity with moral prohibitions and moral values comes in the context of a particular religious tradition. In this sense, a religion may be cited as a source of moral knowledge in the same sense, as one's parents can be credited as the source of initial moral education. But nothing particularly interesting follows from this ordinary fact. My initial source of knowledge about the shape of the earth was my first-grade teacher; it hardly follows that there is any philosophically significant connection between this scientific fact and the teacher in question.

The more challenging interpretation suggests that religion must be viewed as the only *reliable* source of moral rules and values, regardless of the fact whether competent participants of the social life as the matter of fact gain such knowledge directly from a religious source or not. To press our analogy a little further, one might suggest, that whether one found out about the shape of the earth from one's parents, one's friends or one's teacher, it is ultimately the *natural science* that provides us with genuine knowledge of this type. By the same token, while the actual line of communication of moral knowledge might have a number of intermediate links, they can all be traced to a religious root.

I believe that any reasonably successful response here must proceed in two steps. First, by spelling out the meta-ethical theory which would clearly demarcate the specifically moral domain from a number of other non-moral normative systems. Secondly, by pointing to an alternative and fully autonomous procedure of deriving the prescriptive rules and value judgments from within the moral domain without invoking the gods. The first step mentioned above is especially pertinent. When a student claims that we would never know that eating pork and drinking wine is wrong if it were not explicitly said so in the Holy Quran, one should be able to spell out the main functions and limits of the moral sphere, arguing that the prohibitions in question have nothing to do with *moral* prohibitions *per se*, but are better viewed as ritual or dietary restrictions of some non-moral normative system.<sup>1</sup>

Once the moral domain is demarcated as containing, for instance, only rules and regulations that serve to offset the natural disadvantages of the weaker party, or contributing to the overall happiness of the greatest number of people (among many other alternatives), we might proceed to the question of derivation of substantive moral rules. The procedure here is relatively straightforward – having the main function of morality identified, any candidate for the membership on the final list of all moral principles (e.g., a meta-rule “It is wrong to do X”) should be examined as to whether the suggested rule, if adopted, would indeed contribute to the overall goal of a system of morality (e.g., increase the overall happiness). The process would be no different from discovering the most efficient traffic rules, once we stipulate the main goal of the traffic regulation as the increased safety of all drivers and pedestrians. Given the Kantian definition of morality, the testing procedure for maxims, to be sure, would be very different from the testing procedure for utilitarian rules, but in all cases the general direction of these tests is well-known, various practical difficulties of application notwithstanding.

A more direct procedure of derivation of moral rules and values has been long suggested by the old school of moral intuitionism, and forcefully defended in recent philosophy by W. D. Ross and Robert Audi (Ross 1930) (Audi 1997). On their view, any

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<sup>1</sup> For two plausible accounts of what constitutes the moral domain proper see (Frankena 1963) and (Wilson 2004).

reasonably mature individual would consent to the list of *prima facie* moral duties, such as duties of non-injury, fidelity, beneficence, gratitude, and the like. These basic moral obligations, although occasionally overridable on Audi's view, have the property of being *self-evident* or foundational, i.e., they should not be derived from any further underlying normative principle or a non-moral fact. The alleged self-evidence of certain moral obligations does not imply that everyone, as the matter of fact, recognizes these duties as valid. But the intuitivists often suggest that the acceptance of those obligations is yet inevitable in an idealized epistemic condition, i.e., the one characterized by full reflective equilibrium, a person's developed intellectual capacities, his being fully informed about various non-moral facts, and the like.

Whether one prefers the empirical method of derivation of moral rules from the overall conception of the main function of a moral system, or opts for the claim of the foundational status of certain moral beliefs, which can be discovered by informed intuition, the main point is, that there are several other viable alternatives to a morality derived from the religious sources. And given the well-known problem of identifying which religious source exactly should be taken as authoritative in cases of conflict, we will do much better by relying on a purely secular method of moral derivation.

### 3. Psychological Dependence

A character in Dostoyevsky's novel "Brothers Karamazov" has famously exclaimed at one point: "If God is dead, then everything is permissible." Whatever else this phrase implies, at the very least it suggests that a Christian idea of God, with all the accompanying beliefs in divine rewards and retributions, is the ultimate barrier in the face of the ever-present threat of social chaos and amorality, and the removal of this religious barrier would immediately trigger a slippery-slope reaction with disastrous results. One of the earliest references to the notion that the fear of God is prerequisite for upright behavior is found in the Bible, in the book of Exodus. When God appears on mount Sinai before the Israelites in an intimidating form, with thunder, lightning, sound of trumpets and smoke accompanying his presence, Moses candidly explains the need for such a show: God has appeared in this way "so that the fear of God will be with you to keep you from sinning" (Exodus 20:20).

Invoking God and afterlife as an incentive for moral life is not a strategy limited to Jewish, Christian or Muslim civilizations, but seems to be present in all cultures since the earliest age. A 17<sup>th</sup> century Chinese novelist Li Yu in his famous novel "The Carnal Prayer Mat", records a conversation between a Buddhist priest and a young skeptical intellectual, who expressed doubts in the truth and usefulness of religion. At one point, the Buddhist priest, failing to convince the young man in the truth of the *Dharma*, appeals to a purely pragmatic justification of religion:

You, intellectuals, can avoid [religious beliefs] in every sphere of life save that of personal morality. Disregard for the moment the irrefutable evidence for the existence of Heaven and Hell. Even if Heaven did not exist, we should still need the concept of Heaven as inducement to virtue. Similarly, even if Hell did not exist, we should still need the concept of Hell as a deterrent to vice (Yu 1996, 50).

Two points are in order regarding the alleged importance of religious motivation for moral behavior. I will start with an empirical observation first. Indeed, as we all know, people do often appeal to notions of divine wrath, bad karma, afterlife, heaven and hell, as a way of supplying the missing incentive for moral action. But what is the actual effectiveness of these appeals and how could it possibly be established? The question should not be conflated with



the question about the effectiveness of the worldly threats of punishment for breaking a socially approved way of behavior. The presence of the police speeding cameras on the highway without doubt reduces the number of traffic violations. The efficiency of a police camera as a deterrent, though, is explained by the fact that the punishment ensues soon after the violation, and that the inevitability of punishment can be easily confirmed by a simple experiment. But a threat of afterlife retribution is based on a much more hypothetical scenario, with no direct way of confirming or refuting it. In fact, studies suggest that a high level of religiosity in a given society is not correlated with the decrease in violent crimes. Indeed, according to recent statistical reports the murder rates are actually lower in more secular nations and higher in more religious societies (Jensen 2006) (Paul 2005). In a 2000 census, not even 15 percent of Japanese reported a formal religious membership or regular religious practice (van Voorst 2013, 196). And yet Japan continues to be one of the most law-abiding society in the world. In the United States the criminal statistics shows similar results – rates of most violent crimes tend to be lower in less religious, northern states (United States Census Bureau 2006).

This brings me a second point regarding the necessity of religious incentive. It appears to me that anyone, invoking the threat of divine punishment or the promise of heavenly rewards as a motive for being moral treats the potential transgressors as immature children, who are unable to understand the real reasons behind the moral regulations. The justification of a normative regulation of the type: ‘You should not do X because otherwise I will hurt you’ is not a moral justification, as it fails to provide a morally relevant reason for the prohibition in question. Those crude threats which might have been appropriate and justified at the earlier stages of moral development of a child, seem quite out of place among mature reasoning adults. If a person finds no other good reason for refraining, for instance, from stealing, except the fear of God’s wrath in the afterlife, we may agree that such a person is, perhaps, not the worst member of a society. But at the same time, it seems obvious that he has not yet progressed beyond the very primitive level of moral understanding.

### 3. Ontological Dependence

It remains now to examine briefly the claim that moral concepts, rules and values are tied to the psychological attributes of a divine being in the most intimate way possible. On this radical interpretation, the very notions of moral rightness and wrongness should be analyzed as referring to the attitudes of approval or disapproval by a relevant deity or deities. Most of us were first introduced to this view through the question posed by old Socrates to a young and ambitious man, named Euthyphro: “Is what is holy holy because the gods approve it, or do they approve it, because it is holy?”<sup>2</sup> The famous dilemma essentially presents us with two options: either all moral values, as well as the notion of moral goodness itself, have foundation in something other than God’s approval, or else, the fact of God’s approval of certain action, or a type of action, is what originally and uniquely bestows moral value to it. Choosing the former option commits one to a version of ethical autonomy, in effect, securing an independent ground for morality, while the latter option is often referred to as the Divine Command theory.

Historically, the Divine Command theory is the most ambitious attempt of tying religion and morality together. While several distinct versions of this theory exist,<sup>3</sup> the most general view suggests the following taxonomy:

- An action is morally obligatory if God wants one to perform that action.

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<sup>2</sup> Plato, *Euthyphro*, 10a2

<sup>3</sup> For a contemporary, well-developed version of the Divine Command theory see (Quinn 1978).

- An action is morally wrong (prohibited) if God wants one not to perform that action.
- An action is morally neutral (permissible) if God has no specific attitude with regard to that action.

On this view, God's will becomes the only 'right-making' property of actions. No other characteristics of actions (or their consequences) matter in evaluating that action from the moral point of view. The divine approval or disapproval is what ontologically constitutes the essence of moral rightness or wrongness, which, in turn, implies a semantic claim to the effect that a statement "X is wrong" means (at some deeper level) "X is disapproved by God."

I will not attempt here discussing all the traditional objections and problems associated with the Divine Command theory, most of which deal with the questions of moral authority of God's commands, the hypothetical scenarios of the morally abhorrent commands, and the epistemic difficulties of discovering what kind of action-guiding rules are really approved or disapproved by God.<sup>4</sup>

But one particular difficulty deserves a special mentioning. We have seen that one of the implications of the Divine Command theory is a modified semantic analysis of the ordinary moral judgments. The evaluative statements of the type "torturing innocent children is wrong", or, "offering a volunteer help in an orphanage for small children is morally praiseworthy" receive radical re-interpretation in the context of the Theory, and thus come to mean something other, than what most competent participants in the moral discourse thought these statements meant. We are now to believe, that at a deeper level of analysis, a moral condemnation of torture is semantically equivalent to a descriptive statement about God's preferences or revulsions. But since this is clearly *not* how most ordinary people would analyze the moral judgment in question, a further consequence of the theory is the attribution of a massive mistake when it comes to proper understanding of moral normative statements. If the Divine Command theory offers the only correct analysis of moral terms, the great majority of population has been pitifully mistaken about the true meaning of moral judgments.

However unlikely the prospect of a massive mistake in the field of morality is, we may grant this for a second, and admit that we had our definition of moral rightness all wrong. But then two major (but related) difficulties need to be addressed. First, we might ask for a justifying reason for accepting an alternative definition of moral rightness, along the Divine Command theory lines. Here the proponent of the Theory has essentially two options – either referring to some *authority* as a reason for believing in the DCT (e.g., "because William of Occam said so"<sup>5</sup>), or else, trying to discover the hidden layers underlying the ordinary meanings of the moral terms.

Opting for the first option simply pushes the problem back, as we can now demand for a reason for accepting the authority cited (e.g., "why should we believe William of Occam?"). Choosing the second option commits one to a philosophically dubious theory of meaning, which would assert that the statement "whatever God commands is right" is analytic, despite the obvious fact that it seems synthetic on most accounts. The procedure that G. E. Moore has once suggested for testing any proposed definitions of moral goodness is quite appropriate in this case too. Even if we can overcome the epistemic difficulties and establish, that God indeed commands a certain type of behavior, the question: "But is it right?" is still, using Moore's

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<sup>4</sup> For a recent detailed discussion of these traditional objections to the Divine Command theory see (Baggett and Walls 2011).

<sup>5</sup> William of Occam (c. 1288 – c. 1348) – one of the most famous proponents of the Divine Command theory during the Middle Ages.

famous term, an open question, and cannot be settled simply by pointing to the alleged fact of God's preference. If that is the case, then the two statements "X is right" and "X is commanded by God" cannot be semantically identical.

#### 4. Mavrodes and the Queerness of Morality

George Mavrodes in his well-known article "Religion and the Queerness of Morality" (2008) has famously suggested yet another reason why morality might require religious backing after all. His argument can be summarized as follows:

1. Let us assume that a purely secular, materialist picture of the world is the correct one (the "Russellian world", in his terms<sup>6</sup>)
2. Categorical moral obligations exist even in a secular world.
3. Sometimes fulfilling one's moral obligation brings no net-benefit to the agent, or might even result in serious net-losses for the person who decides to fulfill such an obligation.
4. The very existence of an overriding categorical moral obligation which brings no benefit to the agent is "queer".
5. The secular world which contains such queer moral obligations would be an absurd or crazy world.
6. It is unlikely that we are living in an absurd or crazy world.
7. Hence, a secular, materialist account of the world, as well as naturalistic accounts of morality, must be false.

Mavrodes mentions categorical moral obligations and how the existence of certain moral duties seems to be incompatible with the "Russellian world", and further tries to establish a much more ambitious claim, namely, the claim that materialism as such is false. I will not be considering the latter claim here, but will focus instead on Mavrodes' suggestion that fulfilling a moral obligation, which brings net-losses to the agent (even in the long run), is irrational in the absence of a prospect for a future reward (e.g., in the afterlife).

What is really at issue here, and Mavrodes clearly acknowledges this, is the Kantian concern for ultimate justice. To put it crudely, our world is such that the good people often don't get rewarded or recognized during their lifetimes, and the bad people often get away with their crimes. This seems to contradict one of the requirements of practical reason, namely, the requirement for justice. On the assumption that our universe is rational at its deepest ground, the apparent earthly injustices would then have to be redressed in the other world, and thus satisfy the demands of rationality.

It is important to note that Mavrodes is not advocating a Divine Command theory in any of its forms, nor is he suggesting that religion should serve as the only source of moral knowledge or provide the necessary motivation for moral action. His view is rather that the undisputed existence of objective moral obligations "bears witness" to the fact that Reality itself is not exhausted by its material components. In other words, whereas all previous attempts, discussed above, tried to establish something about the moral realm by bringing God or religion into the premises of the argument, Mavrodes reverses this logical relation – he is using the fact of morality to argue for a religious hypothesis as a conclusion. In its outline, his argument takes the form of an argument to the best explanation – a non-materialist, transcendental metaphysics is offered as the most plausible solution to the apparent 'queerness' of certain facts about the moral realm.

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<sup>6</sup> Named after Bertrand Russell (1872-1970), a British philosopher and writer who was an outspoken defender of a materialistic picture of the world.

Both Kant and Mavrodes cannot tolerate the ‘absurd’ universe, where happiness is not correlated with virtue, or where a person, who decides to be honest and to pay his loans, ends up in a worse position in comparison with the one who decides to cheat. For Kant, the correspondence of individual happiness to one’s virtues behavior in this life is one of the necessary postulates of practical reason, and is deeply rooted in his metaphysical and epistemological investigations. Mavrodes, on the other hand, mainly appeals to the common sense of his readers, or, more specifically, to those readers who share his intuitions about the underlying rationality of the world order. If the purely ‘Russellian world’ indeed contains categorical moral obligations, then “such a fact would be absurd – we would be living in a crazy world” (Mavrodes, 581). Mavrodes’ natural allies in this context are those who share “a sense of that absurdity, that queerness” (581), but who, unlike, say, Camus, Sartre or other existentialists, find this state of affairs unacceptable.

And yet one might wonder whether the alleged ‘queerness’ of moral obligations and the alleged ‘absurdity’ of the world, which contains such obligations, can be used to further the theist’s agenda in any way. Traditionally, it has been held that the created order exhibits the features of rationality precisely because it is the fruit of the efforts of a rational Creator. The underlying rationality of the universe was typically seen as a consequence of its being created by rational God. The historical context of the Mavrodes’ article though, obviously does not allow him to start with the God-hypothesis as a premise, but rather requires that the existence of God is established as a result of some further argument. But how could this argument look like? Presumably, a discovery that the world we live in is perfectly rational at all its strata, including the moral and the social ones, could serve as an inductive evidence for the existence of a rational Creator. But, apparently, Mavrodes makes the opposite discovery – our world is ‘absurd, crazy and queer’, at least when the existing moral sphere is concerned. What conclusion, then, can we logically draw from this fact?

The conclusion that Mavrodes draws amounts a denial of the apparent absurdity of the world. The world clearly looks as if it is absurd, but it cannot be so. Hence, we must look for an auxiliary hypothesis which would eliminate the apparent absurdness of the observed phenomena. A theistic hypothesis is then offered by Mavrodes as an effective remedy. Yet it appears that one might be justified in denying the very possibility of an absurd universe, only on the condition that one already knows that the universe is a product of a rational design. In other words, the universe cannot be absurd, only if we know that a rational God exists and that He created the universe. But then the argument becomes clearly circular – the existence of the queer-looking moral obligations is offered as evidence for the truth of religion, and the truth of certain religious claims is implicitly assumed as a reason why we should not accept the absurdity of the world as a brute fact. In this form, the argument clearly does not seem to prove much.

## 5. Concluding Remarks

We have explored and critically evaluated the several senses in which morality might be said to be dependent on religion. If what I have been saying is correct, there seems to be neither need nor space for supporting the moral domain by any type of religious hypothesis. The apparent fundamental autonomy of the moral domain, though, does not yet render religion wholly superfluous for the purposes of moral education and moral behavior. It is quite conceivable that certain moral ideals and virtues, couched in religious terms and presented in the context of a religious story, should make a much greater impression when first espoused. Likewise, a religious justification of moral norms might be acceptable at certain stages, as the first approximation on the way to a more mature grounding of morality in the notions of



human autonomy, rationality, or else, along the utilitarian lines. One might even grant that the fear of divine retribution has, on occasion, stopped a person from committing a particular atrocity, or, alternatively, the promise of a heavenly reward, has motivated one to perform an act of genuine heroism. And yet all this should not undermine the fact of the essential self-sufficiency of morality vis-à-vis religion and its vital capacity to stand on its own feet.

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*The Ethical (Re)Configuration of the Body in Philip Roth's Exit Ghost*

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Abstract:

Nathan Zuckerman has been the distinct narrator-protagonist in Philip Roth's Zuckerman novels, starting from *The Ghost Writer*(1979). Different from the previous eight novels, *Exit Ghost* portrayed Zuckerman as an author, ill and senile. Coming back to New York city after his 11-year rural seclusion in search of medical cure, Zuckerman found he was a "no longer," no longer fit in the technologically-wrapped urban milieu, no longer following contemporary literary taste, and even failing to maintain what he used to be. More acute suffering is while his desire was ignited by a young but married woman, he no longer possessed a body to enact his passion. The "no-longer" correspondence between one's body and desire or mind gave rise to the re-configuration of the ethical relation, not only in love, in friendship but in writing.

Suffered from the impotence and incontinence, Zuckerman went through ethical difficulties marked by the idea of the body, marked by inevitable helplessness, that of old age and sickness. Corresponding to Emmanuel Levinas's idea of the radical passivity in face of the other as well as the embodied ethical subject, the ethical relation in *Exit Ghost* is worth-exploring in that the ethical responsibility implied a predicament when others made inescapable the corporeal declining and disabilities and requested a different ethical edge or possibility. That is, responding to others is one thing, but to preserve the sense of selfhood is *an-other*. The reading of Roth's *Exit Ghost* is like the extension of the loop of Levinas's ethics in which the other was put ahead of the consciousness of the self, the ipseity. The other half of the ethical loop presented in *Exit Ghost* was a situation that the self was passive, obliged, but found incompetent to be responsible for the other.

*Exit Ghost* (2007), claimed to be the last one of Philip Roth's Zuckerman series, starting from *The Ghost Writer* (1979), portrayed Nathan Zuckerman in his senility and serious illness coming back from his 11-year seclusion to New York for the purpose of better medical cure but simultaneously involving himself in various struggles made acute by his physical condition both in terms of being a man and a writer. This novel actually presents its significance partly in that the "ghost" appears in the titles of the first and the last novels of Zuckerman series, seemingly implicating a message that should not be ignored—what does the "ghost" designate or how does it string the Zuckerman stories? Does it refer to Zuckerman's father, the writing idol, the ethnic background, the changing environment, new generation, one's own desire, and even himself? Among these various connotations, what are their relationships among each other and how do they contribute to more sophisticated reading of Roth's writing? To narrow down the focus, I take the "ghost" in *Exit Ghost* as the point of departure and explore how Zuckerman, being ill and senile, perceived what the "ghost" was. And, as the word designates, the exploration of the "ghost" will go from what was the invisible but perceivable force haunting and even overwhelming him.

The first hint to the mystery of the "ghost" could be found in Roth's explication about what concerns him in writing *The Ghost Writer*—"the difficulties of telling a Jewish story—How should it be told? In what tone? To whom should it be told? To what end? Should it be told at all?—was finally to become *The Ghost Writer*'s theme" (183 Lee). In terms of Zuckerman books, the meaning of the "ghost" starts from his obsession with his ethnic background which is involved with great ethnic suffering and pain as an ineradicable historical trauma. Hence, as a writer, he had intended to write with a liberated and inspiring state of mind and simultaneously was expected to take the responsibility of being a Jewish writer. The dilemma was that the definition of being a Jew as a sufferer was contrary to his actual life experience in American. However, he was doomed to shoulder the ethnic trauma and responsibility, as he stated that "(b)eing a Jew in New Jersey was comical just because it was somehow bound up with these ghastly events" (Finkelkraut 128 ). That is the aspect that most of the critics elaborate about Roth's struggle of being a writer and its limitations coming from his ethnic restraints.

What is worth-noting is that the ghostly shadow of being a Jewish writer has been intertwined with that of being a man in pain and illness in several of Zuckerman books, especially the state of being senile and seriously ill in *Exit Ghost*. That is, with the frail corporeal state emphatically depicted, it is not difficult to find that the "ghost" must be closely related to the body. With the discussion of this paper, I would like to shed light on another side of Roth's writing—his concern with the *human* of being a writer. The analysis will start from his using "ghost" in the titles of

Zuckerman series and examine how it is concerned with the sense of body, as the ghost originally means the bodiless being. So, while Zuckerman was losing control of his body and nearly ended up with being a “no-longer”, does that mean he himself was becoming the ghost? In addition, if being a Jewish is what Zuckerman was obliged to make response to in writing, then the body is definitely something else that Roth was seriously concerned about. Hence, to get a clearer picture of the “ghost,” I would take the body (especially in seniority and illness) as the axis to examine the possible implications. Specifically speaking, with the intension to better understand the intriguing idea of the “ghost”, this paper mainly aims to unravel the ethical reconfiguration of the body presented in this novel to examine how such physical condition influences the interaction with others, writing and even oneself.

### **I. Body in Levinas’s Ethical Relation**

The exploration of the ethical relation is based on Emmanuel Levinas’s concept of ethics—the obliged responsibility for others, instead of the criteria of social morality, telling the right from the wrong. The body, undeniably, functions as the essential facet to interact with the others. Espousing Roth’s presentation of one’s senility and sickness with Levinas’s ethics is adequate owing to Roth’s concern with the body especially in the way he portrayed Zuckerman as a character suffering from cancer in *The Anatomy Lesson* (1998) and encountered with the death of his father in *Patrimony* (1996). When asked about the relationship between his writing and the places he stayed, Roth once responded that “Now it seems to me that what I’ve had instead of Newark or Chicago or Mississippi or Philadelphia has been the human body. There’s my terrain-and in more books than this one. When I was writing *The Anatomy Lesson* I made a list of novels about illness and disease” (Finkelkraut 140). Roth’s concern with physical pain has been resumed in his later works. However, along his portrayal of the inevitable corporeal suffering, Roth seems to imply an ethical angle that evolves around the body. That is, by giving the body its due in being, Roth means to probe into people’s inevitable relation with it, something that they are obliged to make response to as well as being responsible for.

In *Totality and Infinity* (1979), Levinas contends,

Life is a body, not only lived body (*corps propre*), where its self-sufficiency emerges, but a cross-roads of physical forces, body-effect. In its deep-seated fear life attests this ever possible inversion of the body-master into body-slave, of health into sickness. *To be a body* is on the one hand to stand on the earth, to be in the *other*, and thus to be encumbered by one’s body. (164)

That is, life can do without the body. But what does the body mean? Levinas

maintains that it is more than a tool or a medium to the self. Instead, two prominent aspects should be taken into consideration to see how the body fosters an ethical relation—the relation with the Other.<sup>1</sup> First, the body is the everlasting channel or opening in which we are situated in an incessant process of perceiving and thus helplessly make responses to the events, the people and the world around us. More important is that the relation goes prior to our consciousness, or more precisely, the sense of ourselves, since Levinas maintains that

(c)onsciousness does not fall into a body—is not incarnated; it is disincarnation—or, more exactly, a postponing of the corporeity of the body. . . . To be conscious is precisely to have time . . . to have a distance with regard to the present itself, to be related to the element in which one is settled as to what is not yet there” (1979: 165-66).

So, what is incarnation—to have a body? In *Humanism of the Other*, Levinas remarks that “(t)he body is a sensing sensed . . . . Sensing, it nevertheless remains on this side, the side of the subject; but sensing, it is already on that side, the side of objects . . .”(16). With the body, the subject could not help being cast in a relation with the surrounding objects. Yet, what marks the body as the sensing sensed, the plane for the subject-object interaction, is the sensibility of the body. The sensibility means an opening, “the stripping of the skin exposed to wound and outrage. Opening is the vulnerability of a skin offered in wound and outrage beyond all that can show itself, beyond all that of essence of being can expose itself to understanding and celebration” (63). With the comparison of the stripping of the skin and the exposure to wound and outrage, Levinas aims to stress the vulnerability and passivity of the self in face of the Other via the body. Moreover, the passivity and vulnerability of the self indicate an asymmetrical relation in which the self is obliged to take responsibility.

Second, while Levinas means to draw on the notion of the body to explicate the ethical relation with the Other, Philip Roth demonstrates another ethical dimension embedded. The body, to Roth, is not just something that one cannot do without by which we assert ourselves and interact with others; moreover, it conveys messages which are beyond our comprehension and even override the self who feels impeded and dominated. That is, the body is not only the plane in which the unavoidable ethical relation with the Other itself in which the self has to take responsibility for.

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<sup>1</sup> The Other and the other(s) have been alternatively used by Levinas and could seem pretty confusing to the reader. The other(s) mean people that we communicate or interact with in life while the Other convey the concept of alterity or otherness which is perceived in the sensibility and is the property that we encounter in face of the other(s). But, it is not the equivalent of the other(s), as Levinas remarks that the Other “arises behind all collection of being, as the one to whom I express what I express. . . . He is neither a cultural signification nor a simple given. He is primordially, *sense* because e lends it to expression itself, because only through him can a phenomenon such as signification introduce itself, of itself, into being” (1972: 30). Another prominent message here is that the Other has closely related to the body where our sense lies in.

The suffering and incontinence of the body makes great and inevitable impact on one's interaction with others. The following discussion of the ethical reconfiguration of the body in *Exit Ghost* focuses on the ethical relation established by dint of the body but also examines how the body acts as the Other and influences one's relation with others.

## **II. *Here and Now with Others***

*Exit Ghost* resumes Roth's concern with illness and death, making acute the physical perception and condition by portraying Nathan Zuckerman turning old and obliged to move back to New York in search of medical help. As the sections of the novel was respectively titled "The Present moment," "Under the Spell," "Amy's Brain," "My Brain," and "Rash Moments," Roth made clear how the relation with others in a sense compelled one's focus on the present moments and the body, emphasizing one's physical condition as well as sensuous reactions toward the other. During his return to New York, Zuckerman perceived that challenge and lamented that "I had ceased to inhabit not just the great world but the present moment" (1). What he sensed is more than re-orienting himself to the city, as Zuckerman specified the situation—"All the city would add was everything I'd determined I no longer had used for: Here and Now. Here and Now. Then and Now. The Beginning and the End of Now" (41). Unable to seclude himself, he had to resituate himself and respond to the immediate—"Here and Now." However, it not merely involves the very place and the very moment but intriguingly entangles the memory, old friends, strangers and the desire circulating among them. The present moment is more than a temporal concept. It is also composed of the on-going events and people which he was encountered with, such as Amy Bellette's helpless and lonely life, Richard Kliman's annoying inquiry of E.I. Lonoff's personal background, and Zuckerman's own irresistible desire for Jamie Logan who wanted to swap their apartment in New York with Zuckerman's house in Bershires. Those encounters, beyond his anticipation and imagination, had tremendously challenged and changed his life as he commented about his re-exposure to different forces in the surroundings, in that

(a)s a onetime creature of intense responsiveness who'd over the preceding decade tautened himself into a low-keyed solitary, I'd got out of the habit of giving in to every impulse that crossed my nerve endings, and yet, in just my few days back, I had arrived at what might turn out to be the most thoughtless snap decision I'd ever made (43-44).

In his solitary life, Zuckerman had been suspended from responding to the constantly changing society. Now, being in New York, the sensibility was so furtively ignited that he was nearly despite himself, losing self-control. He was "no longer" able to



tackle with the occurrences and the encounters. Being rather vulnerable and passive, Zuckerman felt like “opening myself to the irritants, stimulants, temptations, and dangers of the present moment” (53). It is a situation in which he was overwhelmed, not knowing how to respond. Hence, he chose to shun away from Amy Bellette, avoided Kliman who tried to probe into some scandalous secret of E. I. Lonoff, his idol writer, and hesitated to choose either side of the presidential election.

### **III. Before the Body of the Other**

Passive and vulnerable was Zuckerman among these encounters; however, one occasion that makes distinct his responsibility toward the ethical relation is his irresistible desire for Jamie Logan. Ever since he met the couple, Billy Davidoff and Jamie Logan, he was infatuated with her charm and tried every means to get close to her. On account of his physical incompetence and incontinence, he could barely take any actual action to reveal his love. His feelings and desire were resorted to the dialogues which he wrote as scenes of a play, virtually enacting the possible communication and interaction. In the dialogues, he appeared brave and even voluptuous in expressing how he felt about her, a verbal courtship, consciously knowing that he was physically restrained and sexually incapable. For this, Levinas's idea of desire will shed light on the significance of Zuckerman's passion for Jamie and how it presupposes the ethical relation with the other. First of all, “Desire, which traces sense in being, will be clarified by an analysis of the otherness toward which Desire tends” (1972: 30). It is a feeling accompanying our sensibility and presenting the inclination or connection with something other than us. Second, “the Desire for exteriority has appeared to us to move not in objective cognition but in Discourse, which in turn has presented itself as justice, in the uprightness of the welcome made to the face”(1979: 82). That is, the inclination toward the alterity cannot be subsumed under one's conception or cognition but initiates a discourse, a written or spoken communication with the other. The discourse then is characterized by the sense of justice, meaning that no imposition of any idea or concept on the other is allowed or possible. Instead, it is an opening of the self, the welcome presented in face of the other as Zuckerman narrated, “(s)he had a huge pull on me, a huge gravitational pull on the ghost of my desire. This woman was in me before she even appeared” (66). Zuckerman's desire for Jamie reveals it is a power embedded in the sensible which he could not control by himself, despite the fact that there was a great age gap between them and little chance to get together, no matter emotionally or physically. He couldn't help indulging himself in the swirl of the passion by inquiring into the personal background of this couple and actualizing his desire aroused by the sensuous stimulus in writing dialogues between “He” and “She,” “a play of desire and

temptation and flirtation and agony—agony all the time—an improvisation best aborted and left to die” (146). Encountering Jamie is the sensuous experience that he did not anticipate but fostered an ethical relation with the other that could not be subsumed under his recognition or enacted at his will. The sensuous again illustrates the vulnerability of the self. The only difference is that he is active in making response to his desire for the other, though by writing down the imaginary dialogues between them. Zuckerman’s desire for Jamie marks a prominent aspect that Roth demonstrated—the other half of the ethical loop. The desire makes all the more conspicuous the agony resulting from the state of his body no longer able to realize his passion toward the woman he adored so much. That is, the ethical condition is not only related to the body and the sensibility but varies with the changing state of the body. Time becomes an important factor to the ethical situation.

Paradoxically, at the moment his desire was strongly ignited, the sense of impotence and incapability crippled his selfhood, as he delineated, “however sexually disabled, however sexually unpracticed I was after eleven years away, the drive excited by meeting Jamie had madly reasserted itself as the animating force. As though in the presence of this young woman there was hope . . . (52-53)” and “I experienced the bitter helplessness of a taunted old man dying to be whole again. . . .” (67). As Zuckerman was torn between his sensuous desire for Jamie and the acute awareness of his physical situation, he was entangled in a vulnerable and helpless relation with the body. However, simultaneously, he regained the sense of the self in an ethical relation aroused by sensibility, bodily related. That is, the vulnerable and passive position does not reduce the self to mere passive or dormant entities. Interestingly speaking, the self is animated to assert more awareness of the self as well as taking responsibility for the other. The body serves as more than the channel to transmit the sensuous reaction towards the other and its environment. It acts as an ethical Other that the self could not help making responses to. The body on the one hand succumbs the self under its command in the senile corporeal condition and on the other makes conspicuous the sense of self in a sense. What is worth-noticing is that the self is no longer self-sufficient and autonomous with a clear center. Instead, the self, facing the Other (no matter it was the body or the desire intended for the lady he adored), was perpetually in the state of being obliged to make responsibility for the body in order to enact his passion and desire for the other. There is an Other before the other in Zuckerman’s adoration for Jamie Logan. And as Levinas maintains that “the first body is the body of the other, from whom my own embodiment—in its blend of passivity and activity—takes on its significance as moral compassion”(1972: xxxiii). Hence, in Zuckerman’s enchantment for Jamie, the ethical relation of course bases itself on the sensibility but is marked by the combination of the passivity and

activity. Though these two elements have an intriguing entanglement between each other, the latter has been demonstrated by Zuckerman's perception of hope and being eager to be whole (healthy) again. However, what Roth reveals here in the novel is that while the body of the other goes prior to the self, the awareness of the body of the self is aroused by the body of the other. Roth here elaborates the ethical reconfiguration of the body. The ethical loop here goes from the recognition of the body of the other to that of one's own body. In sensibility, one recognizes the body of the other and comes to know one's desire. And, from one's desire, one has to *face* the body of the self. So, the ethical relation is founded on sensibility which reveals not only one's desire but reminds one's relation with the body, something that one takes for granted but has its own distinct property, *other* than the self.

Except for Zuckerman's desire for Jamie Logan, two more examples will better elaborate the other half of the ethical loop. One is Zuckerman's meeting Amy Bellette again. She was the lady he was enchanted with while he was a novice writer in *Ghost Writer*. The other is the death of George who was an ambitious and aggressive journalist. Both make acute his sense of the aging and deteriorating state of the body.

In the section titled "Amy's brain," Amy told Zuckerman about her life with Lonoff and the miserable moments she had to endure. But what troubled her most was the brain tumor which seemed to steer her life, especially in the interaction with others. It was the situation when Zuckerman asked her to confirm if she promised to give Kliman the manuscript of Lonoff's novel, she was shocked, saying "I never would have done that. I couldn't have" (180). And while Zuckerman reminded her if her tumor might have done that, she was almost broken down, crying "Oh, Nathan, I had that damn tumor. And now I made mistakes in judgment. I made mistakes with him that were unforgivable even *with* the tumor" (196). Her life was helplessly dominated by her physical condition. So, at this moment of life, who was she? What was she? The physical condition revealed an inevitable relation with the body. How to face the overwhelming power of the body? In a vulnerable and passive situation, is there still any possibility to correctly express herself?

Such an ethical relation with the body is exemplified by the death of George Plimpton, a writer who oriented Zuckerman into the literary circle of New York, though they had not met for decades. His death means his losing the literary anchor, and for that he kept asking himself, "How could George be dead? . . . How could that happen to *him*? And how did what happened happen to me for these past eleven years? . . . I defined my life around that accident or that person or that ridiculously minor event?" (252) He still remembered how George told him, "It's our time. . . . It's our humanity. We have to be a part of it too" (253) but George's death had battered the last stroke of his hope as being a man and writer, especially he was informed of

George's death by Richard Kliman who was eager to uncover some scandal about Lonoff that was concealed from the public. He seemed to be lapsed into the state that was earlier lamented by Lonoff, "Reading/writing people, we are finished, we are ghosts witnessing the end of the literary era" (186). Besides, the generational clash makes more acute his helplessness, as he maintained that "I felt myself—despite myself—growing progressively smaller the more flamboyant the display of Kliman's self-delight"(256). But, while his contemporaries are "'no-longers,' losing faculties, losing control, shamefully dispossessed from themselves, marked by deprivation and experiencing the organic rebellion staged by the body against the elderly; they are 'not-yets,' with no idea how quickly things turn out another way" (256-57). The lament is not merely over the physical capacity but their social status that they used to define themselves.

So, from the body of the other, one gets closer to the body of himself.

Zuckerman was actually clear about how the body deprived him of his ability to enact his desire or even keep intact his sense of self. His vulnerability in face of the physical condition not only reveals his helplessness but his attempt to regain the control over the body, though in vain. It was an irreversible relation with the body as the Other—a powerful and dominating counterpart that the self could not resist or evade as Zuckerman recalled the eroded memory and incontinent misspeaking as

something diabolical residing in my brain but with a mind of its own—the imp of amnesia, the demon of forgetfulness, against whose powers of destruction I could bring to effective counterforce—were prompting me to suffer these lapses solely for the fun of watching me degenerate, the ultimate gleeful goal to turn someone whose acuity as a writer was sustained by memory and verbal precision into a pointless man. (158-59)

It became a relentless part with him, but not of him. Such a body demanded his full responsibility and claimed not merely his ability to love and live as a man and a writer, similarly portrayed in *The Anatomy Lesson*, in which Roth focused not just on the body, but the order of "body when it blocks out all that is not body: the body in pain, when part, cultures high and low, language itself give way before the onslaught of physical suffering" (Kartiganer 44). He could not help but make responsibility for the body to function in daily encounters. For instance, he had to move to the city in search of medical treatment of his physical condition. Moreover, he had to resort his love to writing and only in the writing could he confess his admiration for Jamie in a bold and unscrupulous way. Sadly speaking, Zuckerman neither wrote for his distinct observation and insights on life nor for the aesthetic ideas, not to mention making it an amazing journey with language. His writing became the outlet for his desire which

was still fervent, while the body was no longer able to make it come true. Hence, at the end of the novel, he was pessimistically conscious of reaching the end of his effectiveness, and felt “(a)ll I left were instincts: to want, to crave, to have. And the stupid strengthening of my determination to act. At last, to act!” (276). Yet, no matter how strong his instincts and his determination to act are, he still could not get beyond the constraints set by the body, an Other that one is constantly obliged to take responsibility for.

The image of a door was employed at the end of the novel to illustrate the irresistible dilemma of his ethical relation. “A door between clarity and confusion, a door between Amy and Jamie, a door to George Plimpton’s death, a door swinging open and shut just inches from my face. . . . All I know is the door” (269). The ethical relation with his aging and incontinent body leaves him at a threshold of yes and no, life and death, self and other. Yet, it is impossible to completely deny the existence of his intention and will as Jamie evoked his desire for love and his responsibility to defend against Kliman’s inquiry about Lonoff’s privacy. Besides, all these intention and desire to love comes posterior to one’s response to the body, as Levinas stresses “(i)ncarnation is an extreme passivity; to be exposed to sickness, suffering, death, is to be exposed to compassion, and, as a self, to the gifts that costs” (1979: 195). That is why Zuckerman had to flee from the scene even after he successfully persuaded Jamie to come to his place for a talk. The title “Exit Ghost” may well explain that facing the body in illness and suffering, one is vulnerable, passive and deprived of the ability to take initiative in one’s relation with others, since he was obliged to make responsibility for the body which had lost its function in carrying out his intention and enact his desire. The ethical relation with the ghostly existence was presented in his writing where he could resume his interaction with others. The examination of *Exist Ghost* not merely reveals the ethical reconfiguration of the body but also indicates a different perspective on the notion of the ghost that Roth may imply here.



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*Trust (Al-Amanah): A Comparative Study of its Application in Islamic and Western Science*

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Abstract:

Science and technology will not survive significantly on rational, objective and experimental approaches only. Indeed, it needs guidance either from philosophical thought or religious tradition to ensure that revolution of science and technology is morally and ethically correct for mankind. In fact, ethics itself is a kind of science concerning the question of right and wrong in matters pertaining to human conduct, a normative science dealing with 'how things ought to be'. Therefore, ethics play an important role in defining what is right or wrong in the scientific revolution, in any existing or extinct civilization of the world. Western and Islamic science are also developed based on their own perceptions of ethics. One of big players of ethics is trust or, in Islamic term, known as Amanah. In short, initially, this paper aims to emphasize the significance of trust (al-Amanah) in the evolution of science and technology in human life. Then, it will focus on how trust (al-Amanah) gives an immense impact on the development of Islamic science, and later on create greater Islamic civilization. Then, the focus will shift on the application of trust (Amanah) in the Western Science. Moreover, its influence in revolutionizing the Western civilization is also investigated. Finally, a comparison and contrast analysis on the role of trust or Amanah and its implication on Islamic and Western science are covered.

Keywords: trust (Al-Amanah), Islamic science and Western science

## TRUST<sup>i</sup> (*AL-AMANAH*): A COMPARATIVE STUDY OF ITS APPLICATION IN ISLAMIC AND WESTERN SCIENCE

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### Introduction

Ethics is concerned about what is right, fair, just or good; about what we ought to do, not just about what is the case or what is most acceptable or expedient. “Ethics’ has its origin in ancient Greece; *ethos* meaning ‘character’ or ‘custom’. Meanwhile, the term of morality has a Latin connection and is related to the word ‘mores’ which refer to the habits or customary tradition of a people. The other conflicting term is ‘value’ which could be defined as those principles or attitudes to which people attribute worth for.<sup>ii</sup> In Islamic ethics, it refers to a science concerning the question of right and wrong in the human conduct, a normative science dealing with, “how things ought to be.” The Islamic term corresponding to this concept, though different in scope and nature, is *ilm al-akhlaq*, is derived from the root word *khulq*, which means to create, to shape and to give form. Accordingly, *ilm al-akhlaq* as a branch of knowledge is a science which deals with the ways to maintain virtues at their optimum level, i.e. to avoid wrongdoing and to do what is right and desirable. *Akhlaq* in a broad sense, therefore, subsumes all actions that are characterized as *amal salih* (virtuous deeds) in the terminology of the Quran. Moreover, the exemplary moral life of the Prophet, according to Quranic account, had articulated the various applications of Islamic morality and ethics to be followed and emulated by Muslim. The prophet also described his mission as one of the endeavors towards establishing a perfect system of morality. In short, ethics from the Islamic perspective signifies those traits of behavior that are regarded by Islam as good- abstaining from what is censured by God and His prophet and doing what is enjoined by them.

People like to think of ethics as a set of values or principles held by individual or groups. But, ethic is also a branch of philosophy, called *moral philosophy*. Its primary objective is to help people to decide what is good or bad, better or worse, either in some general way or regarding particular ethical issues; also known as normative ethics. However, ethics does not only, handle the issues on nature of the good life, but also aim to help man to determine what is right or better to do. In doing so; reason, antithesis, justification, law, aesthetics, religion and custom are good combination of guidance.<sup>iii</sup>

In the aspect of spiritual ethics, religion is no doubt served a most powerful sanction and motivation for people to behave morally. Certainly in the Judeo-Christian heritage there is a strong stand linking faith and ethics that is an emphasis on practical expression of faith. Prophet like Amos and Jeremiah denounce religious practice which fails to produce ethical behavior, declaring: ‘to know God is to do justice’. The conflicting ideas about the role of God and religion in ethics has made most Western scholars take a stand that though an ethical worldview rests implicitly on a belief system, there is no necessary connection between religion or faith and ethics. Indeed, the human era at the beginning of the 21<sup>st</sup> century, is considered by some, the first in which a significant proportion of humanity confronts ethical choice without the reference points traditional religion has provided. They think this trend is a liberating one enabling a truly humanistic ethic to emerge.<sup>iv</sup> One reason of kicking

religion out of ethic because, if man sustains the view that belief in a god is a prerequisite for an ethical world view, then they will conflict with the very influential ethical system such as developed by Immanuel Kant, though believer insisted that moral knowledge is a product of human reason.

In cultivating the ethical life, according to the western, is a life of responsibility, wisdom and integrity, requires integration of multiple dimension of the self: the intellect (the cognitive), the emotion (the affective), the will (the conative) and the life of inner spirit. These virtue theory approaches are reminiscent of Aristotle's approach to ethics. He viewed that the moral life involves developing a capacity for practical wisdom. He believed that man is not spontaneously or naturally ethical, morally excellent or virtuous. Practical wisdom and the virtuous it endorse are qualities acquired, if at all, by person and communities, as a result of habituation or commitment to practice and training. In other word, moral or ethics education is a life long process requiring 'moral development' of the whole person.<sup>v</sup> So, moral education must present morality as something more than just one segmented discipline among others. But more on the ethical formation or morality guides of how one's life is conducted.

## **1- Ethics: Islam and the West**

### **1.1 The Significance of Islamic Spiritual Ethics**

Islamic spiritual ethics is fundamentally dependant on the possession and the commitment of Muslim of these main concepts; the concepts of *tawheed*, Islam, *Iman* and *Ihsan*. All these play a holistic role for shaping the Muslim into an ethical individual.

Firstly, the concept of *tawhid* plays a paramount role in creating order and consistency in a Muslim's thinking as well as his behavior. Generally, *tawhid* saves Muslim from narrow mindedness, human prejudice and self centeredness, because everything is upon to Allah. It makes them fearless of other entity, thus, no amount of coercion by worldly powers can force them to do unethical things, lead them to act bravely in doing what is ethical and Islamic, will do what is good and avoid what is wrong and lastly will not betraying the *amanah*.

However, in order to place *tawhid* as a foundation of ethical behaviors, the Muslim needs to achieve the true *tawhid*. The true *tawhid* is precisely mentioned in the formula of the declaration of Islam, namely, "there is no god but God (Allah)" which means that there is only a single true and worthy object of worship and that is Allah. Secondly, professing a strong belief in accepting Islam is not enough, but needs a spiritual elevation through *ibadat*. The acts of worship contribute tremendously in creating a healthy Muslim individual and a community of Muslim (*Ummah*).<sup>vi</sup> The other concept, such as *iman* enables a Muslim to become a useful person, an ethical individual and a worthy asset for human society.

The belief in God provides a Muslim with principles by which to live. He will strongly moral, strictly law abiding and greatly humanitarian in his dealings with fellow human being and nature. His belief in messengers provides the role model for a mortal like him emulate so that he can live by the divinely inspired amoral principles. His belief in *Quran* enhances his confidence about what he is doing is in line with what is required of him as a vicegerent of God. In short, the faith in God provides a sense of direction to man and through other articles of faith he attains inners peace and satisfaction in both worlds. In the Islamic paradigm, no civilization, advancement and moral and material prosperity of an action is possible without ethics.<sup>vii</sup>

## 1.2- Modern Ethical Values

Modern ethical and moral values are synonym to the Western perspective. It has a total reliance on logic and reason which also mean to deviate away from religion or any spiritual aspect in human life. The recent modern Western moral theory is a moral development theory which claims that moral development depends on thinking. This theory mainly concentrates on human progressive development. It believes that human progress through their moral reasoning. This is on the basis of ethical behavior and attitudinal implication through three level; pre-conventional, conventional and post conventional. These are levels that demonstrate a social orientation, development and the attitudinal changes of the person. The theory emphasize that individual could only progress morally through these stages abs one stage at one time, as they may not able to comprehend moral rationality in a stage above their own. This stage-oriented moral development theory is a breakaway from earlier held by positivist approach which was a belief that scientific study should be free from moral values, maintaining instead a purely objective value free stance. Also, this theory brought science and moral values together based on cognitive reasoning and that is what makes this theory, a new initiative or entirely a new field of study in the science, including engineering that had no momentum of relationship with morality. According to this theory, human have an inherent potential for growth from the lower to the higher stages of moral and cognitive development.<sup>viii</sup>

Other moral theories are *Duty* and *Right* ethical theories<sup>ix</sup>. Duty moral theory argues that to have a sense of duty, to fulfill one's responsibility in daily activities, dealing with other people, performing duties properly and respecting others within the preferred norm of social behavior is considered requisite duties by the moral philosophy of this theory. It was Immanuel Kant who first pronounced the duty theory. He believed that essentially of moral duty emerged from the belief that doing good action is a duty. Right moral theory meanwhile, refers to the situation whereby action that goes against the right of any nature automatically considered unethical. The similarity between the two is that both *Right* and *Duty* moral theories, in most cases do not take the ultimate good of action into consideration.<sup>x</sup> Then trusts is depending on the Kantian 'Good Will' or motive which emphasis on human freedom and the liberty of action. It allowed ethics worthy of being called an art rather than science. Thus Kantian ethics is double faced; it is objective and yet subjective too.<sup>xi</sup> Thus, trust applied by the West is depending on which theory an individual or a group believes in. if they believe in Darwin's then the concept of trust has no accountability. If Kantian's is followed then, trust could be adopted from both objective and subjective sides.

## 2- The Philosophy of Science and Technology: Islamic and Western Perspective

Science is basically understood as a new method of investigation, or new systematic enquiry of the method of experiment, observation, measurement, collection of data, of analysis and examination and explanation of data. Philosophically, science is studied based on two areas; firstly a study on epistemology of science which deals with the justification of claims to scientific knowledge, secondly is a study that investigate the philosophy which deals with natural enquiry, called metaphysical of science. Both areas have been studied by a number of philosophers and made science as their main focus of study. In the end, they comprehend that philosophy of science should maintain to examine and analyze the objective of science. Its main objective is to achieve the target of science trough its relationship with human activities which create civilization and natural world. In short, the philosophy of science is to answer the philosophical questions arise from anything



reflecting from science. In order to do that, it relies on the fundamental foundation of each science; Islam or Western.

The foundation of Islamic science philosophically is based on Islamic revelation and its primary sources, *Quran* and *Sunnah*. Meanwhile the Western science basically founded on secular philosophy which inspired a speculative conjectural approach in theory. Indeed, modern science fails to be universalistic and holistic, compared to the Islamic science that portrays both aspects to be taken as guidance to mankind. It is wrong to justify the contemporary phenomenon of Muslim world; the declination of Muslim civilization, generally viewed by western scholars as the weakness of the philosophy of Islamic science. Islam does not oppose science itself but to the philosophical foundation of modern western science that has apparently exceeded its legitimate boundaries. Their worldview moved from the fundamental sacred evaluation of nature to a secular one, especially after the scientific revolution. Modern science operates within a seriously misguided framework in which everything is reduced to pure quantity and spiritual reality is considered unreal and redundant. They also believe that spirituality reality is not relevant to the world-picture presented by their framework of science. However, the Islamic science concern with both the empirical method as well as its metaphysic of science, as this is the framework in which science should be understood and should be placed in the highest hierarchy of knowledge.

The most important thing in Islamic science is the unity of science and values. Certainly science must not be considered as the source of power for the sake of domination and control of nature. This view is generally rejected by Muslim scholars because it is inspired by the secular view of life. It is reflected to the view of modern science that used a quantitative model to develop mathematical physics. That model presupposed a mechanistic worldview and demonstrated that knowledge is power. It enabled the West to outshine other civilizations through scientific achievements. It became the prime values of Western science that create cause of all problems of the modern world. The reality is that the rise of modern western science was not naturally inspired by technological advancement during the 16<sup>th</sup> and 17<sup>th</sup> centuries, but rather from the result of rising numbers of philosophical and metaphysical changes that have changed the humanity's view of nature and science in an unprecedented way.<sup>xii</sup>

Meanwhile, science as cultivated in the Islamic civilization was based on a careful and analytical study of nature within the matrix of Islamic revelation. Its prime values in this revelation are divine unity and show its interrelatedness with all existed nature. Philosophically, the spirit of Islamic thought was empirical in nature. All branches of knowledge were developed based on empirical evidence. Even the Quran taught the Muslim that the focus on concrete and finite approach is the main purpose of knowledge.<sup>xiii</sup> Most importantly is that Quran suggesting that man should observe and experience the universe and man should systematize all that they come to know to testify to the reality that underlying the phenomena. The Muslim scholars believe that the main difference between modern western science and Islamic science is basically on its worldview, not on its technical advancement. Then, it is the job of them to replace the conjectural and secular foundation of modern western science with the spiritual foundation. This effort will be only successful if they are able to redefine the metaphysical underpinning of science as way of coming to terms with the world of nature. They also must secure the effort to harmonize religion and science.

### **3- Trust in the Philosophy of Science**

#### **3.1- Trust or *Amanah* in the Philosophy of Islamic Science**

Generally, the most important moral principles that will help Muslim to develop and enhance Islamic science are trust (*al-Amanah*), justice (*al-adl*), righteousness (*al-birr*) and enjoining virtues and forbidding evil (*al-'amr bil ma'ruf wa al-nahy 'an al-munkar*). These principles are selected because they should be enough to cover overall concept of Islamic ethics. Trust is a basis aspect for human relationship. Allah says in Quran "Those who faithfully observe their trust and their covenant" <sup>xiv</sup> and "O you believers. Be not unfaithful to Allah and the Messenger, nor be unfaithful to your trust while you know". It means that Allah prefers mankind to live keeping in relationship to one another, either in an individual, social or nation level. It shows that the basic of human affairs must be founded on trust. Then, it is important to uphold trust as a virtue because Allah defined believers as ones who uphold their trust and covenant. It is included the public and private trust as well as the covenant they undertake in all the issues related to their public and private live. Allah demands the mankind to observe the trust and not betray Allah and His Messenger. Those who betray the trust, it is considered as if they were unfaithful to Allah and His Messenger and prophets in both the public and private live. In reality, trust must be practiced in human life as demanded by Allah. Man must have regard one another according to conduct and not outer appearance, for the Prophet says "Do not look at how much they fast or pray....but look instead at their truthfulness and trustworthiness". Practically all the moral values in Islam may be said to have something to do with the idea of that worthiness, as according to Prophet's affirmation that dishonesty shuns belief and faith. The worst destructive unjust deeds to one's self, family, society and state resolves around three vices; lying, breaking a promise and betraying a trust. These three vicious characteristics may sound like three different aspect but appropriate to each other.

The best exemplar of good character in trustworthiness is the Prophet Muhammad (pubh) and it is considered among the heaviest things to be placed on the scales (*al-Mizan*) on the Day of Judgment. Man is created with soul and body, but body function as the vehicle for the soul. It means that soul is greater than the body but both are open to act in ways either good or bad. However, in order to have a good character, there are four interrelated faculties, which must be sound, in balance and in correct proportion to one another. There are the rational faculty (*quwwat al-'ilm*), the irascible faculty (*quwwat al-ghadab*), the appetitive faculty (*quwwat al-shahwah*) and lastly the faculty that affects a just equilibrium amongst the three. The chief faculty of good character is the rational faculty. It is considered sound when it is able to distinguish and discriminate between lies and truth. The wisdom of man depends on how man is good or bad enough in applying this faculty. When the rational faculty is applied exceed its bound, the result is swindling and fraud, and when it is applied insufficiently, the stupidity is exposed. Therefore, true wisdom lies between these two extreme. The other faculties are sound when they are applied within their scope. The irascible faculty is sound when it moves within the boundaries set by wisdom. Meanwhile, the appetitive faculty is considered sound when it is under the control of wisdom and submits to the command of the *shariah* and the intellect. However, in respect of all these three faculties, virtues lie between the extreme because extreme incline towards vices. It is the faculty to affect a just equilibrium that brings the other three faculties under the command of the intellect and the *shariah*. The intellect is the guiding counselor and the faculty for just equilibrium is the actualizing power that carries out its orders. It is the faculty that subject to neither excess nor insufficiency unlike the other three faculties. Then, the principles virtues of character are four: wisdom, courage, temperance and justice.<sup>xv</sup> Therefore, there is a direct concept of trust in Islamic science, unlike the modern western science.

### 3.2- Trust in the Modern Western Science

Trust is part of ethics and ethics is a branch of axiology or philosophy.<sup>xvi</sup> The term ‘ethics’ is derived from the Greek *ethos* and *ethikos*<sup>xvii</sup> thus (in Greek) it is also called *ethika*. Literally, the former means character and the latter means moral. Technically, ethics is concerned with the nature of morality which attempt to define what is “morally good and bad, right and wrong.”<sup>xviii</sup> Generally, ethics from Western philosophical study is an attempt to systematically and rationally investigate and define what moral good is and bad, right and wrong in human behavior. It investigates and analyzes general aspect of human behavior and delineates the theoretical principle of moral conduct. Then, ethics is also known as moral philosophy<sup>xix</sup> that is the philosophy thinking of morality. Meanwhile, ethics from the religion side, Christianity look at its character must be determined by the theological premises of the Christian faith, on which it is based. The validation of moral norms must be driven by the faith-premises taken for the Christian theology. However, Christianity will focus on two aspect when make decision theoretically or practically on ethical aspect, i.e., the theological premises as faithful base and the social sciences as factual base.<sup>xx</sup> Therefore, the foundation of ethics of the West is base on philosophical perspective. Though ethics is part of philosophy but it could not be exempted from religion. Then ethics should be founded upon two perspective, religion and philosophy.

Indeed, the perception towards Christianity itself is not primarily regarded as a system of doctrines, but as ‘a way of life’ based on following Jesus in the power of the Holy Spirit. Christian faith is no longer identified with belief only. It is more than that, faith is a more a radical trust in the God of Jesus, a trust that manifest itself in what St. Paul names as the ‘obedience’ of faith. However, there is no direct concept of trust application in the Western science. In the beginning of Western civilization before modernity arrived, religion is considered the ultimate truth for code of ethics. Indeed, religious ethics is one aspect of religion which is concerned with the normative pattern of human action or moral conduct. Ethics in religious perspective is ‘right behavior in the light of religion’.<sup>xxi</sup> This means that religious ethics refer to system of ethics defined by religion. Therefore, according to religious ethics, it is religion that defines what is morally good and bad or right and wrong. In other words, the principles of good and bad, of right and wrong conduct or of virtue and vice, in religious ethics are determined by religion. It can be presumed that all religions, including Christian have their own codes of ethics or moral system. These religious ethical or moral systems are meant to cultivate virtue and good character in human kind in the light of religion. For this reason, religious ethics is regarded as a practical instrument in developing good qualities in humankind. Thus, Christian should have its own code of ethics or the Christian code of conduct to be followed, implemented and applied by the believer; and trust is one of them.

Trust in Christian faith faces some changes since 19<sup>th</sup> century, especially after the introduction evolutionary theory by Darwin. It lead materialism, the belief that lifeless and mindless ‘matter’ alone is real, and provided the philosophical setting for the new theory of evolutionary science.<sup>xxii</sup> This theory makes trust look empty because they understand the concept of responsibility but not applying accountability. There are many argument and criticism over the evolutionary theory either from the Christian side or secularist or scientist or other theologians. However, the Christian scholars believe that Christian ethics still in need to engage to that knowledge, because that theory helps the Christian ethics to play more roles in giving moral significance to the central constituents of human nature. Evolutionary theory teach man to learn the important agenda of human creation, i.e., learning where man comes from, who man is and what is man created for or function to; from the scientific discoveries In short, the evolutionary theory does provides profound principles for shaping ethical principles in Christianity.

Another strong reaction against the theory of Darwin also comes from the social science. Again, the application of trust changes when the foundation of Christian ethics started to be deeply influenced by the social science. These social science theories are mostly generated and developed by famous philosopher Marx, Weber and Durkheim. The great impact of their theories enforces the Christian scholars to look at their religion and try to explore the relevance of social sciences' theory for Christian ethics. It creates greater impact than that, that scientist and scholar starts to deal social sciences' theory with ethics and morality. As a result, they start to believe that both Christian spiritual insight and scientific findings are ultimately compatible and mutually enlightening. As a result, trust is viewed successfully applied depend on which field of social science they understand, either anthropology, sociology, psychology or others.

It is unavoidable because, the Christian scholars agree that though science does not provides direct and clear intellectual justification to Christian faith in ethic, but they believes that those without religious ethics will have confidence in Christianity base on the evidence given by natural world. Since theology is not scientific, it cannot be interpreted objectively but the understanding of Christian is ultimately in need of scientific findings beside the information and knowledge from the biblical text.<sup>xxiii</sup> In short, in order to be ethics religiously, Christianity needs more sources outside theological sources such as science and non-theological sources.

Meanwhile, trust in philosophy begins with the idea of rationalism,<sup>xxiv</sup> which they owed to Greek civilization. The Greeks taught the society that human being is highly capable of rational thinking. If Judeo-Christian emphasized that human being must pursue the autonomous freedom and the dignity, the Greeks stress more than that. They demanded on the importance of human reason and the human ability to make a decision in any issue. It means that rationality is enough to handle human lives particularly on the issue of human dignity and their moral autonomy. There is no big conflict between the Judeo-Christian's teaching and Greeks rationalism because the duo-religion put autonomous freedom on choice. In that sense, ethically and practically, man is free to choose rationalism and to put it in the same level of religion or more than that. The idea of human dignity also compromise with the idea of rationalism because reasoning capabilities is a kind of evidence that man possesses a dignity. Slowly both ideas were sinking comfortably in the arm of rationalism. In the end, it makes rationalism look more appropriate for human to handle arising problem and issues. Then, the Greeks started to influence the West to put reason as the source of knowledge instead of religions. Lastly, man starts to think that they who are responsible for their own behavior and have control over it. It is not the role of gods anymore. It is not wrong imagination because Hebrew's teaching has mentions earlier that man has been given autonomous freedom of choice from God. Then, it is not a mistaken too, that God has lost the control over mankind. As a result, man becomes more important as a person individually than before. Man decides his own destiny and fate without God's interference. In the past, religion is the total focus of the society. Now, reason, rationality, objectivity, positivism is the mecca of the worldview of mankind. Gods are no longer important in that sense. Gradually, the Greeks started to put the role of human intelligence is more important than religion, except in the activities of religious ritual.

## Conclusion

Western modern and ethical values are the bedrock of the Western civilization. However, Western civilization is indeed a grand civilization with a tragic impact. The West had forged the instrument of reason that makes possible a rational comprehension of physical nature and human culture, conceived the idea of political liberty, and recognized the intrinsic worth of the individual. But the



modern West has been less successful at finding rational solutions to social ills and immoral behaviors. Science, the greater achievement of the Western intellect, while improving condition of life, has also produced unethical weapon and immoral military activities. Despite the values that westerners have given to reason and freedom, they have shown a frightening capacity for irrational behavior and fascination for violence and irrational ideologies. In short, the Western despite its extraordinary achievement in science and technology, intellectual capacity and civilization, is fragile and perishable because its moral and ethical values are designed from reason and logic without the involvement of The Greatest Spiritual, God.

It is a total contrast to the Islamic civilization, which relies strongly on Islam as a religion, a source of guidance for virtuous deed and lead to an ethical life. The same religion also prospered the civilization into the highest achievement in science and technology which later on became the basic reference for the Western renaissance, enlightenment, scientific revolution and the so call 'modernization'. The fragile of Islamic civilization does not due to its failure to abide modernization, but because of the activity of the *Ummah* which deviate away from religion and refuse to follow the righteous primer sources of human life.

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<sup>i</sup> Trust is synonymous to confidence, belief, certainty, responsibility, reliable. It is opposite to distrust, mistrust and doubt.

<sup>ii</sup> Noel Preston, *Understanding Ethics*, Third edition, (Australia: The Federation Press, 2007), 16-17

<sup>iii</sup> Barbara MacKinnon, *Ethics: Theory and Contemporary Issues*, (USA: Wardsworth Pub. Co., 1995), 1-7

<sup>iv</sup> Opcit, Noel Preston, pp. 23-25.

<sup>v</sup> Ibid, pp, 212-213

<sup>vi</sup> Sik Haneef, Sikandar Shah. 2005. *Ethics and Fiqh for daily Life: An Islamic Outline*, (Kuala Lumpur: Reseach Center, IIUM) p. 121-123

<sup>vii</sup> Ibid, p. 7-22

<sup>viii</sup> Abdi Omar Shuriye, *Islamic Ethical Values on Bioengineering Practices*, (Researc Center, IIUM, 2006) p. 11-12.

<sup>ix</sup> Most ethicist considers both terms as identical in nature and most academic works the two theories appear together

<sup>x</sup> Ibid, p. 14

<sup>xi</sup> Ishrat Hasan Enver, *Eastern Ethical Perspective*, (Lahore: Bazm e Iqbal, 1993), 24-27

<sup>xii</sup> Ibrahim Kalin, *The Sacred Verse the Secular*, in Lewis Edwin Hahn, [et.al], *The Philosophy of Seyyed Hossein Nasr*, (Chicago, 2001) p. 453

<sup>xiii</sup> Mohammad Iqbal, *The Reconstruction of Religious Thought in Islam*, (Delhi: Kitab Bhavan, 1994) p. 131

<sup>xiv</sup> Sura 23: 8

<sup>xv</sup> Noor Shakirah Mat Akhir, *Al-Ghazali on Spiritual Disease: The X-factors of the Decline of Civilization*, *The Islamic Quarterly*, vol 52, Issue 1, 2008, p. 1-7

<sup>xvi</sup> *The Encyclopedia Americana*, (1982), 2nd edition, vol. 10:610. Axiology is one of the four branches of philosophy alongside metaphysic, epistemology and logic. For that reason, while some writers regard ethics as a branch of axiology, others classify it as branch of philosophy and both are right.

<sup>xvii</sup> *The Encyclopedia Americana*, (2001), vol. 10: 610

<sup>xviii</sup> *The New Encyclopedia Britannica*, vol. 4, 1989: 578

<sup>xix</sup> In *The World Book Encyclopedia*, vol. 6, 1993: 339; ethics or moral philosophy is the study human action in respect to their being right or wrong. Meanwhile in *The New Encyclopedia Britannica*, vol. 4, 1989: 578; ethics also called moral



philosophy, the discipline concerned with what is morally good and bad, right and wrong. The term is also applied to any system or theory of moral values or principles.

<sup>xx</sup> Waldo Beach, *Christian Ethics in the Protestant Tradition* (Atlanta: John Knox Tree, 1988) p. 8-9

<sup>xxi</sup> *The Encyclopedia of World Religions*, 1998, p. 112

<sup>xxii</sup> John F. Haught, *God After Darwin: Theology Of Evolution* (Colorado And Oxford: Westview Press, 2000) p. 1

<sup>xxiii</sup> Stephen J. Pope, *Human Evolution And Christian Ethics*, (UK: Cambridge Univ Press, 2007) p. 1-2

<sup>xxiv</sup> Rationalism is from the Latin word *ration*, “reason” has been used to refer to several different outlooks and movement of ideas. *The Encyclopedia of philosophy*, Vols. 7 & 8, p. 67

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*The Concepts of the West and the East in Contemporary Discourse*

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Abstract:

The purpose of the present paper is to introduce the selected meanings of two categories of social sciences: those of the West and the East in contemporary discourse. The concept of discourse became one of the principal categories of social sciences starting from the 1980s. In the broad sense this describes a set of statements functioning in the public space and concerning a specific problem or its scope. The two concepts appear to have acquired new meanings in the post-Cold War period (during the Cold War the world was divided into the West, the East, and the Third World). After the collapse of the Eastern Bloc the global order changed, with new aspirations, longings, notions, and fears manifesting themselves and taking on the forms of new visions of the world. The existing paradigms were challenged to some extent, as were their supporting structures. From the standpoint of contemporary discourse, the greatest influence on the formation of notions of the West and the East was exerted, I believe, by the conceptions advanced in widely discussed publications (including scientific ones). In this context, problems also arise with the consequences of the answer to the question about the universal dimension of liberal democracy identified with the West. If the answer is in the affirmative, then it should apply to everyone regardless of their civilizational and cultural circle. With the answer in the negative, we should conclude that liberal-democratic solutions are one of the forms of a just social order.

## **The Concepts of the West and the East in Contemporary Discourse**

“Also the East and the West are merely temporary  
Labels of the poles of our soul”.

*Unpublished letters*

The concept of discourse became one of the principal categories of social sciences starting from the 1980s. In the broad sense this describes a set of statements functioning in the public space and concerning a specific problem or its scope. According to, for example, Krzysztof Olechnicki and Paweł Załęcki, discourse is “a system of human statements and a form of thinking developed on the basis of assumptions, prejudices and stereotypes shared by a society that apply to some phenomenon, thing or idea and express an ongoing attitude towards them”<sup>1</sup>. Thus the reality is reduced to discourse, to agreeing on meanings, to continually creating it anew, with the objective reality being pushed into the background. As Richard Rorty observes, whatever is important to a community will become real. He asserts that “whatever good the ideas of ‘objectivity’ and ‘transcendence’ have done for our culture can be attained equally well by the idea of a community which strives after both intersubjective agreement and novelty – a democratic, progressive, pluralist community of the sort of which Dewey dreamt. If one reinterprets objectivity as intersubjectivity, or as solidarity, in the ways I suggest below, then one will drop the question of how to get in touch with ‘mind-independent’ and ‘language independent reality’. One will replace it with questions like ‘What are the limits of our community?’, ‘Are our encounters sufficiently free and open?’”<sup>2</sup>. Teun van Dijk points out the need to combine discursive structures with political processes<sup>3</sup>. Stanisław Gajda rightly emphasizes that the concept of discourse is indeterminate and vague, and consequently, unstable<sup>4</sup>. The purpose of the present paper is to

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<sup>1</sup> K. Olechnicki, P. Załęcki, *Słownik socjologiczny*, Graffiti BC, Toruń 1997, p. 50.

<sup>2</sup> R. Rorty, *Obiektywność, relatywizm, prawda*, [translated from Objectivity, Relativism and Truth by J. Margański, Aletheia, Warszawa 1999], quoted after CUP edition, Cambridge 1991, p. 13.

<sup>3</sup> *Dyskurs jako struktura i proces*, (ed.) T. van Dijk [Discourse as Structure and Process, translated by G. Grochowski] PWN, Warszawa 2001, pp. 9-10, 21.

<sup>4</sup> S. Gajda, *Współczesny polski dyskurs naukowy*, [in:] *Dyskurs naukowy - tradycja i zmiana*, (ed.) S. Gajda, Uniwersytet Opolski, Opole 1999, pp. 9-17. See also classical texts: *Język, dyskurs, społeczeństwo*, (ed.) L.

introduce the selected meanings of two categories of social sciences: those of the West and the East in contemporary discourse. The two concepts appear to have acquired new meanings in the post-Cold War period (during the Cold War the world was divided into the West, the East, and the Third World). After the collapse of the Eastern Bloc the global order changed, with new aspirations, longings, notions, and fears manifesting themselves and taking on the forms of new visions of the world. The existing paradigms were challenged to some extent, as were their supporting structures.

From the standpoint of contemporary discourse, the greatest influence on the formation of notions of the West and the East was exerted, I believe, by the conceptions advanced in widely discussed publications (including scientific ones). The first large-scale approach to the concepts of the West and the East after the Cold War was expressed, without doubt, by Francis Fukuyama. The concept of the West was identified with the ideas and values characteristic of liberal democracy. Fukuyama's optimism shown in the early 1990s about the prospects of the West's development and its mission as the provider of the only correct vision of development in the perspective of the twenty-first century should not come as a surprise. The conditions in which the vision of the victorious West (defeating non-democratic systems) was formed and advanced, may have aroused expectations and overshadowed new problems consequent on the changes taking place. Fukuyama appears to have remained optimistic about the West's mission and the transfer of Western-developed models to the other parts of the world. He continues to express his optimistic viewpoint as taken for granted, indicating only new variables associated with intensified globalization processes..

Remember that, according to Fukuyama, there is no alternative to Western models and to the institutions of liberal democracy and free-market economy developed in the West<sup>5</sup>. He divided the history of mankind into three periods. The first period covers human history at the period marked by the end of the Cold War. The next one, directly associated with the transformations taking place in political, economic or cultural structures in many states, is termed a transition period. The last – desirable - period means the victory of the West and the liberal-democratic vision of the world. Fukuyama himself admits that in many regions of the

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Rasiński, PWN, Warszawa 2009; D. Howarth, *Dyskurs*, translated from [Discourse] by A. Gąsior-Niemiec, Oficyna Naukowa s.c., Warszawa 2008. See also: J. Szrednicki, *Kłopoty pojęciowe*, PWN, Warszawa 1993; P. Bytniewski, *Genealogia dyskursu. Problemy niehermeneutycznej koncepcji rozumienia*, Wydawnictwo UMCS, Lublin 2000; J. Marzec, *Dyskurs, tekst, narracja. Szkice o kulturze ponowoczesnej*, Impuls, Kraków 2002.

<sup>5</sup> F. Fukuyama, *The End of History?*, "The National Interest", Summer 1989, pp. 3-17; F. Fukuyama, *Koniec historii*, [The End of History], translated by T. Bieroń, M. Wichrowski, Zysk i S-ka, Poznań 1997; F. Fukuyama, *Ostatni człowiek* [The Last Man] translated by T. Bieroń, Zysk i S-ka, Poznań 1997.



world there can be and actually are conflicts between states which are still in history. That is why his vision concerns indeterminate future. At the same time this interpretation treats history as an unnecessary burden that should be discarded. It seems that underlying Fukuyama's thesis is the assumption about the natural change of consciousness and the acceptance of *consensus* represented by conceptions of liberal democracy. That is why he emphasizes the role of consciousness, ideas, and ideology in motivating human actions on the one hand, while on the other he declares the triumph of liberalism and the waning of ideology as a major factor in international relations.

Fukuyama introduced into his conception several factors, which, he believes, play a significant role. He confirms the belief of many scientists that we are currently dealing with many rivals to liberal democracy, which is synonymous with the West. He names, among others, nationalism, ethnic conflicts, Islamic theocracy, Asian soft authoritarianism or neobolshevism<sup>6</sup>. However, he states that if modernized economy joins forces with technological changes, borders between civilizations will be eliminated, yielding a single set of political and economic institutions. Taking into account the ideological turn towards social democracy in the 1990s, he asks whether from the perspective of time the year 1988 (victory of Gerhard Schröder's social democratic party in Germany) will not be regarded as crucial in stopping democracy and marketization? He answers the question thus formulated in the negative, adducing three reasons to support his conviction. First, there is no alternative to globalization processes, the main competitor to globalization – the Asian model of development – having been discredited. He believes that there is no alternative to democracy as a source of political system legitimacy, as demonstrated by the economic crisis.<sup>7</sup> The second reason is that global economy is governed by its own laws. The problems of economic inequality need to be addressed at the international level. The third reason has to do with the effects of modern technologies. That is why, inter alia, no country can cut itself off from the global media or from external sources of information. The information revolution, Fukuyama argues, "hastened the arrival of the End of History and had a major impact on global politics... The arrival of cheap and ubiquitous information has had a profoundly democratizing impact; it is much less easy for hierarchies of various sorts, from governments to corporations to unions, to use their control over information to manipulate those over whom they have authority. It is no accident, then, that authoritarian regimes began to collapse all over the world just as the

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<sup>6</sup> F. Fukuyama, *Po namyśle. Ostatni człowiek z fiolki*, [Second Thoughts. The Last Man in a Bottle], "Res Publica Nowa" 2000, no. 5, p. 80.

<sup>7</sup> *Ibid*, p. 83.

global economy started to shift into the information age”.<sup>8</sup> Fukuyama points to two revolutions that we are witnessing. One is the technological revolution mentioned above, the other is the biotechnology revolution. Fukuyama asserts that the technological revolution distributed power more broadly and undermined the foundations of authoritarian regimes.<sup>9</sup> That is why it is generally regarded as beneficial to democracy and market economy. By contrast, the biotechnology revolution is regarded by many with great suspicion. And we may add that not only by non-scientists as Fukuyama says. It is feared that in the global era the sovereign state will not be able to implement limits for example to human cloning.

Among the statements concerning Fukuyama’s reflections, worth noting is Gertrude Himmelfarb’s opinion that “[...] we are caught between the vise of the old and the new: an old human nature that has given us all the goods that Fukuyama properly associates with liberal democracy but also with those ‘irrationalities’ and ‘primitive passions’ that liberal democracy was supposed to have subdued (but so conspicuously did not); and a new human nature that transcends, for good and bad, liberal democracy but also any recognizable polity, society or history”.<sup>10</sup> Robin Fox, who at one time was critical about Fukuyama’s vision, seems to speak in the same spirit. His main objection at that time was against the conception of history understood as closed parts following in succession.. At present he rejects inter alia the belief that the course of history is inevitable, or the contempt for “prehistory”, and he asserts quite properly that from this perspective all “written history” is shorter than the blinking of an eye, while the “triumph of liberal democracy” is shorter than a flash of light.<sup>11</sup> In this way the spirit of progress that finds its ultimate form in the Western formula of liberal democracy taking over the values developed in other civilizations is rejected. We must admit, however, that Fukuyama’s proposition for the takeover of the East by the West expressed the new global order that embodies the dreams of universal happiness of mankind.

The conceptions covering the constructs of the West and the East developed by other thinkers are marked by rivalry, confrontation, and destabilization on a global scale. This rivalry – sometimes seen as a zero-sum game – found its forerunner in the person of Samuel P. Huntington. His work *The Clash of Civilizations and the Remaking of World Order*

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<sup>8</sup> *Ibid*, p. 90.

<sup>9</sup> *Ład zostaje odbudowany*, Bronisław Wildstein interviewing Francisem Fukuyama, “Przegląd Polityczny” 1999, nr 42, s. 112-117.

<sup>10</sup> *Komentarze do tekstu Francisca Fukuyamy*, “Res Publica Nowa” 2000, May, p. 101. Quoted after Gertrude Himmelfarb, *The New History and the Old*, Harvard University Press 2004, 2<sup>nd</sup> ed., p. 232

<sup>11</sup> *Ibid*, p. 103. compare also a statement by Joseph S. Nye, who is willing to accept Fukuyama’s proposition that decentralization effects of the internet will force the trends he (Fukuyama) describes. Nevertheless, Nye points out the example of China, where the authorities can still restrict access to the Internet for their citizens. He also stresses the fact that not all democratic countries lead the way in technological revolution. *Ibid*, p. 106.

functioned for a long time as a counterproposal to Fukuyama's ascertainments. It was a pessimistic proposal, we may add, although the author had his doubts whether to anticipate an all-out conflict between the value systems characteristic of the main civilizations/cultures or conflicts on a far smaller scale. In any case, this victorious West as Fukuyama sees it appears in Huntington's account as merely one of eight civilizations (along with Chinese, Japanese, Hindu, Islamic, Orthodox, Latin American, and African)<sup>12</sup>. Geographically, this covers Europe, North America, Australia and New Zealand. As Huntington observes, the West is synonymous with what was once called Western Christianity. The West is therefore the only civilization whose name comes from the direction indicated by the compass<sup>13</sup>. Western civilization is, consequently, a European one, and at present – Euro-American, in which two actors play the main role: Europe and the United States of America.. The characteristic features of the West named by Huntington include: classic ancient heritage (first of all Greek philosophy and rationalism, Roman law, Latin, Christianity), Western Christianity (initially Catholicism, then Catholicism and Protestantism, Reformation and Counterreformation), European languages (apart from the inherited Latin, national languages developed as individual nations emerged), the separation of the spiritual and secular power (mainly as the separation of Church and State), rule of law (principles of constitutionalism and protection of human rights), social pluralism (pluralism of organizations and associations – first, cloisters, religious orders, guilds, class pluralism), representative bodies (functioning as part of democratic institutions), individualism (the right to individual choice )<sup>14</sup> By contrast, he says in an interview that a characteristic of the West is the Magna Charta rather than the Big Mac identified with the macdonaldization of the society<sup>15</sup>. Interestingly enough, two pictures of the West emerge<sup>16</sup>. In one depiction, the West dominates in the global spaces: it rules the international banking system, controls strong currencies, sea routes, and access to space; it supplies processed goods, it exercises moral leadership in many parts of the world, it still is the most advanced in scientific research on technology, aircraft and space industries, and in arms industry. The other picture shows the West as declining, which is manifest in the economic slowdown, stagnant birth rate, unemployment, budget deficits in individual states,

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<sup>12</sup> Cf.: J. Szacki, *Historia myśli socjologicznej*, PWN, Warszawa 2002, pp. 693-750; F. Koneczny, *O wielości cywilizacji*, Gebethner i Wolff, Kraków 1935.

<sup>13</sup> S.P. Huntington, *Zderzenie cywilizacji i nowy kształt ładu światowego* [The Clash of Civilizations and the Remaking of World Order], translated by. H. Jankowska, Wydawnictwo Muza, Warszawa 1998, p. 52.

<sup>14</sup> *Ibid*, pp. 88-92.

<sup>15</sup> *Profesorska recepta na wojnę światową, rozmowa z Samuelem P. Huntingtonem*, "Forum" 1996, no. 50.

<sup>16</sup> S.P. Huntington, *Zderzenie cywilizacji...*, pp. 106-107.

in problems associated with social disintegration, and the weakening aspirations to dominate. The two pictures are obviously reflected in the reality.

Some discourse participants point out the internal split of the West. This is what for example Robert Kagan does by distinguishing the American West and the European West and applying the Mars and Venus stereotypes developed in a different research area<sup>17</sup>. The use of these stereotypes is supposed to demonstrate the cultural and mentality difference between the Americans and the Europeans, which translates into diversity within the set goals for action and methods of implementing them. In this distinction, the Americans appear as those who are not afraid of dividing the world into the good guys (friends) and the bad guys (foes), nor of the consequent recourse to actions using force (violence). By contrast, the Europeans tend to be in favor of the negotiation solution instead of use-of-force policies, they focus on social and economic issues, leaving the problem of security in the hands of as it were the global cop, which is the Americans. In the perspectives drawn by Huntington or Kagan the concept of the East is actually seen very broadly as synonymous with non-Western civilization(s). As Huntington says, for example, “people in other non-Western civilizations – Hindu, Orthodox, Latin American and African – may affirm the distinctive character of their cultures, but as of the mid-1990s they had been hesitant about proclaiming their superiority to Western culture. Asia and Islam stand alone, and at times together, in their increasingly confident assertiveness with respect to the West”<sup>18</sup>. The title of Chapter Eight in Huntington’s book is symptomatic here: “The West and the Rest: Intercivilizational Issues”.

This peculiar vision of a conflict between the West and the East devised after the end of the Cold War is seen in the assertions of the other discourse participants. In Benjamin Barber’s vision the West is shown as McWorld – a virtual reality, which is the product of powerful networks of advanced information technologies and supranational markets<sup>19</sup>. The West appears as a special market, within which exchange takes place between consumers and producers. Apart from raw materials and goods, a significant role is played on it by what Barber terms the infotainment telesector. A distinctive characteristic of McWorld is to transfer American consumption-centered models to different civilizations and cultures. For Barber, djihad is not synonymous with Muslim fundamentalism. Rather, it denotes the forces of opposition against McWorld striving to preserve tribalism, the position of ethnic and cultural

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<sup>17</sup> R. Kagan, *Potega i raj. Ameryka i Europa w nowym porządku świata*, [Power and Paradise. America and Europe in the New World Order], translated by W. Turopolski, Studio Emka, Warszawa 2003.

<sup>18</sup> S.P. Huntington, *Zderzenie cywilizacji...* {The Clash of Civilizations} quoted after the 2003 edition, Simon and Shuster paperbacks p. 102..

<sup>19</sup> B. Barber, *Dżihad kontra McŚwiat* [Djihad vs. McWorld] translated by H. Jankowska, Wydawnictwo Literackie Muza, Warszawa 2004, p. 35.



groups. With some oversimplifications this would refer to Friedman's Lexus and the olive tree.<sup>20</sup> In Friedman, the Lexus symbolizes modernity, modernization, success, progress, universalization, while the olive tree – tradition, deep-rootedness, affiliation, the world which seems to be disappearing in the face of the new. To oversimplify, we can accept that the Lexus is synonymous with the West, whereas the olive is a synonym of the East.

While this clash of civilizations takes a gentle form in Friedman, Roger Scruton offers an alarmist vision, in which the West is shown as a fortress besieged by “all the rest”, or those who are not part of the West. Referring to various viewpoints presented within contemporary discourse, he distinguishes two global areas. One is the area of freedom and democracy. The other is one of despotism, lack of efficiency, and religious fanaticism.<sup>21</sup> Scruton is otherwise right saying that “if all that Western civilization offers is freedom, then it is a civilization bent on its own destruction”, and he adds that “freedom flaunted in the face of religious prohibitions is an act of aggression, inviting retribution from those whose piety it offends.”<sup>22</sup> Pointing to the differences between the West and the rest of the world, he presents the vision of the society and political order characteristic of the West. For Scruton a special symbol of the East is the Islamic world as a distinct alternative to Western universalism. His general thesis is “Western societies are governed by politics; the rest are ruled by Power”<sup>23</sup>.

In the context of our discussion it is interesting to see how politicians understand the concept of the West, to which Scruton often refers to. He claims that they most often mention freedom, and adds that “Without freedom there cannot be government by consent; and it is the freedom to participate in the process of government, and to protest against, dissent from and oppose the decisions that are made in my name that confer on me the dignity of citizenship”<sup>24</sup>. When speaking of the West, he emphasizes three conceptions of affiliation: religion (Catholicism and Protestantism), language, and territorial jurisdiction laying the foundations of secular government system, in which religion, tribe or dynasty became subordinated to political process<sup>25</sup>. In a word, national loyalties of the West are based on the territorial understanding of State and Law, and on the secular concepts of citizenship. National loyalty does not rule out religious obedience. As Scruton emphasizes, European

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<sup>20</sup> T. L. Friedman, *Lexus i drzewo oliwne. Zrozumieć globalizację*, [The Lexus and the Olive Tree] translated by T. Hornowski, Poznań 2001.

<sup>21</sup> R. Scruton, *Zachód i cała reszta. Globalizacja a zagrożenia terrorystyczne*, [The West and the Rest. Globalization and the Terrorist Threat] T. Bieroń, Wydawnictwo Zys i S-ka, Poznań 2003, Quoted after the edition by Continuum, London and New York, 2003

<sup>22</sup> *Ibid*, p. viii

<sup>23</sup> *Ibid*, p. 7.

<sup>24</sup> *Ibid*.

<sup>25</sup> *Ibid*, pp. 27-28.



nations initially functioned as Christian communities, yet with time the idea of nation became the dominant one. In North America, on the other hand, the common faith soon lost its importance. Although religious worship plays an important role in American life, yet the principle of the freedom of conscience is guaranteed in the Bill of Rights.

Scruton devotes much room to the subject of democracy, saying that “A modern democracy is perforce a society of strangers[...] the successful democracy is the one where strangers are expressly included in the web of obligation”<sup>26</sup>. He observes that “it is a characteristic error of the times in which we live [...] to identify the virtue of citizenship with the democratic spirit, so encouraging the belief that the good citizen is simply the person who puts all questions to the vote. On the contrary, surely: the good citizen is the one who knows when voting is the *wrong* way to decide a question, as well as when voting is the right way. For he knows that his obligations to strangers may be violated when majority opinion alone decides their fate”<sup>27</sup>. Scruton believes that territorial and national loyalties characteristic of the West are collapsing. By contrast, in the Islamic world, in which a law can be legitimated only by a command of God, all secular laws are seen as mere expedients adopted by the ruler and in the long run they do not serve to establish a democratic or constitutional government<sup>28</sup>. The example of Turkey is an exception to the rule, Scruton maintains, but he also stresses the expenses that this state had to bear.

Emphasizing the differences between the West and the rest, Scruton remarks that “people in the West live in the public space in which each person is surrounded and protected by his rights and where all behavior that poses no obvious physical threat is permitted. But people in Muslim countries live in a space that is shared but private, where nobody is shielded by his rights from communal judgment, and where communal judgment is experienced as the judgment of God. Western habits, Western morals, Western art, music, and television are seen not as freedoms but as temptations. And the normal response to temptation is either to give in to it, or to punish those who offer it”<sup>29</sup>. Scruton believes that in the face of present-day terrorist threat the West should underpin the nation-state because its characteristics, presented above, are what distinguishes the West from the rest of the world. At the same time he postulates that globalization processes seen as a threat to the rest of the world be curbed. It is

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<sup>26</sup> *Ibid*, p. 53.

<sup>27</sup> *Ibid*, p. 54.

<sup>28</sup> *Ibid*, s. 108.

<sup>29</sup> *Ibid*, p. 133.

not without good reason that the globalization model is identified with the West, and the concepts of globalization and Americanization are seen as synonymous.<sup>30</sup>

In this context, problems also arise with the consequences of the answer to the question about the universal dimension of liberal democracy identified with the West. If the answer is in the affirmative, then it should apply to everyone regardless of their civilizational and cultural circle. With the answer in the negative, we should conclude that liberal-democratic solutions are one of the forms of a just social order. Many scholars appear to doubt in the universal character of the Western model and in the dominance of the Western culture. What is significant, however, are constant choices made as part of the political decision-making process. The point would therefore be not so much to agree with the political argument of any party to the conflict as to reach a political compromise. Conflict is treated here as a natural state of the society, and the models that reject conflicts and divisions should be treated as utopian. One of the more eminent advocates of this view – John Gray – emphasizes the fact of minimizing the consensus in the liberal social system. Mutual coexistence of citizens in such a system is not, according to Gray, determined by subscribing to the same values. It is determined, however, by communicating and coming to an agreement on many different matters. This mechanism also covers the sphere of international relations and, as Gray claims, it is sometimes necessary and applies not only to specific procedures and institutions but also to values. But this is still a matter of practical choice and depends on the circumstances, and on what danger we want to avoid.<sup>31</sup> Gray appears as a pragmatist, who observes that although it is necessary to respect and strengthen human rights, we should not make long-term plans for the future to build some universal morality on this foundation..

Samuel P. Huntington sees this problem in a broader perspective. He ascertains the fact that the values that are characteristic of democracy are not universal. He also stresses the significance of the fact that democracy arose in an individualist culture whereas the East, which does not have such culture, developed nonliberal forms of democracy. Consequently, the chosen governments can act in a very arbitrary manner. All power is concentrated in the hands of executive bodies, the police violate human rights and individual freedoms, torture is applied, and there is censorship and control of the press.<sup>32</sup> Huntington rightly observes that

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<sup>30</sup> For more see: M. Marczewska-Rytko, *W granicach wyobraźni, czyli o wpływach procesów globalizacyjnych na demokrację* or the English version: *Within Imagination or on the Impact of Globalization Processes on Democracy*, "Teki Komisji Politologii i Stosunków Międzynarodowych PAN" 2007, t. 2, pp. 39-59.

<sup>31</sup> *Rozmowa z Johnem Grayem. Życie jest bardziej złożone niż tradycyjna etyka*, [in:] B. Wildstein, *Profil wieku*, Politeja, Warszawa 2000, p. 176.

<sup>32</sup> *Rozmowa z Samuelem Huntingtonem, Jesteśmy skazani na konflikt cywilizacji*, [in:] *Ibid*, p. 25.

the adoption of the principle of appointing the authorities through election does not make a country a Western state. That is why the Western leaders should, he believes, refrain from trying to mold other civilizations in the West's likeness. What's more, the principle of refrainment, in his view, is a necessary requirement to maintain peace in the multi-polar and multi-civilization world. Similarly, the problem arises with the ideology of human rights – a product of the Enlightenment thought and an important element of the West's modernity. I even omit such an extreme standpoint as that professed by Alain de Benoist, who defends the right of non-Western societies to perform practices that are part of their culture but are condemned in the West.<sup>33</sup> These include inter alia the practice of circumcision of women or stoning. We should, however, agree with the author's proposition that the affirmation of the universal character of human rights expresses only the belief that individual values of the Western civilization are seen by their advocates as higher values which should be imposed on the whole world. Human rights discourse enables the West to assume the role of moral arbiter of all mankind<sup>34</sup>. Interestingly enough, it is confrontational visions, which set the West against the East (both the Far East, and the nearer East, which is Russia), that are gaining in importance in contemporary discourse. The authors who emphasize the mutual complementation and reception of values that derive from different cultures/civilizations are decidedly in the minority.

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<sup>33</sup> A. de Benoist, *Etnobójcza ideologia Zachodu*, "Magazyn Obywatel" 2005, no. 3.

<sup>34</sup> *Ibid*, p. 65.

*Two Modes Of Harnessing Desire: Bernard Of Clairvaux And Tantric Buddhism*

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Abstract:

This paper considers the work of the Cistercian monk Bernard de Clairvaux Talks on the Song of Songs (a series of eighty -six sermons on the biblical Song of Songs, written in the mid-twelfth century) and selected studies on the Tantra. Both Bernard and Tantric teachings make broad use of sexual metaphor to convey the apprehension of ultimate reality. In both traditions we find a vertical movement that culminates in transcendental wisdom. For Bernard, this wisdom can be achieved by following a path that leads to the encounter with God through the mediation of Jesus Christ and of the Holy Spirit. Bernard expresses this unifying transcendence through the image of the “Kiss” that the Bridegroom places on the lips of the Bride. Christian Bernard thus borrows the notion of marital union and sublimates it into a union with the divine.

In Buddhism, on the other hand, transcendental knowledge does not mean an elevation toward a reality beyond the senses but rather toward a reality that overcomes the duality of subject and object. In the transcendental knowledge of Buddhism, subject, predicate, and object are one and the same. Proponents of Tantric practices envisage the sexual encounter with a consort as a way of reaching nirvana.

The common denominator for both Bernard and Tantric Buddhists is the desire that leads to the search for a more perfect reality in which the self may become more complete. I shall argue that Bernard de Clairvaux’s sexual metaphor of the bride who, in her longing, undertakes the path to look for the absent bridegroom in order to seal their union with a kiss, finds a parallel in the Tantric effort to reach bliss beyond the dualistic division of the reality of forms.

## Two Modes of Harnessing Desire: Bernard of Clairvaux and Tantric Buddhism

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### Introduction: The Kiss of the Spirit vs. the Path of Ecstasy

This article aims to draw parallels between the concept of spiritual freedom in Bernard of Clairvaux's *Sermons on the Song of Songs* and the notion of liberation in the Tantric Buddhist tradition. There are many misconceptions in the West about what tantra is. The term is difficult to define univocally. In this study we use the term as inherent to the spiritual rituals of Tibetan Buddhism that include sexual practices. Both Bernard of Clairvaux's writings and Tantric teachings make broad use of sexual metaphor to convey the apprehension of ultimate reality. In both traditions we find a vertical movement that culminates in "Transcendental Wisdom" (Chu-Công, p. 304). For Bernard of Clairvaux, the biblical book the Song of Songs, or "The Song of Salomon," as it is also known, invites us to think more deeply about the nature of human desire and its striving to be satisfied. Literally, the Song of Songs is the story of a bride in search of her bridegroom, and the text is charged with erotic imagery. Starting with Origen of Alexandria in the third century A.D., Christian commentators have traditionally favored allegorical interpretations that sought to give the story a spiritual and asexual dimension (Pope, 1977, pp. 112-141). What the writings of Bernard of Clairvaux and the Tantric Buddhists have in common is that they outline ways to overcome the incompleteness of the self in order to achieve a more perfect reality.

Bernard of Clairvaux's commentary on the Song of Songs suggests that fulfillment of desire may be encountered in a mystical union of the soul (the Bride) with Christ (the Bridegroom). In Tantric meditative practices, the sexual encounter with a consort leads to the reunification of masculine and feminine elements in a cosmic union of the two opposites. The aim of the sexual encounter is to achieve "ecstatic, egoless, beatific bliss" (Smith, 1991, p.141). Thus, we shall argue that Bernard of Clairvaux's sexual metaphor of the bride searching for the absent bridegroom in order to seal their union with a kiss, finds a counterpart in the Tantric effort to reach bliss beyond the reality of forms. However, these resemblances exist only on a superficial level. First of all, unlike some tantric practices, the Christian approach never recommends sexual physical intimacy outside of marriage. In addition, ontologically, the Christian and Buddhist approaches display insurmountable differences. In the Christian perspective, the self never loses its identity: "the kiss," as Bernard of Clairvaux interprets it, has a spiritualizing power that transcends the carnality of initial desire, but individual subjectivity remains intact. In the Tantric approach, by contrast, the dissolution of self is the ultimate goal: carnal union is meant to achieve enlightenment through a union that transcends the division of subject and object.

### Bernard's Anthropology



To understand Bernard of Clairvaux's interpretation of the Song of Songs, it is necessary to grasp his anthropology. In Bernard of Clairvaux's anthropology, the incompleteness of human nature lies at the origin of the human yearning for fulfillment (Casey, 1991, pp.131-198). God has created us so that we strive toward union with God. In contrast with other types of desires that are triggered by external stimulation, desire for God is inherent to human nature from the start (Casey, 1991, p.68). It cannot be satisfied in the way that other types of desire can be satisfied. Desire for God can only be fulfilled by containing the wild force of desire within the ordering grip of reason, strengthened by grace.

As with any desire, however, the desire for God originates in an attraction to material things. We are first drawn to human beings in the flesh and blood, rather than to abstract concepts. In that sense all love is carnal because it is generated by an appeal to physical beauty. In Sermon 20 Bernard affirms,

Notice that the love is, in a certain sense, carnal, because our hearts are attracted most toward the humanity of Christ and the things he did or commanded while in flesh. (Sermon 20, p. 152)

To attract humanity to him, God became incarnate, "God willed to be seen in the flesh and to converse with men as a man." (Sermon 20, p. 152). God had to take on human form in order to engage humans and kindle their interest in him, so that he could then lead humanity beyond the senses to the realm of the pure spirit.

Although we all experience desire because of our incomplete nature, not all of us become immediately aware of its nature or of the true object of our longing. Since the objects of human desire come from the transient world, they often become substitutes for God. When we cling to sensual reality, this separates us from God. Yet when the soul strays from God through sin, joy disappears as well. As a result, sin gradually comes to appear boring, and the soul starts searching for God to restore peace and joy (Casey, 1991, p.275). Openness to grace restores order to life.

The working of grace is understood as an *ordinatio caritatis*, that is, a reinsertion of the human being into the order willed by God (Casey, 1991, p. 283). This reordering of human life makes it possible for the individual to know with heaven, an idea related to Bernard of Clairvaux's notion of conscience. He understood conscience as a place where God enters into contact with human beings. The Holy Spirit operates in the sphere of conscience. When it aligns itself with God, its voice becomes stronger. It is a foretaste of paradise. On the contrary, if the conscience does not align with God, then one experiences a form of hell.

According to Bernard, the locus of human limitations is not the body, in fact, but the part of the soul known as human will. God made humans in his image and likeness. The God-like part of human beings is located in the will. Prior to original sin, the human will was endowed with a great deal of freedom, in particular the freedom of choice (Sommerfeldt, 1987, pp. 21-26). After original sin, humans remained in the image of God, but because they had surrendered to temptation, they lost their likeness to God, and their will to choose the good was weakened.

Is the soul then able to recover from the bondage of sin that misdirects its intentions? Bernard suggests that chastity as a condition of the will can restore health to the soul and the body. The soul separated from God never completely surrenders to sin. Hope maintains the link to the divine. God is responsive to the longing of hope and assists the restoration of the soul's holiness through his grace. The greatest manifestation of God's grace is Jesus. By responding to this grace in the person of Christ, the soul can once again resist sin. Reaching perfection becomes possible only after good desires become a habit and thus become virtues. For instance, one can resist the sin of gluttony by learning moderation; if moderation becomes a habit, it then transforms into the virtue of temperance. In this way, one repairs the image of God in oneself and invites grace into one's soul. The restoration of the soul through grace leads to self-fulfillment, which fully restores freedom of choice. Happiness is twofold and consists of freedom from evil and the freedom to do good.

The body has an important role in this restorative process. Since the body, unlike the soul, has not lost its natural goodness, the body does not require reformation. But its presence is essential for the soul's restoration. The Incarnation illustrates the role of the body in this process. To awaken human desire for God, God had to humanity in human flesh, so that his physical presence could be perceived by the senses. Until the moment of death, the soul knows that its perfection can happen only in conjunction with the body. All spiritual exercises originate in the body. Our experience of the physical world precedes the experience of the supernatural. Sensations, perceptions, and the emotions they produce are all a potential means of spiritual advancement. Emotions are the result of cooperation between the irascible soul and the body. However, the intellect's knowledge and willed love must orient these emotions toward goodness. The ultimate outcome of a harmonious cooperation between the body and the will is a blessed state of happiness.

### The Bridal Journey of the Soul

The incarnate nature of God's grace in his self-offering through Jesus Christ makes it possible to envision the encounter of the soul with the divine as a nuptial-like relationship. Poetic imagination transposes the human longing for the divine into metaphors borrowed from conventional poetic tradition. To this end, Bernard uses images from the Song of Songs, in which the soul as a bride undertakes a journey in search of the temporarily absent bridegroom. In twelfth-century France, popular culture and the intellectual world were "in love with love," as the courtly love tradition testifies (Casey, p. 88). Consequently, it is not surprising that Bernard uses the poetic conventions of the love poetry of his time to depict the advancement of spiritual love. In his *Sermons on the Song of Songs*, Bernard compares the content and form of the Song of Songs to "the very music of the heart, not a thrilling on the lips but an inward pulsing of delight, a harmony not of voices but of wills" (Sermon 1, p.7). The imagery of the Song conveys the intensity of carnal desire. However, just as we begin to believe that we are witnessing an amorous encounter, possibly adulterous, as was often the case in the secular poetic

tradition of the period, the voice of Bernard the preacher intervenes to dispel this misinterpretation, “It is preeminently a marriage song telling of chaste souls in loving embrace” (Sermon 1, p. 7).

In Sermon 2, Bernard unveils his interpretation of the Song of Songs by identifying the pair of lovers, “The mouth that kisses signifies the Word who assumes human nature” (Sermon 2, pp. 9-10). The mouth is, therefore, Jesus Christ. Bernard insists on making a distinction between the kiss Jesus gives the soul and the kiss Jesus received on his mouth from the Father when he became the Incarnate Son of God. Jesus Christ’s role is to mediate the divine kiss (the kiss of the Word) to the creation that longs for it. What the soul ought to seek is not a mere embrace with the person of Jesus, but “a fertile kiss” that “brings together the human and divine [nature]” (Sermon 2, p. 10). Just as the Word has left the imprint of the kiss on the mouth of Christ, he will share this kiss in a mystical union with the desiring soul.

The advancement toward “kisses of his mouth” constitutes a ladder that one must climb in order to achieve a progressive purgation of sins, “It is a formidable leap from the foot to the mouth, a manner of approach that is not commendable” (Sermon 3, p. 19). The importance of the body metaphors is remarkable in its mystical assent. They participate in a constant interplay between the carnal and the spiritual:

[...] God had mercy on their errors: [...] He became incarnate for the sake of carnal men, that he might induce the soul to relish the life of the Spirit. (Sermon 6, p. 33)

On the one hand, we have the image of the incarnated God, Jesus with all his physical attributes (“[The invisible Emmanuel] appears on earth and walks among men”). On the other hand, the physical description of Jesus melds in with Jesus’ spiritual impact on humanity. Jesus walks on his feet into the souls of his lovers “in a spiritual, invisible manner” (Sermon 6, p. 33). We notice here a smooth passage from carnal reality to the realm of the spirit.

Jesus’ feet represent the first stage of the soul’s journey toward God. One footprint symbolizes “fear,” the other “hope” or “mercy” (Sermon 6, p. 36). Bernard of Clairvaux gives great importance to humility and the act of repentance “at the feet of the Lord Jesus” (Sermon 6, p. 37). This is where the knowledge of God begins. The knowledge of oneself results in the fear of God, which is a helpful emotion, provided that it leads to the knowledge of God. However, self-knowledge without the knowledge of God only leads to despair and depression, “despair, the greatest evil of all, follows on ignorance of God” (Sermon 38, p.188). The fear of God is the beginning of knowledge, and hope arises from that knowledge. Therefore, one must kiss both of Jesus’s feet, for fear of God and God’s hope/mercy to counterbalance each other. After the feet, Jesus’ hands are the next stage of the journey on the way to the final stage that is the mouth. Bernard of Clairvaux says very little about what the hands represent in this journey, beyond insisting on the importance of kissing them as an intermediary stage leading from the feet to the mouth.

The ultimate stage of the humble journey, the mouth, symbolizes love. The contemplative kiss on the mouth brings an infusion of love into the soul as well as knowledge of God,

his creation, and its right order (Chu-Công, pp. 241-8). The kiss unites the soul and God in a spiritual marriage. This means that even when the mystical embrace ceases, the soul perfected by God's love remains in this love and perseveres in its inclination toward the good. The contemplative marriage that necessarily alternates between the absence and the presence of the bridegroom is inferior only to the permanence of the Beatific Vision where bliss, experienced as the result of the direct contemplation of the God's glory, will be permanent (Sommerfeldt, p. 226).

### Bernard's Beatific Vision vs. Tantric Ecstasy

We will leave now twelfth-century Western Europe in order to establish some parallels between Bernard's Christian mysticism and Tantric Buddhism. I use the adjective "Tantric" to refer to the form of Buddhism practiced in Tibet, also known as the Vajrayana branch. Tantric Buddhism stresses the importance of the "realm of indestructibility." This realm is represented in Buddhist literature as "colorful, vivid, and filled with unexpected beauty and meaning" (cited in Ray, p. 1). These characteristics are reminiscent of the spiritual *locus amoenus* [delightful place], in which the bride and the bridegroom meet in Bernard's *Sermons on the Song of Songs*. Another feature of this form of Buddhism, the existence of a reality beyond thought, imagination, and impermanence, recalls contemplative vision of the Christian tradition, and in particular the Beatific Vision.

Tantric Buddhism, as in most branches of Buddhism, gives great importance to the teachings, often referred to as the turning of the wheel. Of all the teachings, the teachings on emptiness dominate in Tantric Buddhism. The first goal of Tantric ritual is to establish the ultimately open and non-objectifiable nature of reality, in other words, a state of emptiness. Both the practitioner and the deities that he seeks to encounter in Tantra come to the point where reality no longer exists in any definitive sense, that is, reality is beyond thought and objectification (Ray, pp. 91-107). This then leads to the ultimate stage of the quest, known as the Buddha-nature.

If we juxtapose the mystical ladder proposed by Bernard of Clairvaux with the Tantric path of ecstasy, we discover some intriguing parallels. First of all, it is important to point out that the Tantra tradition takes the body very seriously in this process of striving for enlightenment (Feuerstein, p. 60). The body is part of a broader reality: the world. For Tantric Buddhism, the world is somewhat real and divine at the same time. Human life in this world is short; therefore, we must undertake the paths that lead to our liberation as soon as we can. This can be achieved through spiritual disciplines such as yoga and tantra, which help develop the art of self-understanding, self-transformation, and self-transcendence. Liberation can be defined as the radical inner act of rejecting all worldly objects and relations. It can happen only through a powerful focus on divine reality. We see here an aspiration comparable to that of Bernard of Clairvaux: he yearns to go beyond the worldly domain and to reach the realm of the divine through the Incarnation of Jesus-Christ. Nonetheless, the soul in the Christian perspective never pretends to be anything other than itself, whereas in Tantra, it is possible to strive to become a deity. In fact,



practitioners of Tantra use visualization practices to contemplate a “chosen deity as a very self” (Feuerstein, p.126).

The purpose of liberation in Tantric Buddhism is to free oneself from the burden of the body. As we have seen, for Bernard of Clairvaux, the body is ultimately neither good nor bad. It is a neutral vehicle of experience from which we learn about the nature of reality. In Buddhism, on the other hand, corporal suffering ultimately leads to the joy of being liberated from one’s body. In one of the influential Kashmiri texts, the *Yoga-Vāsishtha*, we read, “For the wise person, the body serves as a vehicle that can transport him swiftly in this world, and it is known as a chariot for attaining liberation and unending enjoyment” (cited in Feuerstein, pp. 57-58).

The purpose of Tantra is to lead practitioners beyond the karmic bind that prevents them from reaching enlightenment. Its goal is not to transcend the world but to see all life experiences as the play of the same One: all experiences, both positive and negative, ultimately belong to the same delightful Reality. The key of liberation lies in the realization that everything that happens to us actually occurs within a larger scheme of Being. From this perspective, “we are the world,” and we share its ageless existence as a part of its flow ad infinitum (Feuerstein, p. 60).

This is not the case in Christian teachings, as we have seen in the writings of Bernard of Clairvaux. From the Christian perspective, our bodies are unique and material. We do not dissolve into the self-perpetrating cosmos. Through the union of our soul and our body, we participate in the providentially designed progress of the world as it moves towards the end of time (or the Final Judgment). According to Bernard, negative experiences and suffering come from disobedience of the will, in other words, from a will that refuses to align itself with the linear *telos* of the cosmos established by God. Death and bodily resurrection will free humans from inclinations dictated by sinfulness. Ultimately, however, joy will not come from contemplating the perpetually unfolding and enfolding cosmos, but instead from contemplating the Beatific Vision.

By contrast, Tantric teachings do not make an ontological distinction between body and mind. This is only a conceptually practical distinction. According to this tradition, the gate to the cosmos lies within the self, which embodies the world with its mountains, lakes, and plains. Some Tantric schools propose an ontology made up of thirty-seven principles of being. The major preoccupation of these schools is how the One can become Many (Feuerstein, pp. 62-66). Several Buddhist traditions offer different accounts to explain the multiplicity of being. However, the principle underlying all of these traditions is that liberation consists in a return from the state of many to original oneness. This concept informs all Tantric practices as the participants strive to find a way back from multiplicity to oneness.

Tantric practice involves a set of well-defined steps in a ritual that ultimately leads to higher consciousness or liberation (Feuerstein, pp. 120-138). It is performed under the supervision of a guru whom the practitioner trusts and with whom he has an affectionate bond. The precepts for Tantric rituals have been compiled in the works known as



*sadhanas*. The ritual starts with a purification exercise and ends in the ecstatic identification with the object of meditation. Mental visualization combined with sexual practices lies at the heart of Tantric practice.

The Tantric tradition, as explained by John Stephens (pp. 60-63), sees sexual desire as a vibrant force that energizes humans from conception on. Its suppression “sours” people, and makes them compulsive, morbid, and neurotic. Sexual stimulation is seen as a religious experience and becomes the Tantric symbol for the Great Bliss of Liberation. The goal of intercourse is not to reach climax (the ejaculation of semen is not welcome), but rather to reach enlightenment (Stevens, p. 66). Tantric Buddhists see passions (including sex) as the building blocks of enlightenment. Sexual practices performed by the followers of the Tantra become an experience of cosmic significance. In the sexual union the female element is an embodiment of transcendental wisdom. The woman’s *yonis* is the abode of pure bliss. The male element embodies “the skillful means needed to actualize enlightenment.” and the man’s *lingam* is “the diamond hardness of Buddhist emptiness” (Stevens, p. 63). Sexual images are meant to represent the polar opposite of the phenomenal world in its dignity. A Tibetan mantra explains this sexual practice in this way:

[...] the origin of life, the jewel of the male principle, the lotus of the female polarity, the union of the two in undifferentiated consciousness, and the regeneration of emptiness with form, wisdom with skillful means.” (cited in Stevens, p. 64)

From that union, the practitioners gain pure knowledge.

#### Concluding Remarks

In this study we have compared Bernard of Clairvaux’s notion of mystical love between the soul and God with the Tantric tradition that attempts to harness desire in a physical ritual that serves as a vehicle for achieving enlightenment. Both traditions show that the centrality of desire, in the sense of existential longing for fulfillment and completion. Bernard of Clairvaux offers a solution that he explains using the convention of secular love, very common in twelfth-century Western Europe, as an analogy. Within this analogy, the soul becomes the bride and God becomes the bridegroom, and union with God manifests as nuptial love. To illustrate his ideas, he uses the biblical text, the Song of Songs, which explains the vicissitudes of a soul that is coming close to an encounter with God. God’s Incarnation makes it possible to redirect the soul’s longing for beauty and goodness toward a divine reality where the soul can find fulfillment. According to Bernard of Clairvaux, through the humanity of Jesus Christ, God has made it possible for humans to respond on human terms to the Incarnation, and to respond to him with very human affection. Once this affectionate relationship is established, God leads humans toward a superior and spiritual form of love, expressed in the mystical union of the human and the divine.

The Tantric tradition harnesses desire methodically through physical rituals in order to reach a state of emptiness. It is an entirely inward journey that does not transcend the realm of the cosmos, because everything in the world is one despite the multifold

manifestation of reality on its *samsaric* level of existence, that is, our daily life, informed by our fears and hopes and characterized by suffering. The ritualistic physical sexual encounter is believed to facilitate the process of liberation from *samsara*. Is there a point of intersection between the Christian and Buddhist traditions regarding the domestication of desire? Although each tradition has its own way of containing or harnessing desire, they both acknowledge its presence and see it as a motivating force behind human action and self-reflexivity. This fact alone should serve as a point of departure for a constructive interreligious dialogue regarding the nature of desire and the paths to its fulfillment.

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*Three Utilitarians: Hume, Bentham, And Mill*

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## §1 The Aim of this Paper

Utilitarianism has been one of the biggest streams in ethics since a long time ago. Prior to Mill's activity as its spokesman<sup>1</sup>, it is said that Jeremy Bentham initially set forth the doctrine.

- (1) By the *principle of utility*<sup>2</sup> is meant that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question... (Bentham, 1789, ch.i, par.2)<sup>3</sup>

Bentham himself, however, attributed his doctrine further to David Hume:

- (2) For my own part, I well remember, no sooner had I read that part of the work [=Hume (1739-40), Book III]<sup>4</sup>...than I felt as if scales had fallen from my eyes... (Bentham, 1776, note52 (2))
- (3) That the foundations of all virtue are laid in utility, is there [op.cit.] demonstrated, after a few exceptions made, with the strongest force of evidence: but I see not, any more than Helvetius saw, what need there was for the exceptions. (ibid., see also Shimokawa, 2002, p.23)

The aim of this paper is to clarify the relationship of these three thinkers, Hume, Bentham, and Mill in the context of utilitarianism. Through discussion, we shall figure out how and why utilitarianism is trustworthy.

## §2 Are Utilitarians Trustworthy?

Utilitarianism is characterized by the following statement as well.

- (4) Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. (Bentham, 1789, ch.i, par.1)

Here, Bentham attributed human motives either to the *pursuit of pleasure* or to the

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<sup>1</sup> I think Mill (1833), Mill (1838), and Mill (1861) were all dedicated to this same end. Incidentally, here I let the readers know the notation for citations in this article beforehand: in the case where we make reference *outside* the parentheses, the notation "Mill (1861), p.1" is used, for example. Otherwise, "Mill, 1861, p.1," for example.

<sup>2</sup> Sometimes italicization is used by Kaneko for emphasis.

<sup>3</sup> As for the references to Bentham (1789), we use chapter numbers (ch.) with Roman numerals and paragraph numbers (par.) with Arabic numerals, following Bentham (e.g. Bentham, 1789, ch.ii, par.17).

<sup>4</sup> The complementary insertions by Kaneko are indicated with square brackets.

*security from pain*<sup>5</sup>. We may call this tenet “the hedonistic principle.” According to it, the agent evaluates his (her)<sup>6</sup> action exclusively from the view whether it augments his pleasure or not.

This mentality easily leads us to the principle of utility as well (cf. 1). This is how utilitarian doctrines are set up.

However, here arises a question: “Are utilitarians trustworthy? They stick only to their own profit. Once they find the present action useless for their profit, they seem to withdraw from the action soon!” As an example, let us take up the following scenario:

- (5) X is a salesman who is well known for his courteous manner to customers. One day, his colleague asked him why he can behave in such a manner all the time. Then, he answered, “Well, merely for our own profit. Don’t you think customers prefer the products of the company that such courteous employees work for?”

Can we trust this salesclerk? He behaves ethically in appearance. But, as we see in his comment, his behavior is sustained only by the expectation of the future profit. Once the action lacks the consequence, he seems to withdraw from his action soon.

### §3 Bentham’s Scheme

To make the point clearer, I suggest adopting a modern framework of action theory, *practical syllogism*<sup>7</sup>. Making use of it, we may paraphrase X’s mentality (cf. 5) into this form:

- |   |  |                 |
|---|--|-----------------|
| (6)   | I want to make a profit.   | (Major Premise) |
|   | If I entertain customers in a courteous manner, they will purchase our products. | (Minor Premise) |
| <div style="display: flex; justify-content: space-between;"> <span>∴ I entertain customers in a courteous manner.</span> <span>(Conclusion)</span> </div> |  |                 |

In the major premise, X’s pursuit of pleasure of wealth is stated. In the minor premise, X’s belief that entertaining customers will make them want to purchase the products is stated. And for these two reasons, X behaves that way.

<sup>5</sup> Cf. Bentham (1789), ch.x, par.9. In most cases, Bentham did not distinguish the pursuit of pleasure and the security from pain (e.g. *ibid.*, ch.vii, par.1).

<sup>6</sup> I omit female personal pronouns in the following discussion.

<sup>7</sup> As is well known, it was Anscombe who introduced practical syllogism—originally, Aristotle’s invention—to the modern controversy of ethics or action theory (Anscombe, 1957, §33). Also, it is well known that Davidson developed Anscombe’s framework in his epoch-making article (Davidson, 1963). What we call “practical syllogism” in our text is this developed version of Davidson’s. I have fully dealt with its universality in Kaneko (2011a). Actually, some contemporary thinkers also make use of it: to clarify traditional arguments (Davidson, 1976), to make his argument easy to understand (Singer, 1980, p.134, p.200), and so on.



Behind this mentality of X's, we may also find Bentham's doctrines<sup>8</sup>:

(7) *Bentham's Scheme*

Hedonistic Principle (cf. 4)

Principle of Utility (cf. 1)

---

∴ Action

X's mentality does match up with this scheme.

#### §4 Utilitarians Are Not Trustworthy

From this angle, we may specify where X's mentality depends on. It is presumably the belief in the utility of his action. This belief is stated in the minor premise of (6):

(8) If I entertain customers in a courteous manner, they will purchase our products.

The belief in this conditional was vital to X's decision. His fundamental motive, the pursuit of pleasure of wealth, is evident; he staked its realization on his action. And what justifies this stake was the above conditional.

However, in turn, this means: X might easily withdraw from the action once he finds it useless for the desired consequence.

But where people expect the agent to stay with the same action, such withdrawal is not admissible. Therefore, we cannot but say: "Utilitarians are not trustworthy."

#### §5 Mill's Extreme Answer

Is this the case? Could you accept this conclusion? At least John Stuart Mill would have rejected it. He was a utilitarian who fought against this kind of prejudice, maintaining that utilitarians are not always preoccupied with *consequences* of the act.

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<sup>8</sup> Actually, Bentham set forth a view that fully reminds us of the practical syllogism.

"...for a man to be governed by any motive, he must in every case look beyond that event which is called his action; he must look to the consequence of it: and it is only in this way that the idea of pleasure, of pain, or of any other event, can give birth to it. We must look, therefore, in every case, to some event posterior to the act in contemplation: an event which as yet exists not, but stands only in prospect." (Bentham, 1789, ch.x, par.6)

Here, Bentham explains how human fundamental motive, pleasure and pain, "give[s] birth to" the action. According to him, in the choice of action, the agent "look[s] beyond" it and takes its consequence into consideration; this corresponds to the minor premise of our scheme. On the other hand, the fundamental motive, the pursuit of pleasure, is still a decisive factor for the action because the expected consequence is, after all, directed to the realization of the pleasure as stated in the major premise of our scheme.

- (9) ...that all our acts are determined by pains and pleasures *in prospect*, pains and pleasures to which we look forward as the *consequence* of our acts. This, as a universal truth, can in no way be maintained. The pain or pleasure which determines our conduct is as frequently one which *precedes* the moment of action as one which follows it. A man *may*, it is true, be deterred, in circumstances of temptation, from perpetrating a crime, by his dread of the punishment, ..., which he fears he may have to endure *after* the guilty act; ... But the case may be, and is to the full as likely to be, that he recoils from the very thought of committing the act; the idea of placing himself in such a situation is so painful, that he cannot dwell upon it long enough to have seen the physical power of perpetrating the crime. His conduct is determined by pain; but by a pain which precedes the act, not by one which is expected to follow it. Not only *may* this be so, but unless it be so, the man is not really virtuous. (Mill, 1833, p.12)

Paraphrasing “consequence” in various ways—“what happens *after* he performs the action,” “the pleasures *in prospects*,” etc., Mill criticizes Bentham here, and rather, comes close to a Kantian view<sup>9</sup>: Pains inherent in the action itself—which, in that sense, *precedes* the action—determine it.

This is how Mill led utilitarianism exclusively in an ethical direction.

- (10) I must again repeat,..., that the happiness which forms the utilitarian standard of what is right in conduct, is not the agent's own happiness, but that of all concerned. As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and *benevolent* spectator. In the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. To do as one would be done by, and to love one's neighbour as oneself, constitute the ideal perfection of utilitarian morality. (Mill, 1861, p.218).

Mill enthusiastically believed in the *noble character* of human beings (ibid., p.213). He thought the cultivated persons must surely prefer the employment of their higher faculties (ibid., p.211).

- (11) Utilitarianism...could attain its end by the general cultivation of nobleness of character... (ibid., pp.213-214)
- (12) It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. (ibid., p.212)

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<sup>9</sup> As is well known, Kant argued that the agent must perform the action *for the sake duty*, not *in accordance with duty* (Kant, 1785, IV397). That is, we must find the value of the action in itself, not in its consequence. This is completely an opposite standpoint to that of utilitarians. Supporting this standpoint to some extent, Mill argued that Kant's formalism must be complemented by the principle of utility, which gives substance to its form (Mill, 1861, pp.249-250, see also Mill, 1838, p.105).

Now it is clear that for Mill, Bentham's too simplified, plain view of human nature was not tolerable<sup>10</sup>. Should we then replace Bentham's picture with Mill's?

## §6 Unreality of Mill's Thought

I think it is not so necessary. Why? To say simply, Mill was going too far.

Let us return to our original theme (=5). Could the salesclerk carry on his business manner merely from the insight like Jesus'? It seems impossible, somewhat strange.

There is certainly a case where the agent determines his action only for the sake of duty or from its attendant painful feeling<sup>11</sup>. But in most cases, our mentality does not reach such a deeper part. That the salesclerk serves customers from benevolent feeling alone is as ridiculous as that a debtor pays back the money from benevolent feeling to the creditor.

In one aspect, Mill's depiction is a good picture of human moral mentality. However, for our present interest, it is somewhat unrealistic.

## §7 Watershed of Utilitarianism

Where did Mill then go wrong? In my opinion, his *prioritization* among human pleasures became a turning point in his course of thought. Maybe, the fact is the opposite: Our mentality could admit of a *variety of pleasures*. Bentham composedly gazed at this point. His *quantitative utilitarianism*, or *hedonistic calculus*<sup>12</sup>, was not a simple doctrine exclusively associated with the pleasures of sense.

### (13) *Catalogue of Pleasures* (Bentham, 1789, ch.v)

1. the pleasures of sense, 2. the pleasures of wealth, 3. the pleasures of skill, 4. the pleasures of amity,
5. the pleasures of a good name, 6. the pleasures of power, 7. the pleasures of piety, 8. the pleasures of benevolence, 9. the pleasures of malevolence, 10. the pleasures of memory, 11. the pleasures of imagination,

<sup>10</sup> As far as I see, Mill's criticism against Bentham is to be classified into three items. First, he pointed out that it is not Bentham who, for the first time, set forth utilitarianism in history. This mode of thought was already found in Socrates (Mill, 1861, p.205) as well; furthermore, in Epicurus (ibid., p.209), in Helvetius (Mill, 1838, p.86), and also in such minor thinkers as John Brown (ibid., p.87) and Samuel Johnson (ibid.). Rather, Mill said, the most important contribution of Bentham's to utilitarianism was the invention of its methodology, which Mill called "the method of detail" (Mill, 1838, pp.83f.); and on account of it, Mill praised Bentham as equal to Bacon (Mill, 1833, pp.9-10), although Bentham's main field was jurisprudence (Mill, 1838, pp.100f., pp.103f., Mill, 1833, pp.9f.).

Second, Mill complained that Bentham had too great a contempt to learn from his precursors (Mill, 1838, pp.90f.), which disturbed him from investigating deep into human nature (ibid.). His too simplified a view of human nature originated from this fault, according to Mill.

Third, Bentham's specific interest in jurisprudence confined his attention to human action only, so that he could not notice the importance of arguing the character of human beings (Mill, 1833, pp.7-8).

<sup>11</sup> Kant admitted that this kind of feeling accompanies the determination of our will by the moral law (Kant, 1788, V73-75). On the other hand, Mill called such feeling *conscience* (Mill, 1861, p.228).

<sup>12</sup> In detail, see Bentham (1789), ch.iv.

12. the pleasures of expectation, 13. the pleasures dependent on association, 14. the pleasures of relief.

Bentham left these pleasures as they were.

On the contrary, Mill would have admitted 4, 5, 7, and 8 at best (cf. Mill, 1838, p.95). Again, taking his previous remark (=10) and the essence of moral<sup>13</sup> into consideration, he would have narrowed them down to 8 only; and it is located at the top of his prioritization.

This is why there remains no room for a variety of pleasures in Mill's system. In this respect, two utilitarians completely broke with each other.

## §8 Pleasures Piled

Then, on the basis of the preceding scenario (=5), let us form a syllogism, following two utilitarians respectively.

### (14) *Mill's Model*

I want to please customers. (Pursuit of Pleasures of Benevolence)

If I entertain customers in a courteous manner, they will be pleased.

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∴ I entertain customers in a courteous manner.

### (15) *Bentham's Model*

I want to make a profit. (Pursuit of Pleasures of Wealth)

I want to please customers. (Pursuit of Pleasures of Benevolence)

I want to be promoted. (Pursuit of Pleasures of a Good Name)

If I entertain customers in a courteous manner, they will purchase our products.

If I entertain customers in a courteous manner, they will be pleased.

If I entertain customers in a courteous manner, the manager may promote me.

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∴ I entertain customers in a courteous manner.

Since we have already refused Mill's thought in §6, Mill's model here is not acceptable, either. It is unrealistic. We could not carry on the same business manner merely from benevolent feeling.

However, it is not that we entirely deny Mill's mode of thought. We must clarify its weak point: benevolence is too feeble to motivate an action. What it requires is some

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<sup>13</sup> As is well known, Kant denied the morality of the action motivated by the inclination toward fame (a good name) (Kant, 1785, IV398). In terms of this, we are to remove all the remainder (4, 5, 7) from the list of *moral* motives except benevolence (the reason is stated in §11 below). Some may say this is too Kantian a view. But as already stated in §5, Mill came fairly close to Kantianism (Mill, 1861, pp.249-250).

complement.

Just for this reason, Bentham's model (=15) is preferred. It admits *plural* motives (the pursuit of *plural* pleasures). They eventually support the feeble ethical motivation.

Furthermore, this model gives the answer to our original question whether utilitarians soon withdraw from their action once they find it useless for their own profit (§2). We can answer no to this question. Compare the previous model (=6) with this new version (=15). In the latter, the agents can maintain his motivation even if his action (entertaining customers in a courteous manner) turns out to be useless for *one* consequence (customers' purchasing the products), since even in that case, *other* consequences, e.g. the possibility of promotion, are still expectable. To this extent, the agent can maintain his motivation, so that his ethical behavior is carried on.

## §9 Why Be Moral?

Now we found an answer to some extent. On this account, we know how ethical *action* is stabilized in utilitarian frameworks. However, this result gives rise to another question: the significance of ethical *motivation*.

Bentham's model managed to stabilize ethical *action*. Yet seemingly, it does not require ethical *motivation*. All that counts in the model is the number of consequences—how many desirable consequences the action has. So it does not matter whether the agent has ethical motivation or not.

To make up for this defect, taking Mill's standpoint is easy but should be avoided, because we have already turned it down (§6). Hence we must ask here once: Why must we have ethical motivation to do ethical action?

## §10 Hume

On trial, let us take up the mentality without any ethical motives.

### (16) *Egoistic Mentality*

I want to make a profit.	(Pursuit of Pleasures of Wealth)
I want to be praised .	(Pursuit of Pleasures of Amity)
I want to be promoted.	(Pursuit of Pleasures of a Good Name)
If I entertain customers in a courteous manner, they will purchase our products.	
If I entertain customers in a courteous manner, they will praise me.	
If I entertain customers in a courteous manner, the manager may promote me.	

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∴ I entertain customers in a courteous manner.



The decisive point that distinguishes this model from the former (=15) is that the motives listed here are all directed to “me.” It is only “me” who is pleased by the consequences listed here. But presumably, only in this case, the agent feels free to withdraw from his action. For even if he stops his action, nobody gets in trouble since his action is related with nobody else.

Yet, most of our acts are put into social contexts. Therefore, such egoistic mentality becomes problematic.

Take another look at the principle of utility (=1). According to it, our approbation of the action is relative to “the party whose interest is in question.” The question here is how large party we should envisage.

In terms of this question, we might describe the mentality of (16) this way: “That model is an extreme case, in which the interest of the smallest party, ‘me,’ is only in question.”

Is this mentality still in accord with the principle of utility? Regarding it, we may refer to the third utilitarian, David Hume. He expressed such mentality in a direct way.

- (17) What is that to me? There are few occasions, when this question is not pertinent.  
(Hume, 1751, p.217)

We may regard this as the *bottom* of utilitarianism. All utilitarians start from this mentality.

Did Hume stay in this bottom, then? No. His conclusion was the opposite.

- (18) But, useful? For what? For somebody’s interest, surely. Whose interest then? Not our own only: For our approbation frequently extends farther. It must, therefore, be the interest of those, who are served by the character of action approved of; and these we may conclude, however remote, are not totally indifferent to us. By opening up this principle, we shall discover one great source of moral distinctions. (Hume, 1751, p.218)

In this way, Hume concluded that we had to go out of the narrow circle of “me.” We must leave egoism. But how? Let us clarify this point below.

### §11 As a Member of a Society

To begin with, take a look at “one great source” in the above citation. This source was, to tell the truth, benevolence<sup>14</sup>. However, as we saw earlier<sup>15</sup>, benevolence was Mill’s

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<sup>14</sup> Cf. Hume, 1751, pp.220f., pp.230f.. In *Enquiry*, Hume called benevolence “humanity” as well (cf. Hume, 1751,

specialty. How does Hume's argument differ from Mill's, then?

To say simply, Mill's emphasis was on the cultivation of character (§5); in contrast, Hume's was on the social aspect of human beings.

(19) Of all the animals, with which this globe is peopled, there is none towards whom nature seems, at first sight, to have exercis'd more cruelty than towards man, in the numberless wants and necessities, with which she has loaded him, and in the slender means, which she affords to the relieving these necessities. [...] 'Tis by society alone he is able to supply his defects, and raise himself up to an equality with his fellow-creatures, and even acquire a superiority above them. (Hume, 1739-40, pp.484-485)

Here Hume revealed how indispensable society is for human beings.

In this context, we may regard a *family* as the smallest circle of "society." Not only for the reason just mentioned (=19), but also for the "natural appetite between two sexes," we are forced to form the smallest circle (ibid., p.486). Benevolence, according to Hume, comes to grow in this smallest society (cf. ibid., p.417). It is natural affection, because of which we naturally go out of egoism.

## §12 From Natural Virtue to Artificial Virtue

In this way, Hume dealt with the benevolence concept from a social angle. As a result, his argument provides Mill's correspondent idea with a firmer ground.

Nevertheless, Hume's argument seems irrelevant to our original interest. For our original interest was in the mentality of a salesclerk. The mentality of a salesclerk and that of a family member are different two things. How can we bridge the gap between them? Let us trace Hume's argument further.

While classifying benevolence into natural feeling, Hume regarded it as a representative of *natural virtues* useful to others (Hume, 1751, sec.II). "Useful" here means utility. But wait: first of all, what does it mean to be useful to others?

If we bear benevolent feeling to our own families alone, we are to be judged egoistic. For the circle of a family is, in a sense, another egoistic circle than "me." Indeed we sometimes disregard another person outside of our own families in cold blood. From the insight into this very fact, in turn, we come to think: the benevolent feeling is not sufficient, and must be enlarged beyond the borderlines of families.

This course of thought reveals the true meaning of utility. See the previous citation of

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p.219 note1, Shimokawa, 2003, p.186).

<sup>15</sup> See the last part of §7 and citation (10).

Hume's (=18). According to it, the viewpoint of utility is extended as far as possible. But the question here is: How can we realize it?

The answer is surely be given by the transition from natural virtue to *artificial virtue*. Citation (19) implied the possibility of another society: a society *in its literal sense*. In this kind of society, naïve mentality like benevolence does not make sense. It is precisely here that another factor comes forth.

Hume argued that in the case of such a broader society, what we acquire first is *convention*. Convention is a rule tacitly followed by people in the society (Hume, 1739-40, p.480etc.). Hume says:

(20) Drivers such as waggoners, coachmen, and postilions cannot pass each other on the road without rules. (cf. Hume, 1751, p.210)

Without rules, we could not lead our social life smoothly. Why doesn't a passerby suddenly attack me? Why can we get the goods when we pay the money? These questions are all solvable in terms of convention.

Those actions are a kind of convention. Without them, we have great difficulty in leading our social life. So we adopt them and observe them as a matter of course.

This viewpoint justly enlarges our mentality. Why do we care about other people than our own families? It is because such people are, it is true, strangers but at the same time, also those members of *our* society who follow the same convention. To keep the society, we must care about other people as indispensable *fellows*.

We may call this extended mentality *artificial virtue*, following Hume<sup>16</sup>. And it finally supersedes the preexisting natural virtue, benevolence. Artificial virtue enlarges our mentality, and sublimated it toward the broad horizon of *public interest* (cf. Hume, 1739-40, pp.534f.). Hume says, "In all determinations of morality, ...public utility is ever principally in view" (Hume, 1751, p.180). Here we know the true meaning of utility.

### §13 Integrated Model

The insight into the convention-networks lets us know: We are fellows in one society. Artificial virtue emerges in this mentality. We may simply call it *moral sense* (Hume, 1739-40, p.458etc.). After all, this moral sense could be identified with the ethical *motivation* we have sought for.

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<sup>16</sup> According to Hume, artificiality is intimately connected with the adoption of convention in a society (Hume, 1739-40, pp.477f.).

Moral sense is planted in our mind since we began to form a society. The larger our society becomes, the more crucial it is to acquire such sense.

Our society is, after all, *open* and *competitive* one<sup>17</sup>, in which letting customers shop pleasantly is vital to survive; the companies ignorant of business manners—tacit rules in business—are naturally weeded out. So every salesclerk gets to think it obligatory to keep a courteous manner.

This consciousness of obligation is thought to be moral sense, which becomes the motivation for ethical behavior. We may replace “benevolence ” in Mill’s model (=14) with it:

(21) *Moral Sense Model*

I want to please customers. (Moral Sense)

If I entertain customers in a courteous manner, they will be pleased.

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∴ I entertain customers in a courteous manner.

However, this model is no more sufficient than Mill’s was. The reason is, in this case, not merely that the moral sense is too feeble, but that it is likely undermined by another strong motivation.

(22) *Malevolence Model*

I want to revenge my resentment on the manager. (Pursuit of Pleasure of Malevolence)

If I do not entertain customers in a courteous manner, the reputation of this shop will be hurt.

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∴ I do not entertain customers in a courteous manner.

In case this malevolence is so strong, it might overwhelm the moral sense. Hume also did not deny such situations:

(23) It is not contrary to reason to prefer the destruction of the whole world to the scratching of my finger. (Hume, 1739-40, p.416)

To avoid such situations, we must reinforce the sole ethical motivation in (21). That is why an integrated model of Hume’s (=21) and Bentham’s (=15) comes forth:

(24) *Integrated Model*

I want to make a profit.

(Pursuit of Pleasures of Wealth)

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<sup>17</sup> As for the relationship between Hume and open competition, see Katsuragi, 1988, pp.155f.

I want to please customers.

(Moral Sense)

I want to be promoted.

(Pursuit of Pleasures of a Good Name)

If I entertain customers in a courteous manner, they will purchase our products.

If I entertain customers in a courteous manner, they will be pleased.

If I entertain customers in a courteous manner, the manager may promote me.

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∴ I entertain customers in a courteous manner.

We adopt this model in conclusion.

#### §14 The Axis of Motivation

In this way, we could realize why and how utilitarian agents have ethical motivation. According to Hume, people acquire moral sense as long as they are members of a society. Nevertheless, they know that such ethical motivation alone is not enough. So they increase their reasons for the ethical action. That is why the integrated model (=24) appears. As stated above, it is the integrated model of Hume's (=21) and Bentham's (=15).

We may regard it as the conclusion of our investigation. In addition to that, lastly I want to add one more thing for complement: the function of ethical motivation among plural motives; namely, the *axis*-function of moral sense.

In Bentham's model (=15) as well as its extreme case (=16), the expectations of pleasures are, in not a few cases, frustrated. This is because, as stated in §4, the utility of the action—which ensures the realization of the pleasure under consideration—does not always hold<sup>18</sup>. But even so, there is one thing never frustrated: the pleasure<sup>19</sup> based on moral sense.

(25) If I entertain customers in a courteous manner, they will be pleased.

The connection between the action and its consequence here stated is never severed. This is because in our society, the courteous business manner is, by definition, directed to customers' pleasure (cf. §13). Compared with other consequences like profit (cf. 8), the tie here stated is so strong and intrinsic that we do not have to confirm it from experience.

This strong tie finally makes the agent sure of the justice of his action. Even if other

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<sup>18</sup> This was the central topic treated in Kaneko (2011b).

<sup>19</sup> According to the recent study of Karl Hepper's, Hume adopted a hedonistic principle like Bentham (Hepfer, 1997, p.27), although Hepfer states it in the content of Hume's representative passions: pride, humility, love and hatred (ibid., p.29).



consequences are gone, the customer's pleasure alone remains all the time. Therefore, he could stay with the action.

This is how the pursuit of the pleasure based on moral sense functions as an axis among plural motives toward ethical action. As long as such motivation remains, ethical behavior also continues. And to this extent, we could trust utilitarians.

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*Buddhist Ethics and Globalization on the Basis of Bodhicaryavatara*

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Abstract:

The process of globalization in today's world compels us to understand the world as a single unit, and deeply affects all aspects of our lives - economic, political and cultural. Buddhism retains its core concepts, yet has capacity to include and develop new practices which makes its impact global. That is why with its concept of the Bodhisattva; it has been able to move through countries, through cultures, through centuries. The Bodhisattva performs deeds, neither for himself nor his own but for all sentient beings for their welfare physical, ethical and spiritual upliftment. Thus, the ethical code and conduct of Bodhisattva ideal has a universal and eternal relevance, more so in the present-age of the danger of global destruction. Put simply, a self-centered attitude is the source of all sufferings - of one's own and of others-, while selfless attitude and a concern for others is the source of happiness, well-being and welfare of all - including one's own self. In light of this interpretation the present paper explores the causal connection between bodhisattva deeds, especially its concept of ethical code and conduct, and globalization, on the basis of *Bodhicaryavatara* of Santideva, as ideal giving solutions to the present-age challenges. The paper concludes that the performance of deeds and ethics are closely intertwined because performance of an action while gives opportunity to satisfy material needs if tainted by human greed, it may lead to unethical behaviour. But if, the same behaviour is galvanised by the enlightened reasoning, it will be an act of piety. Thus, it gives more stress on purification and chestening of the mind. A Manager acting thus uses critical faculties, reasoning, disciplined, and ethical mind to promote the welfare of all stakeholders.

## **Buddhist Ethics and Globalization on the basis of *Bodhicaryavatara***

### **1. Introduction:**

The ethics is needed in all sorts of business in our everyday life and for the enlightenment as well. “The theoretical part of teachings of the Buddha is not sufficient as a patient cannot be cured merely by reading the text of medical science.”<sup>1</sup> Further, even in performing the virtuous actions one must have right vision and proper understanding to judge his actions. The performance of an action must not be only self-centered rather for the welfare of all beings, for satisfying their physical and spiritual needs and ethical elevation as well. Thus, a Bodhisattva practices the six perfections (generosity, ethics etc.) to develop the selfless view through wisdom and right view. He performs his deeds as per guidelines of the ethical code of conduct for all sentient beings, without any expectation. However, he keeps in mind that his act and behavior must not hurt the sentiments of others whether it is home, work place or society. Thus, the observance of ethical behaviour of Bodhisattva is capable in creating the harmony.

In the present age of globalization, the main objective of a human being is to satisfy his physical needs and in doing so he does not care about the sentiments of others. He wants to earn money more and more by any means for his physical & sensual enjoyments. He does not care about ethical or unethical behavior in his work performance. This is the reason that the world is facing challenges of economic crisis, a warming planet, ethnic violence, various kinds of health problems, poverty and so on. In this situation, if we apply the core concept of Buddhism, especially of Mahayana Buddhism, and as exemplified in *Bc*, i. e. ethical code of conduct, in our day today affairs, most of the challenges can be resolved. Thus, there is a need of creating harmony at our workplace and society.

### **2. Ethics:**

The English term ‘ethics’ denotes the moral principles, which govern a person’s behaviour. It is also indicative of the conduct of an individual that how he performs the work. In ancient Indian literature, the terms such as; *acara*, *dharma*, *niti* and *sila*, are indicative of the foundation of the edifice of moral discipline. But, in Buddhism, the appropriate or closet term for ethics is “*sila*”. The ethics in form of conduct in India has been considered as a supreme law, among other laws of society. It is not limited only to human beings but its extension is to all sentient beings: “work for the welfare of all and pleasure for all. But, the basic concept of the moral theory is based on the law of causation. The good actions always produce positive results and sinful acts produce negative results. But, even if we behave as ethically as possible, we still face lot of negative effects due to accumulated *karmas*. However, we need to act as ethically as possible keeping in the mind that the good actions always produces positive results either in the present life otherwise in future (next birth). The virtuous actions make



present and future (next birth) with less suffering but with more pleasure for all. In the contrast of this, the same attitude and behavior, if arises by human self-indulgence, delusion and attachment, come under the purview of non-virtuous actions, and it may line up to unethical action.

### 3. Concept of Globalization:

The origin of the concept of 'Globalization' is subject to debate. Many people think that this term has frequently come in common usage in late 20<sup>th</sup> century. "The concept of globalization emerged in the period between the latter half of the 19<sup>th</sup> century and the initial years of the 20<sup>th</sup> century (1850 - 1914)." <sup>2</sup> Nowadays, the term "globalization" is being used and often discussed everywhere. However, as a concept, the term has a long history of usages in various contexts. In the ancient world people were aware of the colossal profits of business. It was possible through ships crossing the Mediterranean. The main example is the Silk route between China and the Roman Empire. They had large interaction on the enrichment of cultures, wealth and prosperity. In ancient Indian literature, the concept of this term is actuated in the thought: "*vasudhaiva kutumbakam* (entire earth is a single family)". and is indicative to work for the welfare for entire earth; "*sarvajana-hitaya* and *sarvajana-sukhaya*. We find the same concept in early Buddhism: *bahujana-hitaya bahujana-sukhaya* (work for the welfare of many and for the pleasure of many).

Nowadays, the term Globalization is indicative of rapidly increasing global interrelation of culture, people, knowledge, technology and economic activity. But, basically it draws attention to the world economic systems through removal of barriers to international market by way of removal of custom duty on import and export of goods. However, the impact of globalization is so deep as to affect all aspects of our lives. In the present scenario, there are two opposite views - negative and positive, pertaining to the term globalization.

1. The first view is negative effects that are due to impact of globalization such as the fully developed and powerful countries will govern over small and poor countries, big business organization will engulf the benefits of smaller ones. There are two main challenges<sup>2</sup> an economic imbalances, and health related problems. All other problems are related with these two in one ways or another.

2. On the other hand, most of the people think that the relationships among human beings and among nations are very much essential. Thus, the interactive associations among nations and religions each other will develop positive situations for nations to help and cooperate in all important facets. This concept is based on this argument that all must be capable of satisfying their material or physical needs smoothly. The entire world must be taken as a single unit. This is based on mutual cooperation which is the positive side of the globalization.

However, in fulfillment of all these the good attitude and behavior towards others must be maintained with each other. Therefore, unhealthy aspects of cultures must be avoided. In short, ethical problems must be sorted out. The Santideva acknowledged the vast suffering which pervaded his world. His observation is applicable to all ages. He suggests the concept of the model path of the Bodhisattva to the world, if followed

accordingly most of the problems may be reduced to a large extent.<sup>3</sup> The ethical theory, ethical code of conduct, presented in the form of this model is mainly based on the quality of selfless attitude, which is fully capable of controlling the problems arising due to present global system if taken into consideration in all kinds of affairs.

#### 4. Buddhist Ethics:

The ethics is regarded as the foundation of Buddhist Philosophy. In early Buddhism, we find three main rational teachings of the Buddha; *sila* (Conduct), *Samadhi* (Meditation) and *pannya* (Wisdom). These three are considered as the base of entire teaching of the Buddha as these constitute the way leading to the end of suffering. It is said that these are essential for every enlightened person of all times. But, *sila* is the base of all, as without establishment of *sila* the concentration of mind is not possible: “The person who is firm in *sila*, if he cultivates his insight and the understanding, then that intelligent monk will remove all his doubts and confusion, a situation of panic.”<sup>4</sup> This is the reason that the teachings of the Buddha have influenced the people from various society, traditions, nations and cultures since its origin.

In Mahayana Buddhism, the ethics is a state of mind which stops oneself from engaging in any such affairs which may cause harmful to other beings. That is why in Mahayana tradition, “the understanding about concept of Sunyata strengthens the thought that “there are no independent, separately existing factors of existence. The realization of no-self, emptiness, and interdependence leads to an ethics of consideration for all beings and all things.”<sup>5</sup> What a noble expression! “The abandonment of all is *Nirvana*, and my mind (*manas*) seeks *Nirvana*. If all is to be sacrificed by me, it is best that it be given to beings.”<sup>6</sup> Thus, the main objective of the Bodhisattva is to remove the sufferings of other beings and bring more pleasure for them. Therefore, whatever he performs that is for the welfare of all beings, for their alleviation of suffering and for their happiness. This is the basic difference between Hinayana and Mahayana, the former gives importance to self-realization and later freedom for all. However, in both traditions the ethics is the base of the accomplishment of the main objective.

The ethics also denotes moral conduct, which provides strength to concentrate the mind so it is considered as the foundation for the attainment of the goal. One cannot follow up the teaching of discipline without controlling the unstable mind. Therefore, the person, who inclines to pursue further, observance of the teachings, must protect his mind very carefully.<sup>7</sup> The uncontrolled mind brings intolerable pain like in the *avici* (wave-less) hell.<sup>8</sup> All fears and immeasurable sufferings originate only from the mind<sup>9</sup> so if mind is controlled then all fears and pains may vanish and the complete pleasure can be obtained.<sup>10</sup> Thus, mind has very significant role in all kinds of performances. Santideva asserts “If we control the mind then all evildoers become controlled. By restraining the mind alone, they all become restrained. Profounder of the Truth (The Buddha) said that all fears and immeasurable sufferings arise from the mind only.”<sup>11</sup> “This is the reason that in Buddhism the consequences of an action are based on the intention rather than action itself. It is important to control the mind as if mind is

controlled then all unlawful actions will be controlled. That is why in Buddhism the wisdom is considered as a career.

### **5. Wisdom is a Career:**

The most important aspect of life proper understands the universe. The main objective is removal of sufferings and making the life pleasurable of self or others. The pain is pain whether it belongs to me or other beings. Thus, there is a need of proper understanding of the cycle of the life. Therefore, here, wisdom is regarded as a career. This is exemplified through the moral conduct of the model path of the enlightened being. The ethical principles move round this model path, which leads to the respective goal. Thus, the concept of ethics presents the gist of Mahayana concept, through the focusing on moral nature of the model of enlightened being. A minute examination of the contents of the text *Bc* reveals that the Bodhisattva is a universal saviour of all beings. An individual must take various virtuous steps to become the enlightened being. The generation of aspiration aspect of the *bodhicitta*, compassionate mind, and the virtuous actions to become an enlightened being is quite necessary for the achievement of the main objective whether it is Buddhahood or worldly happiness. However, it is not possible without gaining perfection in performing of six virtuous deeds or actions. Thus, the complete perfection in performance of six actions is essential criterion for the accomplishment of the goal. The completion of perfection in performances is not possible without proper understanding. That is why, here, wisdom has been considered as a career. All beings, human, animal, plant, etc., have same feelings of pain and pleasure so we must think about their alleviation of pain and pleasure including ourselves. Thus, the wisdom is explained in context of compassionate mind and selfless attitude. There is a need of skillful mind. It means there must be right vision to determine what is good and what is bad. Thus, while performing the actions, perfect understanding is necessary. But, the perfection comes through practice consistently. The practice makes a man perfect. The perfection of ethics, in *Bc*, is explained in the chapter; Guarding Total Awareness. The main thing which is most important in our performances is the mindfulness and complete awareness. Without these two one cannot concentrate on the goal.

### **6. Mindfulness and Complete Awareness:**

The mind may trick anyone easily. Everything, including moral discipline, comes from the mind. There are no laws to follow; all acts depend on good or bad intention. If intention is good then everything is good. Thus, in the ethical theory, moral discipline depends on mind. If the mind is inactive and not concentrated on the point then all prayers and austerities go in vein, even the merits earned through hard practice for long time are lost.<sup>12</sup> Therefore, Santideva prays with folded hands to those who are inclined to protect the mind to protect both the mindfulness and total awareness.<sup>13</sup> The uncontrolled mind, without mindfulness and complete awareness, cannot be capable of performing good action. The mindfulness is not only concerned with meditation, but it is a mental state of mind, which brings faithfulness, awareness and concentration. If practice is done without total awareness then hearing, understanding, and concentration escape from memory. Due to lack of complete awareness, even extremely learned, faithful and effortful person indulges in sinful acts.<sup>14</sup> The person, even having

accumulated merits, due to lack of awareness comes to an evil state.<sup>15</sup> The passions destroy one's happy state of life, so concentrate the mind. But, it is not an easy task as mind is tricky. Therefore, one must always maintain the mindfulness remembering the painful consequences of hell. Thus, the importance of mindfulness and complete awareness is indispensable. Anything is good if it is an aid to the attainment of noble qualities of character. Anything is bad if it is an end in itself. "The crane, the cat, and the thief, walk keeping mum without concern and attain their desired result. In the same way the ascetic must walk."<sup>16</sup> For fulfillment of the aim, the generation of the aspirational aspect of the wisdom-mind and virtuous performance are essential criteria. Santideva explores the generation of the aspirational aspect of the *Bodhicitta* and gives stress to perform virtuous actions. However, only through these two, one cannot achieve his main objective for that one has to engage in the practice of six good deeds or actions consistently. These are called a *Sadparamitas* (six perfections) viz *dana* (generosity), *sila* (ethics), *ksanti* (patience), *virya* (effort), *dhyana* (concentration) and *prajnya* (wisdom). A Bodhisattva, who practices six perfections, aims at becoming perfect in performing the virtuous actions. He performs the action for the benefit of all sentient beings; to remove their sufferings and bring happiness in their lives.

## 7. Buddhist Ethics and the Theory of Action:

In Buddhism, both Ethics and action are intrinsically intertwined with each other. Therefore, the way of performing an action is more important rather than an action itself. Here, action means performance of actions or deeds with good or bad intention. Thus, action means the action and the result of that action as well. In any case the ethical conduct is essential. In this way, we find two forms of ethics based on the theory of action; virtue ethics, and ethics in-general. Virtue ethics means strict ethical norms followed by monks or nuns of the monastery. On the other hand, the ethics in general means the attitude of behaviour of an individual while he performs his works. This comes under the purview of the duty of a human being. The main quality of a human being is rationality, so he must have proper understanding with other fellow beings and treat them humanely. Therefore, one must act and behave keeping in the mind the sentiments of the other people (*loka-citta-raksartham*). An individual must perform his duty towards others honestly whether it is at home or at profession. "As a principle, in the moral world the doctrine of *Karman* becomes the law of immortality of deeds."<sup>17</sup> This is so, as even after the performance of action only action remains in future with a person until it gives its result. The general dictum of the doctrine is that positive action gives positive result and negative action gives negative result. Therefore, we must always perform good deeds to make our life with less sufferings and more pleasure. Thus, it is said in the *Bc* that the human-body must be protected as it is the means of performing the actions; otherwise it is worth for feeding vultures and jackals.<sup>18</sup> However, the concept of Bodhisattva deeds is much nobler than general law of *Karman*. For gaining perfection in performance of any action the observance of ethical code of conduct is quite necessary. This is the reason that Bodhisattva always performs good deeds for the self and the welfare of others. These kinds of thought have highest values to any culture or society of all times. The basic teaching which we learn from these is that we must not engage in non-virtuous actions, and always think positive for others. This is the reason that a follower of Buddhism does not wish to attain Nirvana till the removal of sufferings of others. He prays, "Whatever merit I



have earned that must be the cause of removing sufferings of all sentient beings”<sup>19</sup> In the Bodhisattva's concept of *dana* (giving) includes not only giving of physical possessions but also the renunciations of the hard earned merits from the performance of virtuous deeds. A Bodhisattva is ready to give up his entire possessions physical and spiritual as well, for the sake of the benefit of others without having any expectations from this kind of act.

Therefore, if there is a need to comply such action, which is beyond the ethical code of conduct, prescribed by ethical principles, Bodhisattva can perform that action for the welfare of the universe because of his perfect mind, he is fully competent to understand the situations and circumstances. However, among all these the perfection of ethics is the base of all perfections. For example, while practicing perfection of generosity; one must have selfless attitude. That is why, although all six perfections are important but the ethics has been regarded as a bridge to protect the overflow of the water of virtue. In the words of Santideva, “The perfections of generosity and so forth are progressively more and more fruitful. But one should not forsake a better one for the sake of a lesser, unless it is in accordance with the bridge of the Bodhisattva way of life.”<sup>20</sup> But, in any case the ethical conduct must not be overlooked. In this way, the ethics is needed in every affair.

## **8. Perfection of Ethics:**

There are two aspects of ethics; not to harm others, and refrain ourselves from doing negative actions which are harmful to others. There are mainly three kinds of negative actions; bodily, verbal and mental. These are further classified into three categories: 1. Three bodily negative actions: killing, stealing and sexual misconduct, 2. Four verbal actions: telling lies, divisive speech, harsh speech and frivolous speech, and 3. Three mental actions: covetousness, harmful intent and wrong views. However, the ethical or unethical behaviour depends on good or bad intention of the person. As everything is a product of mind so the purification of mind is necessary rather than bodily or verbal action. But, for all this, there is a need for proper understanding and complete vision to judge the appropriate situation, condition and time for right action. The uniqueness of the Buddhist ethics, as explained in *Bc*, is that there is no strict code of conduct for a Bodhisattva who has perfect mind, proper understanding and knowledge. This perfection comes through long experiences. However, for a common man, who does not have compassionate mind, this exception does not apply. He has to follow the strict rules prescribed by the law. All these depend on circumstances, place and time. One must always think about the welfare of others. The person having compassionate mind and the one who is always inclined to do good for others, can act beyond the code of conduct of the model path if circumstances compel him to do so for the welfare of others. “Realizing this, one should always strive for the benefit of others. For the compassionate one, who foresees benefit to others, even that action which is prohibited has been permitted.”<sup>21</sup> One must share all his earned possessions, with those who are downtrodden or in miserable state, helpless or unprotected, taking himself only moderate amount of food. Further, one must give up all robes, except keeping three robes.<sup>22</sup>

## **9. Ethics - in General:**



Emphasizing on virtuous ethics, by a Bodhisattva, it is said that as far as teaching of *Dharma* is concerned one should not preach the doctrine to him “who does not have faith in *Dharma*, to a healthy person, who wears a turban, with an umbrella, a stick, or other weapon, whose head is covered, to vulgar and not to a female in the absence of male. It is also stated that one must not distinguish between Hinayana and Mahayana, both should be given equal importance”<sup>23</sup> Further, “the follower of Mahayana should not be compelled for teaching the principles of Hinayana. In the same way abandoning good conduct, one should not be advised to earn merit merely with scriptures and spells. The tooth-brush must not be kept uncovered and the spitting is prohibited, urine and the like are forbidden in usable water and on good earth.”<sup>24</sup> These are general norms which are applicable for all. It is useful for efficient living, professional affairs and corporate management as well. It makes us better humans; and when the better human is a corporate manager it gives anew orientation to his management.

## **10 . Attitude and Behavior:**

Ethics is the based on human conduct and behaviour. The human body is karmic body based on the law of causation. If we do well for others then our future life will be more pleasurable. Therefore, our behaviour towards others must be good and positive otherwise our life will be painful. We will lack pleasure, peacefulness of mind and serenity. In the chapter of ‘Guarding of total Awareness’, Santideva asserts what kind of attitude and behavior one must follow and what must be avoided in our daily life. For example, “Do not fill the mouth, or engage in talking, and stuff the cheeks while eating, and do not sit with swinging leg or rub the surface of the arm” In fact, these actions are indicative of bad manners even in our daily lives. Therefore, these errors must be avoided. The rubbing the surface of the arms is the gesture of the threat or challenge. The main thing, which is most important, is that we must always care about the sentiment of others. Therefore, after proper observation and having proper information about whatever is disapproved by other people, such action must be avoided. Further, we must act to protect the sentiments of others. Thus, after proper learning the discipline, one must act for the promoting the welfare of all beings. It means doable and undoable actions must be understood carefully. We must not perform any action which is harmful for the universe.<sup>25</sup> There is a vast ethical code of conduct for a Bodhisattva. However, the conduct which purifies the mind must be observed strictly.<sup>26</sup> An individual while performing the action must be very careful. If he works either as a leader or under the guidance of a leader, in both situations, he must be quite attentive to gain experience.<sup>27</sup> In this way, one always performs excellent because there is nothing in this world by which the sons of the Buddha should not learn. Thus, for them, while performing any action nothing remains without excellence.<sup>28</sup>

The foremost ethical discipline is abstaining from harmful actions of body, speech, and mind. The second important aspect of ethical principle is cultivating, protecting, and increasing virtue within self and others. Thus, Bodhisattva performs his deeds for the fulfillment of the objective of others. He always cares about problems of other beings. He works for making present and future life of self and others with less sufferings and more pleasure.

## **11. Buddhist Ethics and Work Performance:**

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Buddhist ethics may play very important role in our day today affairs, whether it is our home, work place or society. In present scenario, the term ethics is being used frequently in all sorts of affairs. For example, business ethics, corporate ethics, research ethics etc. These kinds of ethics are regarded as applied ethics or professional ethics. The professional ethics is indicative of ethical behaviour and moral issues which occur in professional activities. The business ethics means in all business, the ethical norms must be followed by their employees with each other and with their clients. The attitude and behaviour of HRM with their employees plays very important role in the accomplishment of the goal. In the same way the behaviour of employees with their clients is a very good form of publicity. Therefore, the observance of ethics must be encouraged. In Bc, we find the concept of applied form of ethics<sup>29</sup> as it stresses on practical application of ethical norms. The ideas, here, which have been depicted about perfection of ethics stands for the instruction of not to harm or kill any beings - humans, plants, trees or any other organism, and not to indulge in stealing etc. Thus, here the ethics is indicative of human behaviours to act with friends, family members, business people and other professionals' including other sentient beings. A minute examination of this reveals that practice of ethical norms in our spiritual or materialistic life, whether it is in our ordinary life or at our work place, is necessary for creating healthiest relations with other beings. The special characteristic of this aspect is that these norms are flexible according to time, condition and distance. As per norms killing or hurting someone is prohibited. But, to avoid the killing or hurting the creatures is not an easy task. Therefore, it is necessary to create the thought of cessation in mind that not to harm others intentionally. Thus, Santideva asserts that the perfection of ethical discipline is 'to obtain the mind of renunciation (*labdhe virati citte*)'.<sup>30</sup> There are immeasurable enemies like the sky so it is not possible to kill them all. All enemies are crushed If the thought of anger, desire etc. is killed.<sup>31</sup> Thus, the main thing is intention to act; if our intention is good then all things become good. In fact, whatever we do, whether in our personal life or at work place must be thoughtful, in the sense that it is not harmful for others. It means an action, prohibited or commanded by the Bodhisattva's ideal, must be performed for the world-creating; promoting the welfare of the universe.<sup>32</sup>

The practice of Ethics provides an adequate explanation of Bodhisattva's deeds as most suitable; perfect solutions to the present-age challenges, especially in the context of rapidly increasing corruption, which is the most striking challenge of present global system. It also focuses on the doctrine that misunderstanding the real nature of one's own duty leads the way to corruption. In addition, concerning present global scenario, it is important that the present system must be linked with the ethical norms of Bodhisattva to prevent the various kinds of evils prevailing in the every field of the present system. The practice of ethics is one of them, which, if properly understood and applied in our day to day affairs, can control most of challenges and can control the negative impact, provided by the present global system. The basic cause of these challenges is selfish attitude of human behaviour. A human being by nature, due to his selfish attitude, does not think about other sentient beings. The concept of the Bodhisattva shows us a model path. This is to have the selfless attitude. If the practice of ethics, explained by Santideva, is properly understood, and the same is applied after proper observation, then such type of evils can be reduced up to the highest extent. Therefore, there is a need of quality of forming a pleasing combination with the core

points of the perfection of ethics in the governance of the present system, whether it is economic, political, judicial, and cultural and so on. The actions we perform must be combined with ethical norms and real understanding, wisdom and compassion with materialism, and then only our world will become with less suffering and more pleasure.

Due to impact of the performance of ethical deeds one may get respect in the society. And by way of practicing pure observance of ethics, virtuous actions, one will be protected from indulging in evil actions. The real lesson, which we learn from the teaching of the perfection of ethics, is that our main objective must be in the confinement to protecting others from the engagement in evil actions. In addition, we must set an example for others as they can also be protected from the effects of harmful actions. However, the main thing, on which it gives much stress, is to have selfless attitude. We must work for the welfare of all sentient beings without any expectation. In all actions the observance of pure ethics is needed. Here, ethics means stopping oneself from doing harm upon other being. This is the reason that Bodhisattva is ready to give all his possessions, material and spiritual, for the sake of others when needed. Therefore, for gaining perfection in ethics serious thought is necessary. For example, while you are engaged in the practice of giving, your attitude and behaviour towards other being must be positive. The initial point of ethics is fulfillment of needs, material and spiritual, of others through giving to needful persons. The perfection of ethics is needed even for the practice of generosity. One must be skillful in giving to others. Thus, giving or generosity must be strengthened by the strict discipline of ethics.

## **12. Respect for Others:**

The pure observance of ethics creates feelings to respect within human community. This kind of feeling plays very important role in our daily life whether it is our home, society or workplace. Therefore, respect for other beings is very important concept under the Buddhist ethical theory. It is a quite natural phenomenon that if you respect others they will also treat you in the same way. But, the Buddhist ethics present much nobler idea. A Bodhisattva acts friendly even towards his enemies. It presents very essence of morality and the foundation of all other moral duties and obligations. The main characteristic of Buddhist ethics is that it inspires to respect not only human beings but all sentient beings, living or non-living organism.

## **13. Bodily Actions and Ethics:**

Whatever we work should not be destructive for others. Our attitude and behaviour while we act should not create panic in the lives of others. We must cultivate compassion and learning methods to protect the lives of people, animals, plants, and other organism. Thus, neither one must think to kill, nor let others to; and not to support or overlook any act of killing in the world. Therefore, we should not indulge in exploitation, social injustice, stealing, and oppression. Thus, we should gain perfection in cultivating love and kindness; and learn ways to work for the well-being of all sentient beings. We should always be ready to give up our entire possessions when needed. Thus, we should devote our time, energy, and belongings for the sake of others when needed. We are committed to reduce pain and bring pleasure for others.

#### 14. Verbal Actions and Ethics:

One should always keep in mind while he speaks to someone that words can bring pain or pleasure to others. Therefore, he should gain perfection to speak loving words and deep listening. There are four kinds of right speech *viz* abstaining from false speech, abstaining from slanderous speech, abstaining from rude speech, and abstaining from unnecessary useless talk. One must speak in a soft and pleasant voice sincere, lucid words, but must have clear meaning and agreeable, pleasant to listen, and based on compassion.<sup>33</sup> After clearly understanding the proper and improper nature of speech, one must refrain from false speech and avoid lying and deceiving speech. At our work place, we face various kinds of problems due to unethical attitude and behavior of employees. The core concept of the Buddhist ethics must be applied in work performance, which may be beneficial for all. This precept covers slander and speech which creates great obstacles in gaining the objective in all affairs. The words, if properly used, can inspire self-confidence; bring cheerful environment and aspiration at work. Therefore, one must not spread the wrong message, or criticize others or condemn things unnecessarily. Further, we must avoid speaking those words which may create misunderstanding between family members, friends, and colleagues at work place or within societies.

#### Conclusion:

The Bodhisattva, who has proper understanding and right vision, is capable to solve the problems because of his altruistic nature. He can understand the real nature of the problems of the globalized world. The interactions among human beings and also between human beings and other beings are quite essential. In fact, by amalgamation of culture, idea, thought, knowledge, economy etc. of various countries into the global environment, comprehensive and expansive interactions with various countries and many people are possible. In this way we will be able to understand the urges of others, their culture, civilization, and their needs where they are lacking. Thus, understanding the needs of the people we can extend the support for their alleviation of pain by way of satisfying their needs.

The teachings of “Perfection of ethics”, guide us proper path to face the problems provided by present system. Perfection means to become perfect in performance of the actions. Santideva suggests practical application of the core concept of Buddhist ethics<sup>2</sup> “merely talking about teachings is not sufficient so I will act bodily; *kayenaiva pathisyami vakpathena tu kim bhavet ?*”<sup>34</sup>. Thus, it is most suitable and perfect solution to the present age challenges. If we work with proper understanding combining the ethical conduct with performance of action, it will reflect the essence of globalization. The Buddhist ethics has ability to understand the nature of the world through its quality of wisdom. This is the reason that the Buddhism has developed and influenced the world since its origin till today. And, it is still has the capacity to influence through its qualities to bring happiness in the universe. The most striking challenge of present global system is the economic imbalance. The selfless attitude of the enlightened being is the model path, which can play very important role in our work performance if it comes into every day affairs. We must work not only for the sake of ourselves but for the interest of all sentient beings. This attitude guides us that while we work (at our work place), we must care about the sentiments of our colleagues, other



employees and of clients. We must always be ready to help others whenever and wherever needed by giving time, cooperation, sympathy in strenuous situation with friendly relation and so on. Our attitude and behaviour must not discourage, disregard and misguide others. The perfection of generosity, if practiced properly, then the world may become with less sufferings and more pleasure. Further, in this context, the examination of the ethical principles reveals that one must properly understand his duties. If one understands real nature of his own duty, it leads to the way to happiness. Therefore, concerning present global scenario, it is important that the present system must be linked with the ethical norms of Bodhisattva to prevent the various kinds of evils prevailing in every field of the present system. The ethics is also needed in order to have proper, healthy, supporting, profitable and faithful business. In the ethical administration, it is also essential to be an integration of ethical governance, employee engagement, performance and well-being and financial objectives in order to have truly healthy, sustainable, beneficial and trustworthy businesses.

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<sup>1</sup>. *Ibid* 109

<sup>2</sup>. Kevin H. O' Rourke and Jeffrey G. Williamson, *Globalization and History: The Evolution of a Nineteenth-Century Atlantic Economy*, Cambridge, Mass.: The MIT Press, 1999, 5.

<sup>3</sup>. For detail see 'Bodhisattva Ideal and globalization, by the author of present paper, *JOI, Baroda*, Vol. LX, 2010, p.32

<sup>4</sup>. ***Samyutta-Nikaya***

<sup>5</sup>. *Encyclopedia of Buddhism*, p.262

<sup>6</sup>. Bc 3.11

<sup>7</sup>. Bc 5.1

<sup>88</sup>. *Ibid* 2

<sup>9</sup>. *Ibid* 6

<sup>10</sup>. *Ibid* 3

<sup>11</sup>. *Ibid* 4, 5

<sup>12</sup>. *Ibid* 16

<sup>13</sup>. *Ibid* 23

<sup>14</sup>. *Ibid* 26

<sup>15</sup>. *Ibid* 27

<sup>16</sup>. *Entering the Path of Enlightenment*, P.49, Bc 5.73

<sup>17</sup>. ***Systems of Buddhist Thought***, Yamakami Sogen, Publisher University of Calutta, 1912, p 55

<sup>18</sup>. Bc 5.66

<sup>19</sup>. *Ibid* 3.6

<sup>20</sup>. *Ibid* 83

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<sup>21</sup>. *Ibid* 5.84

<sup>22</sup>. *Ibid* 85

<sup>23</sup>. *Ibid* 88, 89

<sup>24</sup>. *Ibid* 90-93

<sup>25</sup>. *Ibid* 107

<sup>26</sup>. *Ibid* 97

<sup>27</sup>. *Ibid* 99



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<sup>28</sup>. *Ibid* 100

<sup>29</sup>. “In the words of Brenda Almond, *"the philosophical examination, from a moral standpoint, of particular issues in private and public life that are matters of moral judgment"*. Brenda Almond, 'Applied Ethics', in Mautner, Thomas, Dictionary of Philosophy, Penguin 1996, also see *Wikipedia* for details on Applied Ethics.

<sup>30</sup>. Bc 5.11

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<sup>31</sup>. *Ibid* 12

<sup>32</sup>. *Ibid* 107

<sup>33</sup>. Bc 79

<sup>34</sup>. *Ibid* 109

The logo for the International Association for Freedom of Religion (iafor) is centered on the page. It features the word "iafor" in a light blue, lowercase, serif font. The text is enclosed within a circular frame composed of two concentric, hand-drawn style arcs. The outer arc is a light blue color, and the inner arc is a light orange color. The overall design is minimalist and academic.

*Jove Rex Al: The Making of Filipino "Christ"*

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0171

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Abstract:

This paper posits two significant revelations why Dr. Jose P. Rizal, the Philippine national hero is regarded by the **Rizalista** groups as God or Christ Himself. First, Filipino culture has something to do with it; and second, American imperialism had paved the way to reinforce this veneration and worship for Rizal by some Filipinos.

This paper argues that the common Filipino concept of God is influenced by culture and that the Filipino people themselves have contextualized "Christ" to make Him more relevant by believing that Rizal is still alive and he is the reincarnated Christ, the "**Jove Rex Al**" which means God King of All. Since anitism, the veneration of ancestors is the core of Filipino religious culture, worshipping a great person like Rizal and making Him "Christ" is inevitable.

This paper further contends that American imperialistic campaign through the Taft Commission (1901) was able to utilize power and ideology to create that perfect image of Jose Rizal over Andres Bonifacio, Emilio Jacinto, Marcelo del Pilar, Antonio Luna, Graciano Lopez Jaena and other Filipino heroes. By proclaiming Rizal as the Philippine national hero during the time when war between the Philippines and the United States of America was still in hype, the Taft Commission succeeded in giving the Filipino people a national hero whose major thesis for reform was education, not a revolution. Thus, the sponsorship and the institutionalization of Rizal by the Americans played a major role in encouraging a Rizal cult. Since the American occupation of the Philippines, the number of the Rizalista groups had proliferated and now they are waiting for the soon coming of **Jove Rex Al**, the Filipino Christ.

Key Words: **Jove Rex Al**, Christ, **Rizalista**, Folk Christianity, culture, anitism, **anito**, imperialism

***JOVE REX AL: THE MAKING OF FILIPINO CHRIST***

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**Topic: Religion: Mysticism, Faith, and Scientific Culture  
#0171**

## **JOVE REX AL<sup>1</sup> : THE MAKING OF FILIPINO CHRIST**

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### **Introduction**

Culture is the way people make sense of or give meaning to the world. It consists of the maps of meanings or the frameworks of intelligibility that the members of a specific cultural society share together.<sup>2</sup> It is the people themselves who construct or reconstruct things or events to look for meanings and significance. Human beings socially do not construct meanings at the spur of the moment on a whim. They do so in patterned ways, drawing on experiences shaped by their own cultures, their own social structures and their own history.<sup>3</sup>

Moreso, Stuart Hall claims that the issue of power can never be bracketed out from the question of representation. Meaning is interpretation and the purpose of power, the ambition of ideology, is to fix a particular meaning to a specific image. Power consists in choosing one meaning among many that serves its particular interests. Therefore, according to Hall, ideology and power fix meaning.<sup>4</sup>

From the above premises, two significant revelations will be posited by the author on why Dr. Jose P. Rizal, the Philippine national hero is regarded by the Rizalista<sup>5</sup> groups as “God” or “Christ” Himself. First, Filipino culture has something to do with it; and second, American imperialism had paved the way to reinforce this veneration and worship for Rizal by some Filipinos.

This paper argues that the common Filipino concept of God is influenced by culture and that the Filipino people themselves have contextualized “Christ” to make Him more relevant by believing that Rizal is still alive and he is the reincarnated “Christ”, the *Jove Rex Al*. Since anitism, the veneration of ancestors, is the core of Filipino religious culture; worshipping a great person like Rizal and making him “Christ” is inevitable. It further contends that American imperialistic campaign through the Taft Commission (1901) was able to utilize power and ideology to create that perfect image of Rizal over Bonifacio, Jacinto, del Pilar and other Filipino heroes. By proclaiming Rizal as the Philippine

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<sup>1</sup> The Latin name of Dr. Jose P. Rizal according to the Rizalista groups; Jove – meaning God, Rex – King, and Al – All. In short, Jove Rex Al means God King of All. See Prospero R. Covar, *Larangan: Seminal Essays on Philippine Culture*. (Manila: Sampaguita Press, Inc., 1998), p. 46.

<sup>2</sup> Stuart Hall, *Representation and the Media*. (Media Education Foundation, 2005), p. 9.

<sup>3</sup> Ponciano L. Bennagen, *Constructing and Reconstructing Meanings: By Whom and For Whom?* in the foreword of the book edited by John P. McAndrew, *Monks, Dreamers, Preachers, and Rebels: Religious Solutions to the Problem of Meaning in a Peripheral Capitalist Society* (Malate, Manila: Asian Social Institute, Inc., 1987) p. vii.

<sup>4</sup> Stuart Hall, *Representation and the Media*. (Media Education Foundation, 2005), p. 14.

<sup>5</sup> Those Filipino groups who believe that Rizal is God or Christ Himself such as the *Iglesia Watawat ng Lahi*, *Bathalismo (Inang Mahiwaga)*, *Adarnista o Iglesyang Pilipinas*, *Iglesia Sagrada Filipina ng Sinco Vucalles y Virtudes Tierra Santa de Jerusalem*. For details, see the books by Marcelino A. Foronda, *Cults Honoring Rizal* (Manila: Garcia Publishing Co., 1961), and Prospero R. Covar, *Larangan: Seminal Essays on Philippine Culture*. (Manila: Sampaguita Press, Inc., 1998).

national hero during the time when war between the Philippines and the United States of America was still in hype, the Taft Commission succeeded in giving the Filipino people a national hero whose major thesis for reform was education, not a revolution. Thus, the sponsorship and institutionalization of Rizal by the Americans played a major role in encouraging a Rizal cult.

### **I. The Making of Filipino Christ Within the Filipino Culture**

Although the title “Tagalog Christ” was already given in 1907 by the Spanish writer and philosopher Miguel de Unamuno<sup>6</sup> to Dr. Jose Rizal (1861-1896), such title was not a monopoly by the Philippine national hero alone. Apolinario de la Cruz (1814-1841) of Tayabas, Quezon, popularly known as Hermano Pule, who founded a religious confraternity named Cofradia de San Jose was considered a “Tagalog Christ” by his followers. Even Felipe Salvador (1870-1910) of Bulacan, who organized a cofradia-type of society called Santa Iglesia was considered also by his followers as a “Filipino Christ” and as the “King of the Philippines”. This Santa Iglesia was not only a religion but also a strong political movement between 1894 and 1910 in Central Luzon. Hilario Camino Moncado (1898-1956) of Balamban, Cebu was considered a second Christ by the members of the sect he established, the Equifrilibicum World Religion, Inc., or better known as the Moncadista religion. Even Ruben Ecleo (1933- ), the founder of the Philippine Benevolent Missionaries Association in San Jose, Dinagat Island, Surigao del Norte was believed by his followers to be the reincarnation of Christ.

The above informations reveal that there are various versions of Christs in these different Filipino indigenous religious groups. However, it is not the intent of the author to discuss the common denominator, patterns and the historical sequence of these religious groups but to lay down what really is the Filipino idea of God and how it is influenced by his culture.

### **Understanding Philippine Society and Culture**

In dealing with the Philippine situation, one must put into consideration the pre-colonial and colonial past of the Filipino people. By so doing, it could be easily understood that the common concept of God is influenced by culture and that the idea of God and of the afterworld is a reflection of Philippine society.

Jocano, one of the Philippines’ leading anthropologists, has surveyed Filipino society and culture before and at the beginning of Spanish colonization which started in 1565. His survey of the various ethnic groups from Luzon to Mindanao reveals a common pattern about the early Filipino concept of God. A supreme God (*Bathala* for the Tagalogs, *Laon* or *Abba* for the Bisayans, *Kabunian* for the Ilokanos) exists with lesser divinities and the departed. The people worship God through the lesser divinities or spirits and the departed

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<sup>6</sup> Pablo S. Trillana, III, *Rizal and Heroic Traditions: A Sense of National Destiny* (Quezon City: New Day Publishers, 2006) p. 38.



as intermediaries.<sup>7</sup> These spirits known as *anitos* are no other than the dead parents or ancestors whom the early Filipinos considered as their “secondary gods on earth”. According to De los Reyes, *anitos* are considered as saints being venerated by the Filipinos as they were the soul of their ancestors who were men of virtues. He further claimed that it is to their ancestors whom the Filipinos put their trust that they may watch over their homes and safeguard their families.<sup>8</sup> To these *anitos*, the people offered sacrifices. The *babaylan* (priestess) offered heaps of rice, meat, and fish. The *babaylan*’s invocation lasted until the *anito* possessed her. She swooned and foamed at the mouth. Upon recovery, the native would ask the *babaylan* for the answers that the *anito* had given her to their requests.

The Augustinian friar, Tomas Ortiz in his book entitled *Practica del Ministerio* described Filipino anitism, the belief and worship of the Filipino natives to their ancestors which he termed *Nono* as contrary to the “truth”:

The natives have many abusive practices that run counter to our faith and good customs, and among these are the following: First, the Idolatry of the Nono, about which it should be known that the word Nono not only signifies grandfather but also serves as a term of respect for ancestors and tutelary spirits (*genios*); those that the Indios have under the name Nono are like those that the Chinese have under the name of Spirits; and that the Romans had under the name of gods, which others called Lares or Penates, etc. With these tutelary spirits or Nono, the Indios carry on frequent idolatrous practices; for example, they ask them for permission, help, aid, and that they not be harmed by them as well as by their enemies, etc., things that they do on so many occasions, and among these are the following: When they want to take some flower or fruit from a tree, they ask permission from the *Nono* or tutelary spirit; as when they want to pass through some field, river, brook, stream, or by a huge tree...When they fall ill with some malady...that they attribute to the tutelary spirit or Nono, they ask them for health, and make offerings of food, which they carry out on this occasion, among many others, in fields, on fishing boats, along riverbanks, at the foot of some big tree...This kind of Idolatry is extensively rooted and quite ancient among the Indios...<sup>9</sup>

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<sup>7</sup> F. Landa Jocano, *Filipino Prehistory: Rediscovering Precolonial Heritage*. (Quezon City: PUNLAD Research House, Inc., 1998), pp. 183-185.

<sup>8</sup> Isabelo de los Reyes, *The Religion of the Katipunan or The Old Beliefs of the Filipinos* in the book by Teresita A. Alcantara et al., *Views on Philippine Revolution Vol. I* (Quezon City: The Toyota Foundation, UP Press, 2002), pp. 222, 279.

<sup>9</sup> Tomas Ortiz, *Practica del Ministerio* (Manila: Convento de Nuestra Señora de los Angeles, 1731), pp. 11-12. See also Vicente L. Rafael, *Contracting Colonialism: Translation and Christian Conversion in Tagalog Society Under Early Spanish Rule* (Quezon City: Ateneo de Manila University Press, 2000), pp. 111-112.

Idols were carved in representation of these spirits (*anitos* or *nonos*). Aside from offering them foods, these idols were annointed with “fragrant perfumes, such as musk and civet, or gums of the storax tree and other odoriferous woods, and they praised them in poetic songs sung by the officiating priestess, the *babaylan*. The purpose of these songs participated in both by the *babaylan* and the congregation, was always to ask the idol to favor them with those things of which they were in need. Not only were idols perfumed but they were also dressed, comparatively in the same manner as the contemporary Christian saints are dressed.”<sup>10</sup> Aside from this, Plasencia notes that “at times they worshipped any little trifle in which they adored as did the Romans, some particular dead men who were brave in war and endowed with special faculties to whom they commended themselves for protection in their tribulations.”<sup>11</sup> What is being referred here as dead men being worshipped are actually the *bagani* or the warriors who served as protectors of their barangays or communities and that the early Filipinos considered as gods who would protect them in the time of trouble.

Jocano holds that in spite of colonization, Filipinos have still retained their identity and outlook. This is to say that Filipinos have not been passive to external influences but rather, they absorbed those external influences and fashioned them according to what pleased or best accommodated to their liking.

It cannot be denied that the Filipino borrowed cultural traits from other people whom he came in contact with. But it is equally true that he did not borrow in toto. He was (and still is) highly selective in his borrowings. He modified what he has chosen from foreign traditions to suit his own way of thinking, believing and doing things. Thus, while he outwardly shows the influence of the West in his behavior, he remains oriental in his worldview.<sup>12</sup>

What was said of the pre-colonial Filipinos also applies much today – if not almost everything among the indigenous Filipino groups and folk Christians. Veneration of ancestors is still the central component of religious culture among the *Sulods* of Panay in Visayas, *Hinonuo Mangyans* of Mindoro, the Catholics of Central Visayas and Mindanao, and folk Catholics of upland Cavite in Luzon.<sup>13</sup>

### **General Characterization of Folk Christianity in the Philippines**

Three distinct religious traditions in the Philippines can be reckoned with easily. They are: (1.) Roman Catholicism, (2.) American Protestantism, and (3.) Filipino anitism. The

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<sup>10</sup> F. Landa Jocano, ed. *The Philippines at the Spanish Contact: Some Major Accounts of Early Filipino Society and Culture* (Quezon City: Institute of Philippine Studies, Philippine Center for Advanced Studies, UP System, 1975), pp. 40-41.

<sup>11</sup> Juan de Plasencia, *Customs of the Tagalogs: A Relation* (Manila: in Blair and Robertson, VII, 1589), p. 189.

<sup>12</sup> F. Landa Jocano, *Philippine Pre-history: An Anthropological Overview of the Beginnings of Filipino Society and Culture* (Quezon City: Philippine Center for Advanced Studies, 1975), p. xiii.

<sup>13</sup> Leonardo N. Mercado, SVD, *Christ in the Philippines* (Tacloban City: Divine Word University Publications, 1982), pp. 5-8.

first two traditions did not grow in the Philippines in their pure forms. In the process of taking root, they were indigenized.

In numerous instances, the three religious traditions are blended into a new whole. Prospero Covar, a Filipino anthropologist called this new blending as Folk Christianity.<sup>14</sup> In particular, Filipino Folk Christianity refers to a religious organization that is local in origin and maintaining itself as an autochthonous unit. It is neither a schism from the Roman Catholic Church nor is it associated with any American Protestant denomination or other foreign missions. It draws its central doctrine from the mainspring of Christian teachings – oftentimes proselytizing based on Biblical passages and moralized by Filipino parables and *salawikain*<sup>15</sup>. It believes in anitism<sup>16</sup> and lower creatures. It indulges in spiritism and faith-healing. It manifests a kind of nationalist orientation that is inspired by the writings of Rizal and other heroes of the Philippine Revolution. It utilizes either the Roman Catholic hierarchy of positions or the American Protestant council of elders as a structural model upon which it patterns its leadership set-up.<sup>17</sup>

### **The History of the *Iglesia Watawat ng Lahi*, A Glimpse**

In 1936, in a house at Galas, Quezon City, a certain Severino de Ang invoked the presence of a *Banal na Tinig* (Holy Voice). The *Banal na Tinig* instructed Mateo Alcuran and Alfredo Benedicto to go to Lecheria, Calamba, Laguna to look for Jovito Salgado and Gaudicio Parabuac. These four men, all middle age, met on Lecheria Hill in Calamba on December 24, 1936. They heeded the call of the *Banal na Tinig* (Holy Voice) expecting to find buried treasure for Lecheria Hill was known as *Burol na Ginto* (Hill of Gold). But to their surprise, the Holy Voice admonished them to discontinue their search for buried treasure and prevailed upon them to seek the wealth of eternal life in the hereafter. From that time on, these four men met and listened faithfully to the moral teachings of the Holy Voice every Saturday afternoon in a small nipa hut near a big tamarind tree at the eastern side of the hill. The Holy Voice drew its early recruits from a mixture of lawyers, mystics, and skilled craftsmen. More and more people became interested in the moral lessons propounded by the Holy Voice.<sup>18</sup>

In 1938, the Holy Voice informed the group that the spirit of Dr. Jose Rizal would be their *patnubay* or guide together with the *Mga Mahal na Magulang* (Beloved Ancestors).<sup>19</sup> In 1940, the Holy Voice instructed the group to organize into a movement called the *Samahan ng Watawat ng Lahi* (Association of the Banner of the Race). The Association overcame persecution by the Japanese in the Second World War to

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<sup>14</sup> Prospero R. Covar, *Philippine Folk Christianity* (Quezon City: Philippine Social Science Council, 1975), p. 3.

<sup>15</sup> *Salawikain* is synonymous to maxim, saying or proverb.

<sup>16</sup> Anitism – congeries of beliefs and practices related to “*anito*”, “*nono*” or the spirit of dead parents/ancestors which is the core of Filipino religious culture.

<sup>17</sup> Prospero R. Covar, *Philippine Folk Christianity* (Quezon City: Philippine Social Science Council, 1975), pp. 3-4.

<sup>18</sup> *Ibid.* pp. 43-45.

<sup>19</sup> This belief in spirit has a long tradition in Philippine culture as elaborated in the topic “Understanding Philippine Society and Culture”.

incorporate itself as the *Iglesia Watawat ng Lahi* (Church of the Banner of the Race) in May 1944.

In 1947, two priests of the *Universa Dei Ecclesia* joined the *Iglesia Watawat ng Lahi*. This gave rise within the Church, to a priesthood and to formal rites and rituals patterned after those of the Roman Catholic Church. By 1959, one of the priests had risen to the position of bishop and an ecclesiastical body complemented the original secular structure of the Church. It established offices commonly associated with socio-civic groups which are unmistakably American-Protestant in origin, while the traditional religious roles which are traceable from the *Simulain* (Principle) are the adviser who actually is the invoker, and the members of the *Kagawad* (Council). In the 1970's, the movement continued to build up its organizational structure, routinized its rites and rituals and expanded its membership.<sup>20</sup> In 1987, however, the group was racked by schism among members and was, after tedious legal battles, eventually divided into four factions but still united in their common belief that Rizal is "God" or "Christ" Himself, the "Alpha and the Omega", the *Jove Rex Al*.<sup>21</sup>

### ***Jove Rex Al of the Iglesia Watawat ng Lahi***

The *Iglesia Watawat ng Lahi*<sup>22</sup> is one of the many indigenous religious organizations in the Philippines. Its central doctrine revolves around Dr. Jose Rizal, the Philippine national hero. Rizal is considered to be the "reincarnation" of Jesus Christ and believed that Rizal is "God" Himself taking on a human form, much like what Jesus Christ did 2,000 years ago. "Reincarnation" is interpreted to mean that Jose Rizal and Jesus Christ led parallel lives. Both were conceived by the virgin, were Asians, advocated the equality of all human beings, were born in a small country under a foreign rule, performed miracles, advocated the Golden Rule, healed people, were maligned and persecuted, and gave up their lives for the people.<sup>23</sup>

Rizal is still alive! The Rizalistas believe that the man executed in Bagumbayan (now Luneta, Manila) in the morning of December 30, 1896 was a fake Rizal. The genuine Rizal could never be killed as he possessed supernatural powers. Through magical powers, Rizal had created a duplicate of himself out of the banana trunk he requested from the jail guard, giving him the opportunity to slip out of prison cell and left the fake Rizal in prison.<sup>24</sup>

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<sup>20</sup> Prospero R. Covar, *Religious Leadership in the Iglesia Watawat ng Lahi* in the book edited by Leonardo N. Mercado, *Filipino Religious Psychology* (Tacloban City: Divine Word University Publications, 1977), pp. 109-126.

<sup>21</sup> Dennis Villegas, *The Second Coming of Jose Rizal* (Philippine On Line Chronicles, July 4, 2010), pp. 1-2.

<sup>22</sup> *Iglesia Watawat ng Lahi* literally means Church of the Banner of the Race. Its central office is located at Barrio Lecheria, Calamba City, Laguna, Philippines.

<sup>23</sup> For more details, see Prospero R. Covar, *Larangan: Seminal Essays on Philippine Culture*. National Commission for Culture and the Arts (Manila: Sampaguita Press, Inc., 1998), pp. 102-103.

<sup>24</sup> Dennis Villegas, *The Second Coming of Jose Rizal* (Philippine On Line Chronicles, July 4, 2010), p. 6.



Nowadays, given the scenario of the enormity of humanity's problems – environmental, medical, economic, political, and moral – Rizalistas are highly convinced that the end of the world and the second coming of *Jove Rex Al*, the Filipino Christ is nigh. They also anticipate the establishment of the golden church, the golden palace, and the golden flag. All these things shall appear at Mount Makiling overlooking Lecheria Hill in Calamba, Laguna, Philippines.<sup>25</sup>

At this juncture, I would like to settle down my major premise why Dr. Jose Rizal is viewed as “Christ” by some Filipinos. We began with the Filipino idea of God and saw how it is influenced by culture. Worldview is colored by culture. People are the contextualizers and the picture of Christ is based on what is meaningful for the Filipinos. Simply put, if Christ was born in Japan and not in Palestine, our Christianity today would have a Japanese viewpoint. But since he was born a Jew, he preached in the viewpoint of a Jew. Hence, if Christ was born in the Philippines, he would certainly have preached from the viewpoint of a Filipino. Therefore, making Jesus Christ a Filipino through Rizal would mean a more relevant type of Filipino Christian Religion.

## II. The American Imperialistic Campaign for Rizal

It was on June 12, 1898 when the Filipino people through the leadership of President Emilio Aguinaldo proclaimed their independence over Spain. However, the end of Spanish colonial rule in 1898, by virtue of the Treaty of Paris<sup>26</sup>, did not mean for the Filipinos the end of their independence struggle. Clearly, the transfer of sovereignty from one power to another was a unilateral action to which the duly constituted Filipino government was not at all involved. What therefore followed American political and military entry into the Philippines was the establishment of a kind of system that was imperialistic in nature.<sup>27</sup>

Tan discloses that the establishment of American colonial rule was based on policies and programs comprehensive enough to allow American presence throughout the archipelago. American colonial policies were expressed initially in the “Benevolent Assimilation Proclamation” of President William McKinley of the United States on December 21, 1898. In this proclamation, the United States declared her intention to establish sovereignty over the Philippines but would endeavor to pursue a humane policy to assimilate the colony. Note that this declaration came after the formation of the Malolos Congress, the legislative body of the Philippine Republic under President Emilio Aguinaldo. Shortly thereafter, the Schurman Commission, sent to the Philippines in 1899

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<sup>25</sup> Ibid. p. 1. See also Prospero R. Covar, *Religious Leadership in the Iglesia Watawat ng Lahi* in the book edited by Leonardo N. Mercado, *Filipino Religious Psychology* (Tacloban City: Divine Word University Publications, 1977), p. 109.

<sup>26</sup> The Treaty of Paris of December 10, 1898 which the Philippines was ceded to the United States of America by Spain for US \$ 20 million revealed the real color of America as the new imperialist nation.

<sup>27</sup> Samuel K. Tan, *A History of the Philippines* (Quezon City: The University of the Philippines Press, 1987), p. 65.



to assess the situation, reiterated the American commitment to pursue a policy that would respect the customs and traditions of the Filipino people. This change in policy came at a time when tensions were moving toward the possible outbreak of hostilities as the Malolos Government showed its determination to attain Philippine independence. When the first shot was fired from an American gun at San Juan Bridge on February 4, 1899, killing a Filipino, the Philippine-American war formally begun.

The refusal of the Filipinos to yield and the determination to continue the struggle prompted the organization on April 7, 1900, of a second Philippine Commission under William H. Taft to serve as a government in itself. Tan states that the instruction of President McKinley, conveyed through Secretary of War Elihu Root, was to establish in the colony not a government for the “theoretical satisfaction of the American people,” but for the “happiness and prosperity of the Filipino people,” one that would respect the customs, habits, traditions, and even the prejudices of the people.<sup>28</sup>

To the Americans, the eventual capture and surrender of Gen. Emilio Aguinaldo at Palanan, Isabela, in 1901 removed the political obstacle to the enforcement of their sovereignty over the Philippines despite the fact that many patriotic Filipinos were still heroically fighting against them even until 1913.

What was more surprising to know that in 1901, during the hype of conflict between the Filipinos and the Americans, the American Civil Governor William H. Taft suggested to the Philippine Commission that the Filipinos be given a national hero. The *Free Press* of December 28, 1946 gives this account of a meeting of the Philippine Commission:

And now, gentlemen, you must have a national hero. In these fateful words, addressed by then Civil Governor W. H. Taft to the Filipino members of the civil commission, Pardo de Tavera, Legarda, Arellano, and Luzuriaga, lay the genesis of Rizal Day...

In the subsequent discussion in which the rival merits of the revolutionary heroes were considered, the final choice – now universally acclaimed a wise one – was Rizal. And so was history made.<sup>29</sup>

Constantino quoting Theodore Friend in his book, *Between Two Empires*, says that Taft “with other American colonial officials and some conservative wealthy Filipinos, chose Rizal as a model hero over other contestants – Aguinaldo too militant, Bonifacio too radical, Mabini too unregenerate.”<sup>30</sup> This decision to sponsor Rizal was implemented with the passage of the following Acts of the Philippine Commission:

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<sup>28</sup> Ibid., p. 66.

<sup>29</sup> The Free Press, December 28, 1946 in Renato Constantino, *Dissent and Counter-Consciousness* (Quezon City: Malaya Books Inc., 1970), p. 128.

<sup>30</sup> Theodore Friend, *Between Two Empires* (New Haven and London: Yale University Press, 1965), p. 15. In the book of Renato Constantino, *Dissent and Counter-Consciousness* (Quezon City: Malaya Books Inc., 1970), p. 128.

1. Act No. 137 – which organized the politico-military district of Morong and named it the province of Rizal “in honor of the most illustrious Filipino and the most illustrious Tagalog the islands had ever known,”
2. Act No. 243 – which authorized a public subscription for the erection of a monument in honor of Rizal at the Luneta, and
3. Act No. 345 – which set aside the anniversary of his death as a day of observance.<sup>31</sup>

This early example of American “aid” is summarized by Governor General Cameron Forbes who wrote in his book, *The Philippine Islands*:

It is eminently proper that Rizal should have become the acknowledged national hero of the Philippine people. The American administration has lent every assistance to this recognition, setting aside the anniversary of his death to be a day of observance, placing his picture on the postage stamp most commonly used in the islands, and on the currency...and throughout the islands the public schools to teach the young Filipinos to revere his memory as the greatest of Filipino patriots.<sup>32</sup>

The reason for the enthusiastic American attitude becomes clear in the following appraisal of Rizal by Forbes:

Rizal never advocated independence, nor did he advocate armed resistance to the government. He urged reform from within by publicity,<sup>33</sup> by public education, and appeal to the public conscience.<sup>33</sup>

Constantino asserts that Taft’s appreciation for Rizal has much the same basis, as evidenced by his calling Rizal “the greatest Filipino, a physician, a novelist and a poet who because of his struggle for a better conditions under Spanish rule, was unjustly convicted and shot.”<sup>34</sup>

The public image that the Americans desired for a Filipino national hero was quite clear. They favored a hero who would not run against the grain of American colonial policy. Constantino argued that these acts of the Americans in furtherance of a Rizal cult in the light of their initial policies which required the passage of the Sedition Law prohibiting the advocacy of independence and the law prohibiting the display of the Philippine flags. The heroes who advocated independence were therefore ignored as they were now

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<sup>31</sup> Renato Constantino, *Dissent and Counter-Consciousness* (Quezon City: Malaya Books Inc., 1970), pp. 128-129.

<sup>32</sup> W. Cameron Forbes, *The Philippine Islands* (Boston and New York: Houghton Mifflin Company, 1928), p. 55. In the book of Renato Constantino, *Dissent and Counter-Consciousness* (Quezon City: Malaya Books Inc., 1970), p. 129.

<sup>33</sup> Ibid., p. 53. In Renato Constantino, *Dissent and Counter-Consciousness* (Quezon City: Malaya Books Inc., 1970), p. 129.

<sup>34</sup> Renato Constantino, *Dissent and Counter-Consciousness* (Quezon City: Malaya Books Inc., 1970), p. 129.

labeled as bandits, insurrectos, savages, and lawless elements. For to have encouraged a movement to revere Bonifacio, Mabini or Sakay would not have been consistent with American colonial policy.<sup>35</sup>

Quoting James Le Roy, who worked with the Second Philippine Commission, Constantino further emphasized that it is the imperialistic campaign of the Americans that fueled the creation of the Rizal cult.

The Taft Commission did foster the worship of Rizal. They were glad in 1900 to have one way of giving expression to their sympathies with national ideals, without appearing to favor revolt. Rizal, and a national holiday for him, was just the chance.<sup>36</sup>

Several factors contributed to Rizal's acceptability to the Americans as the official hero of the Philippines. First, he was safely dead by the time the Americans began their aggression so no embarrassing anti-American quotations could ever be attributed to him. Second, Rizal's dramatic martyrdom had already made him the symbol of Spanish oppression. To focus attention on him would serve not only to concentrate Filipino hatred against the former oppressors, it would also blunt their feelings of animosity toward the new conquerors against whom there was still organized resistance at that time. Constantino concluded that the choice for Rizal was a master stroke by the Americans.<sup>37</sup> The honors bestowed on Rizal were naturally appreciated by the Filipinos who were proud of him. Third, the Americans chiefly emphasized the fact that Rizal was a reformer, not a separatist whose major thesis for reform is education, not a revolution. Such principle was highly congruent with the American imperialistic slogan embodied in the "Benevolent Assimilation Proclamation" of Pres. McKinley. Rizal could therefore not be invoked on the question of Philippine independence. He could not be a rallying point in the resistance against the Americans but could be a great boost to their pacification campaign. Lastly, it must be realized that the Filipino members of the Philippine Commission were conservative ilustrados. The Americans regarded Rizal as belonging to this class, to the right social class that they were cultivating and building up for leadership.

Yes indeed, although Rizal was already a revered figure and became more so after his martyrdom, it cannot be denied that his pre-eminence among other Filipino heroes was partly the result of American sponsorship and institutionalization.

### Conclusion

It has been established that the Filipinos, the Rizalistas in particular have viewed Christ/God within their cultural framework. Anitism, the worship of ancestors has a long tradition in Philippine culture. To the spirits (*anitos* or *nonos*), Filipinos offered sacrifices

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<sup>35</sup> Ibid.

<sup>36</sup> Renato Constantino, *Myths and Reality* (Quezon City: Karrel, Inc., 1992), p. 80.

<sup>37</sup> Renato Constantino, *Dissent and Counter-Consciousness* (Quezon City: Malaya Books Inc., 1970), p. 130.

and foods with the ministration of the *babaylan* (priestess) serving as shamans or mediums to communicate with the supernatural beings. Notwithstanding they had been Christianized by the Spaniards and the Americans, they still have maintained their indigenous beliefs, or if not, have able to blend these outside religious outlooks with their own.

Constructing Rizal as Christ and reconstructing Christ as Rizal, give us a clear idea that it is the people themselves who contextualize religion. Filipinizing Christ or making Christ a Filipino, validates the thesis that it is the Filipino people who finally decide what is meaningful and relevant to their spiritual and religious life. The picture of *Jove Rex Al*, Rizal as Christ, is based on what is meaningful and significant in the eyes of the Filipino believers. Thus, culture plays a central role on this as culture colors the worldview of the people.

On the otherhand, American hegemony had significantly contributed to this veneration for Rizal by the Filipinos. Through legislations, education, and propaganda machineries, the American colonial officials had succeeded in creating Jose Rizal as a “superhero” whom every Filipino citizen should bow down with. Therefore, the American invasion and conquest of the Philippines had been fueled and facilitated by “imaging” and “representing” Rizal as the most illustrious Filipino who had ever lived, towering above all the Filipino patriots. Thus, I am buying the idea of Renato Constantino that Rizal cult had been encouraged by American imperialism in the Philippines.

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*Alternative Approach to Addressing Violence against Women*

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0226

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Abstract:

Cutting across fields of study such as feminism, cultural and religious studies, international development ethics, and peace and conflict studies, the phenomenon of violence against women in a stateless environment, for example, sexual assaults on girls and women, say, rape as weapon in conflict zones, is an oft-neglected phenomenon in the literatures of feminism, philosophy, ethics, and religion. My paper aims to forge an innovative response to this phenomenon. I interweave gender as category of analysis with the most attractive features of human rights theory which includes the two leading variants of human capabilities, and deliberative democratic theory a strand of which has mutated into contextual, embedded theory. Emergent from this interdisciplinary study, I argue, is an alternative approach based upon the concept of “baseline protection.” As I demonstrate by drawing upon cases from the United Kingdom, England, Scotland, Wales, and France that have been thrown up in 2010 and 2011, this alternative approach has real-life implications: practical and legal measures consistent with the concept of baseline protection show that this alternative approach which attempts so much less than systemic or wholesale transformations can – paradoxically – achieve so much more than system-wide, grand, universal theories aiming for systemic transformations on a global level.

**Title:** Alternative Approach to Addressing Violence against Women  
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### *Introduction*

The event of summer of 2011 that upended the political life of France and possibly the political career of the District Attorney of Manhattan, New York has been described as “l’affaire DSK” in France and the case of Dominique Strauss-Kahn in the United States. Beyond the voyeurism and sensationalism of this scandal, whose headlines sometimes degenerated into smut, one should not underestimate the severity and gravity of the phenomenon of violence against women, especially in the private sphere, such as the hotel room in which the allegations against Strauss-Kahn took place. Let me cite some facts and figures. The 2006 In-Depth Study on All Forms of Violence against Women stated, “at least one out of three women experienced violence at some stage in their lives.”<sup>1</sup> Reinforcing this finding is the finding of the office of the United Nations Secretary General Ban Ki-moon, which observed that “70 percent of women experience in their lifetime some form of physical or sexual violence from men, the majority from husbands, intimate partners or someone they know.”<sup>2</sup>

Cutting across lines of racial, ethnic, and social background, violence against women is not a characteristic of some countries. It is a global problem, and “a serious public policy problem in all stable democracies.”<sup>3</sup> In France, notably, the human rights organization Amnesty International reports, “one out of ten women is victim of domestic violence.”<sup>4</sup> Official data indicate that perpetrators of domestic violence kill on average one woman every two and a half days in France.<sup>5</sup> In this light, it makes sense that in 2010 “the great national cause” of France was “a general campaign” against “a devastating scourge (violence against women), which cuts across social strata, age, and geography.”<sup>6</sup>

What happens in France is not the exception. In Britain, “[a]bout one in four women (28%) aged between 15 and 59 have experienced domestic violence.”<sup>7</sup> In the United States, “[Americans] have become so accustomed to living in a society saturated with misogyny that violence against females is more or less to be expected. Stories about the rape, murder, and mutilation of women and girls are staples of the news, as familiar to [Americans] as weather forecasts.”<sup>8</sup> Broadly accepted as a matter of fact by minority and majority societies, deep-seated patriarchal attitudes toward violence against women have

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<sup>1</sup> “UN officials urge global backing for Annan’s report on violence against women,” October 10, 2006, <http://www.un.org/apps/news/story.asp?NewsID=20205&Cr=women&Cr1=violence> (accessed September 30, 2011).

<sup>2</sup> “UN officials urge intensified efforts to eliminate violence against women,” November 25, 2009, <http://www.un.org/apps/news/story.asp?NewsID=33063&Cr=violence+against+women&Cr1=&Kw1=violence+against+women&Kw2=&Kw3=> (accessed September 30, 2011).

<sup>3</sup> Laurel S. Weldon, *Protest, Policy, and the Problem of Violence against Women: A Cross-National Comparison* (Pittsburgh: University of Pittsburgh Press, 2002), 9.

<sup>4</sup> “En France, une femme sur dix est victime de violences conjugales,” *Le Monde*, 8 February 2006.

<sup>5</sup> “Discours du premier ministre à l’occasion de la journée internationale pour l’élimination de la violence,” November 25, 2009, <http://www.gouvernement.fr/premier-ministre/discours-du-premier-ministre-a-l-occasion-de-la-journee-internationale-pour-l-elim> (accessed September 30, 2011).

<sup>6</sup> Quotes from Nadine Morano, junior French minister for the Family. Translation supplied. “Violences aux femmes, les mot comme les coups,” Charlotte Rotman, *Libération*, 26 février 2010.

<sup>7</sup> “The NHS is failing on domestic violence,” Richard Smith, *The Guardian*, 16 March 2010.

<sup>8</sup> Bob Herbert, “Why Aren’t We Shocked?” *New York Times*, 16 October 2006.

once more been confirmed by the findings of the Home Office of the United Kingdom: “One in seven people believe it is acceptable in some circumstances for a man to hit his wife or girlfriend.”<sup>9</sup> And if further evidence is needed for entrenched sexism, let it be spelled out that “more than one in four [people] believe that a women is totally or partially responsible for being raped if she is wearing ‘sexy or revealing’ clothing.”<sup>10</sup> These tedious, old misogynistic attitudes and patterns of violence against women clearly suggest that “half a century of feminism is still not long enough.”<sup>11</sup>

Vis-à-vis the global reach of this phenomenon of violence against women, especially in the private sphere, what can be done? What sort of solution might be equal to the task of addressing the severity of this problem? That is, what might be appropriate for and proportionate to the pervasiveness and seriousness of this phenomenon?

To begin, as far as looking for resources, theoretical and practical, that could in principle address this widespread phenomenon, one might turn to the human rights literature,<sup>12</sup> which has overlapped with the global justice literature in recent times.<sup>13</sup> Turning to the human rights literature for answer(s) to how to address the phenomenon of violence against women seems a natural fit. The generally broad nature of the major conceptions of human rights should in principle advance the efforts of combating the phenomenon of violence against women, which is global in scale as the evidence suggests. But as I shall argue, though promising, turning to human rights is limited. The reason is, once the details of the theory of international human rights by the leading International Relations scholar Jack Donnelly are laid out, the resource available amounts to very little – if anything at all. As such, it is logical to examine another approach to human rights that presents itself as a species of human rights theory *and* advancing a feminist vision of justice. On the offing is Martha C. Nussbaum’s capabilities approach. Yet this alternative approach that sets itself up as a rival, and a superior rival, to the familiar international human rights approach fares hardly any better. The reason, in the main, as I shall specify, is that no argument is being made. At the core, Nussbaum’s approach, like Donnelly’s, is based upon the intuition about human dignity, namely, human dignity has to be respected the world all over, and it is a central task of the governments of the world to ensure that human dignity is respected. What passes for

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<sup>9</sup> Richard Ford, “Women Should be Hit for Wearing Sexy Clothing in Public, One in Seven Believe,” *The Times*, 9 March 2009.

<sup>10</sup> Hermione Hoby, “Women – and men – still need feminism,” *The Observer*, 23 August 2009.

<sup>11</sup> Catherine Bennette, “Thanks, Fiona, for giving women another bum deal,” *The Observer*, 20 June 2010.

<sup>12</sup> I work within the mainstream of British-North American Political Theory and Political Philosophy.

<sup>13</sup> The human rights literature is vast. The current state of political theory and philosophical interest in human rights, according to Allen Buchanan’s survey, “The Egalitarianism of Human Rights” *Ethics* 120 (July 2010):679-710, 679, seems to have originated as responses to Rawls’s *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999), in addition to the second edition of James Nickel’s *Making Sense of Human Rights* (Oxford: Blackwell, 2007). One way to get a handle on this vast literature might be to consider the three axes of aim, approach, and agency. The aim of any human rights theory, one might presume, were it to advance a positive move as opposed to a wholly negative critique is to help us understand human rights, to get a “fix” on this concept of human rights in light of the seemingly endless proliferations of rights. To this end, there are three approaches: 1) universal, or grand, or systematic; 2) piecemeal; 3) middle-of-the-road, all of which draw upon universal norms and cultural contexts to varying degrees. By agency, what is involved tends to be the outcome desired, or the procedure established, or actors in charge such as the inter-governmental organization United Nations, non-governmental organizations, moral leaders such as Nelson Mandela with a certain stature, who work to improve the state of human rights local, regionally, and globally.

resources, such as theoretical arguments and practical suggestions, however promising they may seem at first, in the international relations scholar's approach and in the political philosopher's hardly measure up to the task of addressing the phenomenon of violence against women, so I shall argue. The paper proceeds as follows.

In Section 1, I lay out the two components of Donnelly's account of universal human rights: 1) universality in theory and 2) relativism in practice of human rights. I show the subtle shift in logic from a structural explanation for conceptual agreement on human rights as universal rights to an empirical explanation for the variations in interpretations and implementation of human rights. Then, in Section 2, I argue that Donnelly's insights into human rights do not go far enough. His effort is noble but limited. Donnelly's guidelines for resolving irreconcilable practices deal with obvious cases only. The point of my critical engagement with Donnelly is to go beyond his idea of human rights as a set of social and political practices that enable individuals to live equal and autonomous lives.

Given the failings of Donnelly's theory, next, in Section 3, I turn to Nussbaum's capabilities approach. My assessment in Section 4 is distressing: Nussbaum's self-grouping in the human rights literature and feminist line of argument notwithstanding, Nussbaum has all but ignored feminist scholarship on human rights; Nussbaum does not in fact engage with scholars pursuing the feminist line of inquiry. In light of this gross oversight, in the final section, Section 5, I draw this conclusion: neither Donnelly's international human rights theory nor Nussbaum's alternative is up to the task of addressing the phenomenon of violence against women.

### Section 1: Donnelly's Thesis

As "a distinctive set of social practices tied to particular notions of human dignity," what human rights envision, as Donnelly shows, is that "equal citizens [are] endowed with inalienable rights that entitle them to equal concern and respect from the state."<sup>14</sup> The central argument which these ideas serve to make, at its most succinct, is that "the historical contingency and particularity of human rights is compatible with a conception of human rights as universal rights."<sup>15</sup> In defending this thesis, Donnelly is careful to point out that "[m]ost good things are not the objects of human rights."<sup>16</sup> Abstract values, say, liberty, equality, and security are not human rights. Human rights are particular social practices aimed at realizing those values. The aspirations underlying a human right and the enjoyment of the object of that right are not human rights. For example, the right to marry and found a family is an internationally recognized human right.<sup>17</sup> That one's spouse comes from the right socioeconomic class, appropriately ranked and distinguished, and endowed with good looks, that is not a human right – it is a

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<sup>14</sup> Jack Donnelly, *Universal Human Rights: In Theory and Practice*, 2<sup>nd</sup> ed. (Ithaca, NY: Cornell University Press, 2003), 71.

<sup>15</sup> Donnelly, *Universal Human Rights*, 2<sup>nd</sup> ed., 1.

<sup>16</sup> *Ibid.*, 11.

<sup>17</sup> As referenced by Donnelly, the right to marry and found a family is article 16 of the Universal Declaration of Human Rights and article 23 of the International Covenant on Civil and Political Rights. Donnelly, *Universal Human Rights*, 2<sup>nd</sup> ed., 24. Whether or not officially recognized as a human right, people all over the world get married and have family. Why I single out this right as example will become clear in the discussion below where I pit it against the right to life.



matter of desire or aspiration, belonging to the individual. Neither is the actual deed, and enjoyment, of marrying and raising a family.

Because the Universal Declaration of Human Rights is *the* document around which is organized the consensus today on internationally recognized human rights, “human rights” means generally “what is in the Universal Declaration of Human Rights.”<sup>18</sup> By putting things in these terms, Donnelly specifies what he means by human rights; he also, in doing this, sets down the parameters of discussion. As he spells out, the Universal Declaration has four structural features. They are as follows:

- (1) As entitlements, universal rights are the mechanism for implementing such values as nondiscrimination and an adequate standard of living.
- (2) All rights in the Universal Declaration and the subsequent Covenants, with the exception of self-determination of peoples, are rights of individuals, not corporate entities.<sup>19</sup>
- (3) Universal rights are treated as an interdependent and indivisible whole, rather than as a menu from which one may freely select or choose not to select.
- (4) Although universal rights are held equally by all human beings everywhere, it is the states that have near exclusive responsibility to implement them for their nationals.<sup>20</sup>

This brings us to the heart of the matter: the universality of human rights – understood as the overlapping consensus<sup>21</sup> on the Universal Declaration – “the claim is that most leading elements in almost all contemporary societies endorse the idea that every human being has certain equal and inalienable rights and is thus entitled to equal concern and respect from the state – and that what holds this otherwise disparate group of rights together is a fundamental commitment to human equality and autonomy.”<sup>22</sup>

What explains the consensus on human rights is structure. Donnelly says,<sup>23</sup>

Social structure, not “culture,” does the explanatory work. When the West was filled with “traditional societies,” it had social and political ideas and practices strikingly similar to those of traditional Asia, Africa, and the Near East. Conversely, as those regions and civilizations have been similarly penetrated by modern markets and states, the social conditions that demand human rights have been created. This is the foundation of the overlapping consensus on and the contemporary moral universality of human rights.

The key lies in “modern markets and states” which have brought forth “the social conditions” that demand human rights be created. If markets and states are doing the work of explaining the need for human rights, then it makes sense that, in response to the

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<sup>18</sup> Donnelly, *Universal Human Rights*, 2<sup>nd</sup> ed., 22.

<sup>19</sup> On a corporate conception of human rights, see Peter N. Jones, “Human Rights, Group Rights, and Peoples’ Rights,” *Human Rights Quarterly* 21(1):80-107.

<sup>20</sup> Donnelly, *Universal Human Rights*, 2<sup>nd</sup> ed., 23.

<sup>21</sup> The term “overlapping consensus” is John Rawls’s (*Political Liberalism* (New York: Columbia University Press, [1993] 1996), 133-172, 385-396), who is duly credited by Donnelly, *Universal Human Rights*, 2<sup>nd</sup> ed., 40.

<sup>22</sup> Donnelly, *Universal Human Rights*, 2<sup>nd</sup> ed., 51.

<sup>23</sup> *Ibid.*, 78.

“same threats from modern markets and states,” the “same protections of human rights” available to individuals in the West be made available also to individuals outside the West. Indeed, Donnelly concurs: “[t]he thrust of my argument will be that contemporary Asian individuals, families, and societies face the same threats from modern markets and states that Western societies do, and therefore need the same protections of human rights.”<sup>24</sup>

But the logic of universality does not extend to the levels of implementation and interpretations of human rights. Donnelly recognizes that “[t]here are numerous variations in interpretations and modes of implementing internationally recognized human rights.”<sup>25</sup> In this regard, at least on the surface, there is something odd about the chain of reasoning in Donnelly’s thought. On the one hand, Donnelly does not see “plausible conceptions of human rights”<sup>26</sup> being put forth by the principal Asian alternatives of “soft” authoritarianism, party-state dictatorship, and paternalism that, in practice, do not involve morally defensible political regimes. The point seems to be, at the risk of oversimplification, that protections of human rights in the West do not obtain in Asia. On the other hand, Donnelly makes the observation that “the essential insight of human rights is that the worlds we make for ourselves, intentionally and unintentionally, must conform to relatively universal requirements that [1] rest on our humanity and [2] seek to guarantee each person equal concern and respect from the state.”<sup>27</sup> Translated into concrete terms, that means the “same protections of human rights” available to individuals in the West must – by necessity, in view of how they also face “same threats from modern markets and states” – be made available to individuals outside the West, in Asia, Africa, South America, and the Middle East. Yet that is not Donnelly’s argument. The social structure, namely, markets and states, that does the work of explaining the foundation of the overlapping consensus on and moral universality of human rights drops off. What explains “the space for local variations in an Asian context,”<sup>28</sup> Donnelly explains, is not structure. It is “the particularities of national action”<sup>29</sup> – an empirical explanation.

Now the reason why Donnelly’s argument does not go through is that, given how his structural explanation accounts for the moral universality of human rights, one expects, logically, the same structural explanation would account for the *relative* universality of human rights, which is, after all, Donnelly’s thesis. But that is not so. To figure out why not, let us examine the two basic components that make up Donnelly’s thesis: (1) universalism in theory and (2) relativism in practice.

### *Theoretical Universalism*

Arguing for “a fundamentally universalistic approach to internationally recognized human rights,” the “strong universalist” position defended by Donnelly permits deviations from international human rights norms.<sup>30</sup> But how is it possible to call such approach “fundamentally universalistic,” such position “strong universalist,” when,

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<sup>24</sup> Ibid., 69.

<sup>25</sup> Ibid., 89.

<sup>26</sup> Ibid., 69.

<sup>27</sup> Ibid., 123.

<sup>28</sup> Ibid., 107.

<sup>29</sup> Ibid., 181.

<sup>30</sup> Ibid., 89, 90.

in fact, it allows for deviations? At first cut, it comes across as rather nonsensical. Yet Donnelly's claim about the universality of human rights does make sense insofar as it is a claim at the theoretical level that he describes as "concept."<sup>31</sup> "Only at this level do[es] [he] claim that there is a consensus on the rights of the Universal Declaration."<sup>32</sup> That means at the level of interpretations and at the level of implementation or form, there can be and, indeed, are differences. Donnelly's construct is a "three-level scheme" involving:

- (1) concept, "an abstract, general statement of an orienting value," an example of which is, say, the right to marry and found a family over which, according to Donnelly, "there is little international dispute",<sup>33</sup>
- (2) interpretations of rights, over which Donnelly thinks "legitimate controversy is possible,"<sup>34</sup> so that, say, "the right of free and full consent of intending spouses" is considered as an interpretation of the *conceptual* right to marry and found a family;
- (3) implementation or form, which is, in Donnelly's formulation, the ways in which the interpretations of human rights norms are implemented in law and political practice, so that – so long as these ways in which human rights are implemented "fall within the range of variation consistent with the overarching concept" – they are matters of legitimate variation.<sup>35</sup>

In light of this three-level analysis, Donnelly goes on to say that, although not without controversy, "variations at the level of concepts are infrequent" so that, as he urges, "we need to recognize both the universality of human rights and their particularity and thus accept a certain *limited* relativity, especially with respect to forms of implementation."<sup>36</sup>

The point of all this, is, according to Donnelly, "[w]e must take seriously the initially paradoxical idea of the relative universality of internationally recognized human rights."<sup>37</sup> Now it is unlikely that, without cashing out the idea of "relative universality," one would find adequate the discussion so far of Donnelly's thesis. For that, let us, next, turn to the practical aspect of universality and sort out why it is relative.

#### *Practical Relativism*

There is a number of ways to lay out Donnelly's idea of relativism in human rights practice. But to maintain the focus on local variations in Asia, I stay with "the East Asian challenge for human rights."<sup>38</sup> That appears to be the best way to illustrate Donnelly's "more contentious" claim about human rights practice, namely, "that the range of diversity in standard interpretations is modest and poses relatively few serious international political disputes",<sup>39</sup> hence, human rights are *relatively* universal.

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<sup>31</sup> Ibid., 94.

<sup>32</sup> Ibid., emphasis in original.

<sup>33</sup> Ibid., 96.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid., 97.

<sup>36</sup> Ibid., 98, emphasis in original.

<sup>37</sup> Ibid.

<sup>38</sup> *The East Asian Challenge for Human Rights* is the title of a volume edited by Joanne R. Bauer and Daniel A. Bell, *The East Asian Challenge for Human Rights* (Cambridge University Press, 1999), to which Donnelly adds the chapter "Human Rights and Asian Values: A Defense of 'Western' Universalism." Journalists, business people, lawyers, activists, consumers, government officials, artists, and scholars across the academy have contributed to the human rights literature.

<sup>39</sup> Donnelly, *Universal Human Rights*, 2<sup>nd</sup> ed., 98.

Against the Asian values argument that surfaced in the 1990s – the thrust of which is that legitimate, culturally based differences justified substantial deviations from standard international interpretations of human rights norms – Donnelly puts forth a counter-argument that says “if the differences between East and West truly are as claimed, Asians can be trusted to exercise internationally recognized human rights in responsible ways that make the proper allowances for their cultural values.”<sup>40</sup> The examples Donnelly provides in support of this claim are these:<sup>41</sup>

- (1) permanent employment as a distinctively Asian style of implementing economic and social rights,
- (2) Asian families bear social welfare obligations that in the West today fall more on the state,
- (3) informal social sanction rather than government policy enforces deference to seniority and hierarchy, i.e., paternalism, which is often presented as characteristic of Asian societies,
- (4) Asians’ preference for consensual decision making,
- (5) rural Thai children might be expected to give greater weight to the views and interests of their families in decisions to marry than urban Norwegian children – the implication is that confrontational political tactics will be less common and less effective,
- (6) if Asians truly do value family over self, they will exercise their personal rights with the consequences of their family in mind, and
- (7) if Asians value harmony and order, they will exercise their civil liberties in a harmonious and orderly fashion.

What, then, is the conclusion based on these examples? A simple one: “Internationally recognized human rights concepts may be interpreted and implemented in significantly divergent ways.”<sup>42</sup> The key, of course, is in specifying the concepts, interpretations, and implementations of human rights, which, as examined, Donnelly does. But he is quick to add that “legitimate variations [in the interpretations and implementation of human rights] are limited to the (relatively narrow) range specified by the core concept of the right in question. And countries cannot legitimately just pick and choose among internationally recognized human rights.”<sup>43</sup>

## **Section 2: An Assessment of Donnelly’s Theory**

Having put some flesh on the abstract bone of Donnelly’s thesis of the relative universality of human rights, let me make an assessment of it. The first point that comes to mind is human rights are dignity and autonomy enabling rights, for the purposes of realizing “the central commitment to the equal worth and dignity of each and every person.”<sup>44</sup> For example, if a woman in her twenties wants to marry and found a family, she has the right to do so. Similarly, when the elderly go into retirement they have a right as entitlement to have their social and financial obligations being taken care of in order that they may lead a life of dignity and autonomy, compatible with their individual situations.

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<sup>40</sup> Ibid., 119.

<sup>41</sup> Ibid., 119-122.

<sup>42</sup> Ibid., 119.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid., 44.



Now Donnelly allows for variations in interpretations and implementation of the concept, such that, we may, by sticking with the Asian example, say the following. As Donnelly's example (5) above states, girls in Asia, say, Thailand, intending to marry are expected to give weight to the preference of their families, especially those in the rural areas, more so than, say, to pick up, again, on Donnelly's example, city girls in Norway. So far so good. The variations in interpretations and implementation of the concept of marrying and founding a family are within the limits Donnelly has established. In the same vein, Asian children are expected to bear the social and financial costs of their parents' retirement that, for the most part in the West, fall on the state today, as shown in Donnelly's example (2) above. These differences are due to cultural views, which Donnelly considers legitimate because Asians are typically more consensual, family-oriented, and harmony-driven than their counterparts in the West. Nothing controversial about that, all good, but quite tedious, one might protest. Bear with me, for at least a moment.

Let us suppose that a girl and her parents from the rural side of Thailand immigrate to the West, enter and settle in, say, the United States. She has all the rights to marry and found a family of her own. Her parents, not wanting to hold back their daughter, consent to her going. In their retirement, the elderly parents would, in accordance with cultural practices prevalent in their homeland, expect the daughter to provide aid and comfort, bearing a good deal of the financial and social costs. But as observed by Donnelly in example (2) above, in the West, such burden falls on the state. The question is, then, should the daughter make sacrifices and take care of her parents who, after all, had sacrificed for her? Such dilemma is not unheard of, especially among first, even second, generation Americans. But for Donnelly the real question, as I hope this thought experiment illustrates, is how do we know which right wins over which right? Even without cultural variations, when one right enters into conflict with another right, do we know which one takes priority? Surely the right to marry and found a family is as fundamental as any. But when it clashes with, say, the right to life, which is exactly the entitlement claim of the parents in our case, Donnelly has no answer to give. In fact, his tripartite scheme says nothing about how to resolve competing rights. It divides human rights into three parts, but it says nothing about which rights are sorted out into which part. Neither does it explain how that would be done.

- How does the tripartite scheme work? How does one decide which right is
- (1) conceptual, where assent to it is, supposedly, undisputed,
  - (2) interpretive, where there is room for differences of interpretations, or
  - (3) formal, where variations in implementation of human rights are considered "not merely justifiable but desirable" ?<sup>45</sup>

Evidently, Donnelly has more work to do. By evaluating Donnelly's thesis of the relative universality of human rights, what we find is that the tripartite model appears inadequate. Donnelly's account does not address the gnawing issue facing human rights, namely, how to adjudicate competing rights, especially as relates to the right of one generation to get married and establish a family versus the right of another generation to a minimally decent level of living in retirement. In this light, let me turn to the alternative theory of Nussbaum's human capabilities approach.

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<sup>45</sup> Ibid., 121.



### Section 3. Nussbaum's Capabilities Approach

Nussbaum presents her brand of universalism as making “a single clear line of feminist argument.”<sup>46</sup> Nussbaum begins with these observations: “Women in much of the world lack support for fundamental functions of a human life. They are less well nourished than men, less healthy, more vulnerable to physical violence and sexual abuse.”<sup>47</sup> What Nussbaum has articulated in her account of human development, and the links between it and women, seems relevant for the present purposes. Though not inspired by Haq's perfectionist conception of human development, the topics that Nussbaum examines have a good deal of overlaps with Haq's. Like Haq who wanted to see on the development agenda the items of good health, a decent education, political freedom, and personal security, what Nussbaum wants to see on the feminist philosophy agenda are the items of “hunger and nutrition, literacy, land rights, the rights to seek employment outside the home, child marriage, and child labor.”<sup>48</sup> Yet in spite of these overlaps between Haq and Nussbaum, the “historical antecedents” of Nussbaum's theory are found in “Aristotle and Marx . . . [and] relatives such as Mill's Aristotelian view of human flourishing.”<sup>49</sup> Seen in this light, it is clear that Nussbaum's statement is philosophical in nature, “whose aim is to develop a particular type of normative philosophical theory.”<sup>50</sup>

So what is Nussbaum's normative philosophical theory? Called the capabilities approach, Nussbaum's theory is universalistic in scope; it aims “to provide the philosophical underpinning for an account of basic constitutional principles that should be respected and implemented by the governments of all nations.”<sup>51</sup> All nations because as “a bare minimum of what respect for human dignity requires,”<sup>52</sup> this intuition serves as the rationale to justify the citizen's universal right to make claims against their governments. And the claims are to a list of “functions of the human being [that] are most worth the care and attention of public planning the world over.”<sup>53</sup> The “best” way to approach this list of claims is with the human capabilities approach. Formulated in terms of the “powers, and the development of those powers,” to perform certain basic functions consistent with the “Marxian/Aristotelian idea of truly human functioning,”<sup>54</sup> the list of capabilities includes: having a normal life span, adequate food and shelter, bodily integrity, the social basis of self-respect, opportunities to support oneself through work, to be healthy, to participate in controlling one's environment, to use one's imagination to produce self-expressive and self-chosen works, to form a conception of the good and search for the ultimate meaning of life, to relate to animals, plants, and the world of nature.<sup>55</sup>

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<sup>46</sup> Martha C. Nussbaum, *Women and Human Development: The Capabilities Approach* (Cambridge: Cambridge University Press, 2000), xiv.

<sup>47</sup> *Ibid.*, 1.

<sup>48</sup> *Ibid.*, 7.

<sup>49</sup> *Ibid.*, xiii.

<sup>50</sup> *Ibid.*, 10.

<sup>51</sup> *Ibid.*, 5.

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*, 34.

<sup>54</sup> *Ibid.*, 7, 13.

<sup>55</sup> *Ibid.*, 78-83.

Looking at this list of capabilities, it seems, there is a good deal of overlaps between the ends of capabilities and the ends of human rights as, for example, defended by Donnelly in terms of the objects of human rights. As precursor to, if not inspiration for, Nussbaum's thinking on what is capabilities, namely, universalistic functions below the threshold of which human life would be neither possible nor worthy of human dignity, the Universal Declaration of Human Rights (UDHR) list of human rights express and/or embody the substance of Nussbaum's list of capabilities. So corresponding to Nussbaum's fundamental capability of having a normal life span and bodily integrity is Article 3 of the UDHR that states, "Everyone has the right to life, liberty and security of person." Regarding the capability of adequate food and shelter, paragraph one of Article 25 of the UDHR states, "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services." The capabilities of the social basis of self-respect and opportunities to support oneself through work are spelled out in Articles 22 and 23 of the UDHR: "Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality"; and "Everyone has the right to work," respectively.

With regard to the rest of the capabilities about being healthy, in a position to participate in the controlling one's environment, to use one's imagination to produce self-expressive and self-chosen works, to form a conception of the good and search for the ultimate meaning of life, to relate to animals, plants, and the world of nature, suffice to say that they are referenced by Articles 18, 19, 27, and 29 of the UDHR. Given the common grounds covered by capabilities and human rights, as Nussbaum acknowledges, "The capabilities approach is thus one species of a human rights view."<sup>56</sup> Yet contrary to the apparent overlaps and to Nussbaum's characterizing her human capabilities approach as a relative of human rights, I shall argue that what is being presented in the form of human capabilities is nothing less than a rival – and a superior rival – to the familiar human rights view. In effect, on the offing is an alternative theory of universalism. Human capabilities aspire to replace human rights. In two ways, let me specify how human capabilities are superior to human rights: practically and politically.

In practical terms, the major advantage that capabilities have over rights is that the former has greater specificity than the latter. As Nussbaum argues, "the human rights<sup>57</sup> view is under-specified, containing quite a few different views about what the basis of a rights claim is, who has the duties [to honor a rights claim]."<sup>58</sup> In the first instance, Nussbaum points out that "rationality, sentience, and mere life" have all been touted as candidates for the basis of a rights claim.<sup>59</sup> Seen in this light, it is plain that different concepts can serve as the basis of a rights claim, so upon what exactly a right is based is

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<sup>56</sup> Martha C. Nussbaum, "On Hearing Women's Voices: A Reply to Susan Okin," *Philosophy and Public Affairs* 32 (2004):193-205, 196.

<sup>57</sup> In Nussbaum's article "Capabilities and Human Rights," *Fordham Law Review* 66 (1997):273-300, 292, she states that she "understand[s] a human right to involve an especially urgent and morally justified claim that a person has, simply by virtue of being a human adult, and independently of membership in a particular nation, or class, or sex, or ethnic or religious or sexual group."

<sup>58</sup> Martha C. Nussbaum, "On Hearing Women's Voices," 196.

<sup>59</sup> Nussbaum, *Women and Human Development*, 97.

indeterminate. In the second instance, the relationship between rights and the duties to defend and/or secure rights is far from established. Nussbaum asks, “if A has a right to S, does this mean that there is always someone who has a duty to provide S, and how shall we decide who that someone is?”<sup>60</sup> These questions, and their answers, remain to be worked out satisfactorily, as scholars have put forward competing theories on who or what is duty-bound to secure the objects of rights.

In contrast, Nussbaum has explicitly specified the basis of human capabilities and the duties for promoting capabilities; these rest on a perfectionist intuition and macro-level institutions, respectively. Nussbaum makes clear that at the basis of her theory of human development is the “basic intuition” that “certain human abilities exert a moral claim that they should be developed.”<sup>61</sup> Probing further, underlying this intuitive idea is the vision that humans are perfectible or progressive. It is this vision, ultimately, of humans having the capacity to flourish that serves as the premise of Nussbaum’s argument. Grounded in this vision and in accordance with what the respect of human dignity requires, the developed use of certain abilities is described as necessary for leading a genuinely human life. Regarding who or what has the duties of promoting capabilities, that task entails “international cooperation” and “some transfers of wealth from richer nations to poorer nations.”<sup>62</sup> To this end, the co-ordination and co-operation of different nations are implied, which in the “larger view” that Nussbaum has developed, “institutions of many types, including richer nations, multinational corporations, and international institutions, including economic institutions” are called upon to promote capabilities.<sup>63</sup> So it is clear that Nussbaum has specified who are the actors entrusted with the duties of making “capability available to all the world’s people.”<sup>64</sup>

With these two practical details examined, let me go further and draw out the link between, first, capabilities and women, then, capabilities and development, and show how Nussbaum’s approach works in ways that are superior to human rights approaches. Nussbaum “focuses appropriately on *women’s lives*,” which requires “examin[ing] real lives in their *material and social* settings.”<sup>65</sup> By doing this, Nussbaum’s move overcomes the false dichotomy between the so-called first-generation human rights of political and civil liberties and the so-called second-generation human rights of economic and social rights. This is important. By making the analysis of a human right to, say, shelter in terms of capabilities, the focus is shifted from being once more embroiled in the controversy about whether this right is a political and/or civil right, or an economic and/or social right to “a right to a certain amount of resources.”<sup>66</sup> In view of how “women are not full equals under the law,” since “they do not have the same property rights as men, the same rights to make a contract, the same rights of association, mobility, and religious liberty,”<sup>67</sup> so in effect, even though women are “equals in theory, they are second-class citizens in reality,”<sup>68</sup> this shift in focus from rights to capabilities is pivotal. It highlights the material

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<sup>60</sup> Ibid.

<sup>61</sup> Ibid., 83.

<sup>62</sup> Ibid., 104-105.

<sup>63</sup> Nussbaum, “On Hearing Women’s Voices,” 195.

<sup>64</sup> Nussbaum, *Women and Human Development*, 105.

<sup>65</sup> Ibid., 71, emphasis added.

<sup>66</sup> Ibid., 99.

<sup>67</sup> Ibid., 1.

<sup>68</sup> Ibid., 4.

and social resources required for human flourishing. That is, by “look[ing] at how people are actually enabled to live,”<sup>69</sup> the capabilities approach provides “a rationale,” a rationale that human rights approaches do not provide, for governments to spend “unequal amounts of money” on women and children who are most vulnerable to poverty, and to create “special programs” to help them attain their capabilities.<sup>70</sup> This, then, is the added value of capabilities in practical terms: by focusing on material and social issues that “women face because of their sex in more or less every nation in the world,”<sup>71</sup> the concept of capabilities shines light on issues relating to gender poverty that are traditionally on the fringe of mainstream philosophy and human rights theories.

Turning to the link between capabilities and development, as Nussbaum suggests, the capabilities approach enables us to gain a better understanding of what enables women’s development. Unlike human rights views that do not bring to the fore problems of development, Nussbaum’s capabilities approach does. The ten capabilities that Nussbaum has specified “are of central importance” so that reasonable trade-offs among them are limited.<sup>72</sup> In particular, Nussbaum comments, there is “a tragic aspect” to any citizen’s being “pushed below the threshold” in the list of capabilities.<sup>73</sup> This is vital. The concept of capabilities, in contrast to the concept of growth measured as per capita GDP, draws our attention to the causes of women’s poverty such as lack of material and social resources that are neglected by and/or invisible to the oft-cited statistics national per capita GDP. Let us recall the perspective and assumptions of traditional development economics: the incessant drive to produce economic growth, which does nothing to address issues such as whether women and children who are exposed to poverty are actually better-off or not. In contrast, since Nussbaum’s approach is grounded on the premise that “[h]uman beings are creatures such that, provided with the right educational and material support, they can become fully capable of all th[e] human functions [that she has listed],”<sup>74</sup> what Nussbaum is able to argue, which conventional economists are not, is “to promote women’s literacy.”<sup>75</sup> By attaining literacy, educated women can “seek employment outside the home,” enabling them to have “exit options that help them protect their bodily integrity from assaults within it.”<sup>76</sup> In addition to literacy, which in concrete terms would mean governments providing funds for new schools and services for all children and adults, governments can work to promote women’s health. While no government can guarantee the health of their citizens, since some people will always be attracted to risky lifestyles, such as excessive consumption of alcohol, governments “can do quite a lot to influence emotional health, through suitable policies in areas such as family law, rape law, and public safety.”<sup>77</sup> In short, it is capabilities – not rights – that provide a theory of human development whose baseline should be respected for proper human functioning.

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<sup>69</sup> Ibid., 99.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid., 4.

<sup>72</sup> Ibid., 81.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid., 83.

<sup>75</sup> Ibid., 81.

<sup>76</sup> Ibid.

<sup>77</sup> Ibid., 82.



In political terms, Nussbaum's capabilities approach trumps human rights approaches because it is an alternative theory of universalism that is neither aggressive, nor demanding, nor controversial. As some Marxist, rhetorician, and postmodern theorist have charged, human rights either serve the ends of cultural imperialism, or harbor claims about the human condition across all time and space, or function as a handmaid of capitalism. So human rights get entangled with some or all of these issues. In contrast, capabilities are not ensnared by these issues. First, the list of capabilities that Nussbaum has worked out is "open-ended and humble."<sup>78</sup> Second, the work of promoting capabilities consistent with human dignity "has broad cross-cultural resonance."<sup>79</sup> Third, and notably, the capabilities approach does not seek to impose Western ideas onto the rest of the world since the language of capabilities unlike the language of rights "is not strongly linked to one particular cultural and historical tradition," namely, the West.<sup>80</sup> While rights "can be endorsed from a variety of perspectives," contra the dated conception that rights were "exclusively Western," Nussbaum's point is that her approach centered on the language of capabilities "enables us to bypass" the entire debate whether rights are Euro-centric or not.<sup>81</sup> Because Nussbaum's approach is about addressing the concrete issues of what people are actually able to be and to do, and "there is no culture in which people do not ask themselves what they are able to do,"<sup>82</sup> the move to question human rights' origins as associated with European Enlightenment is pre-empted. Thus, in political terms, Nussbaum's capabilities approach avoids "even giv[ing] the appearance of privileging a Western idea."<sup>83</sup> With the most relevant details of the capabilities approach examined, I think, it is time to assess it.

#### **Section 4: Assessing the Human Capabilities Approach**

With regard to the practical steps for implementing the theory, in her reconsidered view, Nussbaum wants to "assign the duties of promoting human capabilities in poor nations to institutions of many types, including richer nations, multinational corporations, and international institutions, including economic institutions."<sup>84</sup> For the sake of argument, let us assume for the moment that Nussbaum's suggestion is implemented. It would then follow that citizens across the world may – at last! – be making claims against their governments for material and social resources which serve to enable human capabilities. This is a valuable contribution to people's flourishing, especially the poor who tend to be poor women. As such, it is hardly objectionable. But that is not the issue; the issue is Nussbaum's authorial voice.<sup>85</sup> What sort of position does she occupy such that it is she instead of, say, governments who assign the duties of promoting human capabilities to institutions on a macro scale? In order for Nussbaum to issue this policy prescription, she has to in the first place appropriate for herself a power or an authority so high and influential that the people who run states and supra-state institutions have the

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<sup>78</sup> Ibid., 77.

<sup>79</sup> Ibid., 72.

<sup>80</sup> Ibid., 99.

<sup>81</sup> Ibid., 99, 100.

<sup>82</sup> Ibid., 100.

<sup>83</sup> Ibid.

<sup>84</sup> Nussbaum, "On Hearing Women's Voices," 195.

<sup>85</sup> This authorial voice has been criticized, for example, by Brook A. Ackerly, *Universal Human Rights in a World of Difference* (Cambridge: Cambridge University Press, 2008), 118-123.



duties of following her advice. Self-righteousness might be at work because like all philosophers Nussbaum seems to suffer from it. But let us be charitable and look beyond the foibles of philosophers. Setting aside the problems with Nussbaum's authorial voice, let us consider what might have motivated Nussbaum to assume that voice. In order to get to the bottom of it all, it is necessary to reexamine Nussbaum's perfectionist intuition.

Drawn from Aristotle and Marx, as Nussbaum spells out, this intuition has two components: one, some functions define the constitutive features of human life "in the sense that their presence or absence is typically understood to be a mark of the presence or absence of human life"; and two, as "Marx found in Aristotle," these functions are characteristics of human life instead of animal life in the sense that "there is something that it is to do these functions in a truly human way, not a merely animal way."<sup>86</sup> For example, suppose our world suffer a natural disaster of epic proportion, such as species' extinction<sup>87</sup> on a planetary scale, following which life is so incapacitated that however successful the survivors might be in eking out a living at the rudimentary level, as a few could miraculously do, that sort of life would scarcely be worthy of human dignity. This hypothetical life would be "more or less like an animal, unable to develop and exercise one's human powers."<sup>88</sup> In contrast to this so-called life, a properly functioning human life is characterized by interactions and developments "infused by practical reasoning and sociability."<sup>89</sup> In short, the form of flourishing worked up from Nussbaum's "intuitive idea," which combines Marxian and Aristotelian perfectionism, is the kind of flourishing in which "the human being as a dignified free being . . . shapes his or her own life in cooperation and reciprocity with others."<sup>90</sup>

So what has been generated by Nussbaum's perfectionist intuition is a theory of human flourishing. But this view of human flourishing, however attractive it may be, represents only one view of human flourishing. In the Western imaginary, from the time of the ancient Greeks personified in part by the heroic figure of the kouros standing tall, proud, and behold to no-one to contemporary vision of humanity as part of the cosmos that pagans espouse,<sup>91</sup> in-between, we find variants of and radical departures from these ideas of what forms human flourishing might take. Notably, Plato designed the city, the *kallipolis*, founded on a noble lie that divides the polity's population into castes where each caste flourishes in accordance with their nature as mythologized by metals. Hobbes's *Leviathan* provided the corrective to what he saw was being manifested by the antisocial nature of human beings in a setting that was theorized as the state of nature. Nietzsche prophesized the advent of superman who, incarnating the will-to-power, stands in opposition to French Revolutionaries, Socialists, and Christians: the superman will not treat all men as equal in any way whatsoever. From a synoptic view, then, we see that there is a range of explorations and inquiries into the forms that human flourishing might take. The point is human flourishing can manifest in a variety of ways.

In response, Nussbaum might say something like this: "Surely, there is more than one form of human flourishing. I am not disputing that point. But my theory centered on

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<sup>86</sup> Nussbaum, *Women and Human Development*, 71-72.

<sup>87</sup> Unfortunately, it is a possibility: "Species' extinction threat grows," BBC News, 3 November 2009.

<sup>88</sup> Nussbaum, *Women and Human Development*, 72.

<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> For example, see the article by Cole Moreton, "Everyone's a Pagan Now," *The Guardian* 22 June 2009.

capabilities does more than simply provide a view of human flourishing. I am interested in working out an account of ‘*capability, not functioning, [which] is the appropriate political goal.*’<sup>92</sup> By capability as political end, what I mean is that there are ‘certain capacities, liberties, and opportunities that have value in *any* plan of life that citizens may otherwise choose.’<sup>93</sup>

“Moreover, by specifically ‘ground[ing] the capabilities approach in the Marxian/Aristotelian idea of truly human functioning,’<sup>94</sup> I avoid longstanding controversies associated with the anti-democratic, reactionary, and romantic or counter-Enlightenment views of Plato, Hobbes, and Nietzsche, respectively, as well as the ideas of Greek individualism and contemporary paganism. To be sure, neither Aristotle nor Marx is exempt from controversies, but their perfectionist intuition of human flourishing has received widespread, even universal, support over the years.”

Though hypothetical, this response should be considered. As a rejoinder, let me raise the following points about Aristotle and Marx, which should go to the heart of the matter: Nussbaum’s argument. Owing to the success that perfectionist philosophy enjoys over its rivals, one might have overlooked the undercurrents of the thoughts of Aristotle, Marx, and Mill. Lest we forget, notwithstanding Nussbaum’s endorsement of these thinkers, feminist scholars have severely taken to task Nussbaum’s intellectual precursors and allies. The worldviews of Aristotle have been demonstrated to be “patriarchal,”<sup>95</sup> the ontology of Marx criticized as “masculinist,”<sup>96</sup> and the liberal feminism of Mill shown to be undermined by his “assumptions and convictions about the family and its traditional roles.”<sup>97</sup> Even if we set aside these features, which we should since the son or daughter does not inherit the faults of the father or mother, and even if we grant that the perfectionist intuition on which Nussbaum is basing her argument is widespread, there is this problem: Nussbaum’s basic intuitive idea runs up against and is checked by other basic intuitive ideas. Granted, in our world today, Platonist, Hobbesian, and Nietzschean conceptions of human flourishing are a thing of the past – and good riddance! But it is not so easy to dismiss cognates of human development views that are sexist in nature, such as boys should be better clothed, fed, and regarded than girls, which are widely accepted customs in, for example, parts of China and India. In addition, human development theories are skewed by class interests, harmed by racism, trumped by beliefs found in religion, and negated by conceptions of the good maintained by traditional life-forms whose contacts with the society-at-large are minimal at best. That is, however appealing Nussbaum may think her perfectionist intuition is, and whatever support it may have, given the diversity of human intuitions at work, Nussbaum’s idea can be canceled out, or confined with its bounds, or transformed by a myriad of ideas. For Nussbaum to make her argument, this burden remains: she has yet to demonstrate the logic of method consistent with her perfectionist intuition. And here, we have arrived at the heart of it all: the argument.

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<sup>92</sup> Nussbaum, *Women and Human Development*, 87, emphasis original.

<sup>93</sup> Ibid., 148, emphasis added.

<sup>94</sup> Ibid., 13.

<sup>95</sup> Susan Moller Okin, *Women in Western Political Thought* (Princeton: Princeton University Press, 1979), 92.

<sup>96</sup> Christine di Stefano, “Masculine Marx,” *Feminist Interpretations and Political Theory*, eds. Mary Lyndon Shanley and Carole Pateman (University Park: Penn State University Press, 1991), 147.

<sup>97</sup> Okin, *Women in Western Political Thought*, 226.

Has Nussbaum actually made an argument? I think not. Like Rawls whom Nussbaum considers as ally, what Nussbaum does, like what Rawls does, can be summed up by two moves: appeal to intuition and make statements with which she thinks we the readers will agree. In this, she is on fairly solid grounds because having benefited from public policies based on perfectionist ideas about human development, a good many of us naturally shares Nussbaum's intuition. The statements she makes hold water to the extent that they are within the bounds of her intuition. But as an argument, that is, a statement worked up from the logic of her moral reasoning, instead of relying on intuition and the sort of moral thinking authorized by that intuition, there is no logic implicit in her method; she does not abjure intuitions but instead relies on them. Thus, no argument is made; what is being presented is – merely – Nussbaum's authorial voice.

Where does this leave us now? In order to proceed, two moves should be made: practical and theoretical. First, in practical terms, going global is required. That is, as examined, state and supra-state institutions are limited for addressing problems rooted in global poverty, such as gender poverty and violence against women. So approaches that are global in scale are called for. Now in her "larger view," Nussbaum does place on "institutions of many types," including "multinational corporations and international institutions," the obligations of bringing about capabilities.<sup>98</sup> But Nussbaum's idea of reform appears quite limited. While Nussbaum takes into account the fact that the structure of the international political economy would have to be transformed, she fails to specify that the international political economy would have to be transformed in a gender-sensitive way. Macro-level actors on the international scene, such as powerful Western states and supra-state organizations, for example, the World Bank and the International Monetary Fund, continue to promote the Washington consensus. The outcome of which is poor non-Western nations having no alternative to participating in the global economic system,<sup>99</sup> which requires the permanent under-development of the poor who are mostly women. The net result of the interactions between these macro-level actors is poverty on a global scale which affects women's security and freedoms. In particular, it has been demonstrated that "poverty constrains women's autonomy," and "poverty makes women vulnerable to violations of their civil and political liberties, including assaults on their bodily integrity."<sup>100</sup>

Second, in theoretical terms, one need not reject human rights as Nussbaum has. This seems straightforward given that little, or no, advancement has been made by throwing out human rights in all but name and grounding an approach in the Aristotelian and Marxian idea of truly human functioning. As Nussbaum has neither engaged with

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<sup>98</sup> Nussbaum, "On Hearing Women's Voices," 195.

<sup>99</sup> What is called the "Washington consensus" is sometimes called free marketization or liberalization by economists. It amounts to the rich countries through proxy such as the World Bank telling poor, indebted countries to "end subsidies to domestic industries, abolish import controls, float their currencies free of controls, and do their utmost to balance their budgets," Susan Moller Okin, "Women's Human Rights in the Late Twentieth Century: One Step Forward, Two Steps Back" In *Sex Rights*, ed. Nicholas Bamforth (Oxford: Oxford University Press, 2005), 113. All the while that budgetary cuts are encouraged, and indeed demanded, on programs for basic health care, public education, and other social services, what is not encouraged to cut are arms purchases and military spending as these are considered "too intrusive" of the poor countries' sovereignty. David Held's *Global Covenant* (Cambridge: Polity, 2004) provides an account of "The Social Democratic Alternative to the Washington Consensus."

<sup>100</sup> Alison M. Jaggar, "'Saving Amina': Global Justice for Women and Intercultural Dialogue," *Ethics and International Affairs* 19(3):55-75, 60, 69.

feminist scholarship on human rights, nor renounced the ideas of Aristotle and Marx, which have been shown to be patriarchal and masculinist, whatever work ends up being presented, once the normative philosophical claims are scrutinized, is quite modest: a cashing-out of Nussbaum's intuitions. Combining the two moves, practical and theoretical, the upshot is: gender-sensitive approaches on a global scale that further the scholarship on human rights in a critical way should be considered.

### **Section 5: Conclusion**

In this paper, I have sought to show that the international human rights theory by Jack Donnelly and the rival theory called development theory of human capabilities by Martha C. Nussbaum do not quite work in terms of advancing gender justice. My critique is Donnelly and Nussbaum have yet to offer a central vision that promotes the interests of women, in particular, the interest of combating violence against women.

The logo for the International Association for Feminist and Gender Studies (iafor) is centered on the page. It features the word "iafor" in a light blue, lowercase, serif font. The text is enclosed within a large, light blue circle. Two curved, brush-stroke-like lines, one in a light red/pink color and one in a light blue color, sweep around the central circle, creating a dynamic, circular frame.

*Human Nature Theories in Product Design: From the Diamond Sutra to a Real-World Product*

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0249

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Abstract:

This three-phased study investigated the core concepts of Buddhism and applied them into a practical product design project. In the first stage, thorough analysis on *The Diamond Sutra* was conducted to figure out its key ideas, and a dynamic art installation was implemented to embody and experiment the concept of Sunyata (emptiness, or the nature of the Void). In-depth interviews with expert designers and Buddhist Masters were held to construct design criteria in the second stage. The last stage sees the realization of design criteria in a product design project. Put into the production line, the product model is now available on the market. A multitude of awards has recognized the merits of this product, along with acknowledgments from authors and experts regarding it as the most optimistic design in the Oriental Zen style.



## **HUMAN NATURE THEORIES IN PRODUCT DESIGN: FROM *THE DIAMOND SUTRA* TO A REAL-WORLD PRODUCT**

### **INTRODUCTION**

#### ***BACKGROUND AND MOTIVATION***

With the worldwide pervasiveness of Scandinavian minimalist design and Japan's MUJI products, understanding of the general public upon product design has expanded from function to the sensational and spiritual level. We have noticed that the eastern Zen aesthetics has its roots in the Buddhist idea of Sunyata, a concept employed to describe a world beyond the material and spiritual. Artists and designers from the East often employ this concept to reach the intrinsic quality of an object and embody metaphysical concepts into concrete form, establishing a solid and unique style.

Among all the "Eighty-Four Thousand Dharma-Doors" (i.e. Buddhist teachings) and countless Tibetan Buddhist scriptures, *The Diamond Sutra* is the most widely read by the public. Therefore, this three-phased study examined *The Diamond Sutra* and put Zen into practical product design.

Firstly, in-depth analysis of *The Diamond Sutra* texts was conducted, followed by a live installation of art pieces to embody and experiment "the nature of the Void" concepts. Secondly, a set of design criteria was established in an interview with a professional designer and Buddhist master. In the last stage the design criteria were applied and realized in a practical product design product. The purpose was to record and analyze in detail the process of how the concept of "the nature of the void" was put into realization in an oriental design for the reference of future researchers.

The product sample constructed in this research has been manufactured in a production line and is now available for purchase. Moreover, it has been awarded in various design contests, regarded as the most optimistic design of the Oriental Zen style by specialist books and seminars.

#### ***RESEARCH OBJECTIVES***

Generally speaking, beyond the proportional and aesthetic values borne upon the appearance of a product there is the internal cultural essence. Bearing this in mind, the researcher analyzed cultural elements embodied in *The Diamond Sutra*, an important Buddhist scripture, and constructed a set of distinctive design criteria for modern product design. The object was to transform metaphysical concepts into tangible art work. Purposes of this study were as follows:

- To investigate the connotations in the nature of the Void and its association with the public.
- To analyze, from a designer's point of view, the elements of the nature of the Void so as to construct practical design criteria.
- To record the process and methods involved in cultural and creative design from the perspectives of research on the nature of the mind.

### **LITERATURE REVIEW**

#### ***THE ORIGIN OF ZEN***

Before discussing the characteristics of the Zen style, it may be of importance to look into history this keyword. "Zen" is one of the dharmas (Natural Law) in Buddhism, spread to China from India and gradually became one of the thirteen schools of Chinese Buddhism. Firstly established by Bodhidharma (ca. early 5th century), it flourished in the hands of the Sixth Patriarch Huineng (d. 713).

This school became the mainstream and a prominent symbol in China since late Tang Dynasty (Feng, 2005).

*The Diamond Sutra*, short for the Vajracchedika-prajna-paramita Sutra, is one of the most important scriptures in Chinese Buddhism. It is highly valued by both monks and Buddhists who practiced the religion at home. After the time of Hongren (the Fifth Patriarch of Zen Buddhism) and Huineng, the status of *The Diamond Sutra* roared in the Buddhist world. According to “The Sixth Patriarch's Dharma Jewel Platform Sutra”, it was Hongren who began preaching on *The Diamond Sutra*. The scripture is comprised of over 5,000 words and is regarded in Mahayana Buddhism as an authoritative reference for the discussion of “the nature of the void”.

### ***INFLUENCES OF THE DIAMOND SUTRA***

Thorough literature review of *The Diamond Sutra* and related references revealed that prajñā (wisdom) is the fundamental basis of Mahayana Buddhist theories. It is argued that every phenomenon in the world has its cause and will eventually rest in the void. Keeping in mind that there is nothing constant, a Buddhist may achieve a full understanding of life and obtain true wisdom. Based on the prajñā theories, Zen Buddhists further developed the ideal of “the nature of the void” and “the method of enlightenment”.

Aesthetics derived from Zen Buddhism has profoundly influenced the following generations in terms of literature, art, and architecture. Embodiment of “the nature of the void” can be traced in works by Chinese poet Wang Wei (699-759), in Chinese ink paintings of the Song Dynasty, and in tea ceremony, floristry, gardens and temples of Japan. Therefore, this research examines the nature of the void concept in *The Diamond Sutra* and the underlying aesthetics.

### ***THE TENOR OF THE DIAMOND SUTRA***

*The Diamond Sutra* is revered throughout Asia as one of the Buddha's most profound expressions of the nature of reality. A gem among the vast Perfection of Wisdom literature, *The Diamond Sutra* elicits an experience of eternal truth through its use of a seemingly paradoxical style, as the reader goes back and forth between “what is” and “what is not.”

The scripture began with a dialogue between Buddha and DhamapalaSubhuti, No. 1 emptiness interpretation among ten Disciples. By answering how a human being can reach and retain “a mind of unexcelled complete enlightenment”, Buddha elucidated that emptiness, or the void, is the beginning and the end of everything. To become like Buddha, one must dispose all obsessions and see through the external appearance of all phenomenon. If one can overcome all worries, prejudices, angers, and improper thoughts, absolute freedom of the heart can be achieved.

Later interpretations also agree on the above. Both Sixth Patriarch Huineng and Venerable Master Sheng-Yeng suggested that we should develop a mind which does not abide in anything. Venerable Master Hsing Yun's understanding of the keystones of *The Diamond Sutra* can be summarized as “no ego, no form, no practice, and no proof”.

Despite varieties in terms of expression, the emphasis of the above masters was put in the detachment of the mind from the appearance of objects in the world. To retrieve Buddha-like wisdom, one should abandon all obsessions, hatred, greed, and self-interests in all aspects of life.

### ***THE NATURE OF THE VOID***

*The Diamond Sutra* explains the absoluteness of the void by using the concept of a relative world. In the relative world, spiritual and material phenomena appear with inevitable causality. Most people can not see beyond these phenomena, or “the things of the world”. Nevertheless, there is a commonality in the way these things gather together, that is, they will all go through the impermanent process of birth,

being, change/decay, and death. Therefore, with respect to the nature of the void, nothing in the world is constant. This makes clear that the tenor of Buddhist practices is to have a pure mind.

The scripture delineates that the apprehension of the nature of the void relies on experiencing the impermanence rather than describing the appearances of all things in the secular world. The only thing that does not change is that everything changes. With this in mind, one can surpass all distinctions and eliminate all obsessions, so as to reach the nirvana of emptiness, formlessness, and “no ego”.

### ***THE THREE BASIC ELEMENTS OF ESSENCE, APPEARANCE AND FUNCTION OF THE MIND***

*The Diamond Sutra* contains a total of more than 5,000 Chinese characters. Provided with the abundance in meanings and the abstraction of ideas, we resorted to the help of “*Awakening of Faith in the Mahayana*” to simplify and summarize the key points related to the nature of the void. It is argued in this scripture that both the mind and the nature of all things can be analyzed from the three aspects of *essence, form, and function*. Table 1 shows the connection between the mind and the three basic elements.

Mind	essence	Emptiness, or the void, is the reality of all the things of the world. The only truth is that everything is impermanent.	Neither producible nor annihilable.
	form	Everything experienced by the six organs of senses is only the appearance.	Change is constant.
	function	Derived from the appearance, each function is associated with each appearance.	Cause-and-effect.

*Table 1. The mind and the three elements of essence, form, and function*

According to the characteristics of “*essence, form, and function*”, the concept of the three elements can be illustrated as in figure 1.

Ultimate wisdom of *essence, form, and function* is constitutional in the pure mind. Every living being in the world has inborn pure mind (the nature of the void) and the ability to create all dharma (appearances and functions). Nevertheless, as mentioned by Buddha, we are so obsessed with delusions that Buddha-like wisdom and merits become so unreachable. If we cannot detach ourselves from the six senses (colors, sound, fragrance, taste, touch, and dharma) and the six organs (eyes, ears, nose, tongue, body, and mind), we will always be blinded to our pure minds.

To achieve absolute pure mind, one must not cling to the six Gunas and the six organs of senses, nor should the limits of time and space (past, present, and future thoughts) become boundaries of the mind. One must also understand that there is no distinction underneath the appearances of all creatures (self, others, living beings, and a life). Transcending the obsessions with the relative world, one can instantly achieve a pure mind.

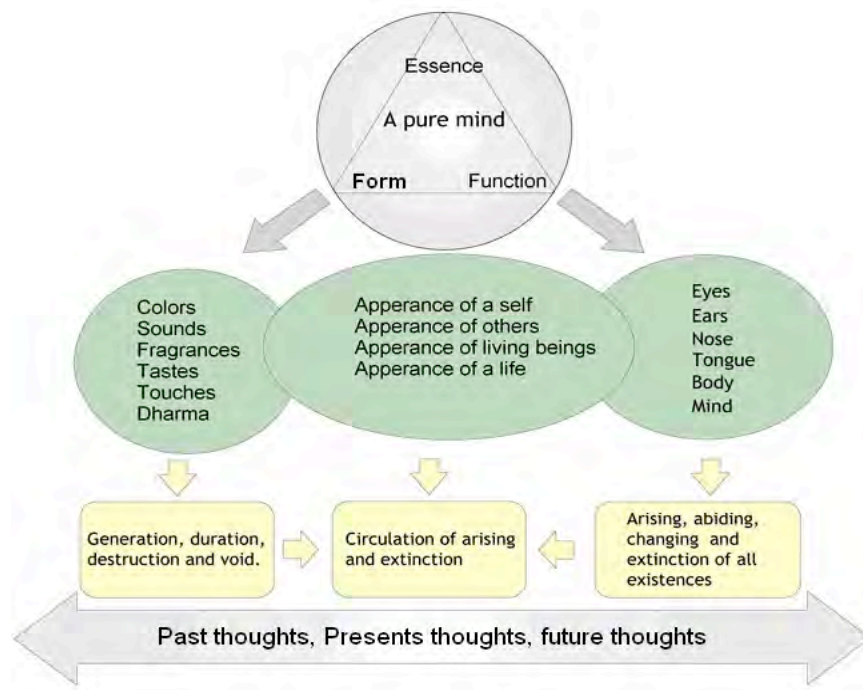


Figure 1. The applied structure of the three elements of essence, form and function

## THE NATURE OF THE MIND

Upon the completion of analysis on the themes of *The Diamond Sutra*, we found that the three elements of the mind are essence, form, and function. In theory, they are inseparable, yet in practice we can observe the characteristics of the mind from these three aspects.

In order to enhance the practicability of threefold structure of “essence, form, and function” in product design, we interviewed two chief designers of cultural and creative products and two experts in Buddhology with experiences of over thirty years. Three discussion sessions were conducted within two months, and four criteria for designing with regard to “the nature of the void” were concluded (Figure 3).

It is expected that the four dimensions would facilitate the understanding of “the nature of the mind”, so that designers and researchers can apply those criteria in creative design and inspire further innovation.



Figure 2. the discussion session held to interview the designers and experts

### True Features

We have noticed in many Buddhist scriptures that many Zen masters have touched upon the ultimate question of being before birth. This is an approach to stir thinking about the absolute reality of life. By going beyond the dilemmatic argument of “an organism is either alive or dead”, Zen Buddhism cogitate upon the true features of absolute being before life and death, that is, the nature of the void. This state of being reflects the true self of each person, or we can refer it to the pure mind. Birth and death, growing and aging, all these are just relative phenomena in a life. The truth of life lies beyond words. Whatever can be described in language is only a symbol of meaning, rather than the meaning itself. If we forsake our attachment with the appearance, we can resume our true features and break free from the shackle of names. It is by prajñā wisdom that we can restore our pure mind, which is beyond any language, logic, and tangible form. Thus, it becomes a sublime ideal for all literati and artists.

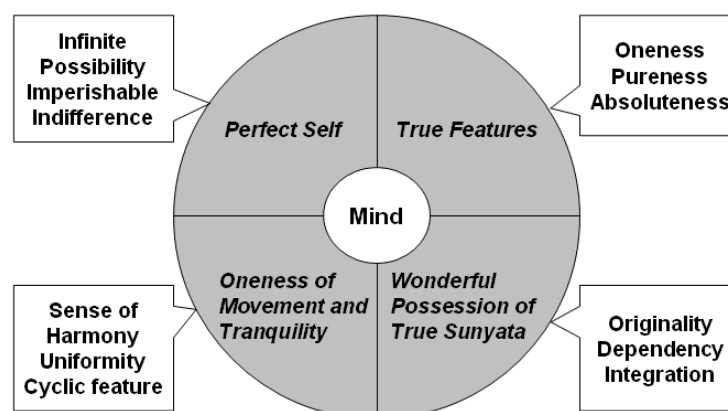


Figure 3. The four criteria for designing with regard to the nature of the mind

### WONDERFUL POSSESSION OF TRUE SUNYATA

Impermanency is seen in everything in the world. This is called the nature of the void, or emptiness (Sunyata). Nevertheless, it is that emptiness that accommodates everything, casualness that capacitates completeness, humbleness that grows harmony among people. As mentioned by Victor Hugo the poet,



“There is a prospect greater than the sea, and it is the sky; there is a prospect greater than the sky, and it is the human soul”.

The absolute state of human mind is a vacuum that no language is able to describe. Wonderful possession of true Sunyata addresses the realization that the mind contains everything yet abides with nothing. As a thought begins, various functionalities can be derived.

### ***ONENESS OF MOVEMENT AND TRANQUILITY***

Movement and tranquility are two opposite states of the mind. It has been mentioned by ancient Chinese that “as our mind rests, we have no thoughts; as our mind ticks, we can accomplish anything”. For most of us, if we could reduce our thoughts by half, our worries and confusions can be halved. A moment of stillness in the mind is a moment of painlessness. Therefore, whenever our mind is tamed to stop raising thoughts, we are blessed with absolute freedom and tranquility.

Worries arise when we are blinded by greed, anger, delusion, pride, and doubts. These obsessions hinder our senses from knowing the complete truth and confine our mind in pain. The ultimate goal of Buddhism is to bring our mind back to purity and give it dominant power over worries. As in sitting meditation, a core practice of Zen, we try to regulate the mind and nap worries in the bud. Trained practitioners may attain the realization that, in the pursuit of happiness and freedom, the mind is independent from illusions of the external world.

### ***PERFECT SELF***

Huineng had an insightful notion about the awakening of the mind that “Bodhi wisdom shows in the seeing of the eyes, the hearing of the ears, the smelling of the nose, the voice from the mouth, the motion of the hands, the action of the legs, the vastness of the world, and the minuteness of a dust”. Although so intangible, the awakening is in such a close vicinity to us. As expressed in the Buddhist saying that “One is all, all is one”, the mind features infinite possibility, imperishability, and indifference characteristic.

### ***ART INSTALLATION FOR THE NATURE OF THE MIND***

After summarizing the key concepts of *The Diamond Sutra*, we came to the conclusion that the mind is the root of all things in the world. Yet to make this idea more tangible and understandable, we joined efforts of professional dancers and calligraphers to embody the features and functions of the mind in an art installation, which was nominated as “The Formless” (Figures 4, 5).



The Formless Art Installation was aimed to touch upon the relation between the threefold structure of “essence, form, and function” and the aforementioned design principles. Cultural codes and symbolic

approaches were employed to illustrate the effect of the mind. Based on our findings about the four characteristics of the mind, the exhibition can be divided into four stages:

- Introduction with the idea of “True features”: Static form was installed to stand for the absoluteness and primitive state of the mind, or the nature of the mind.
- Elucidation with the idea of “Wonderful possession of true Sunyata”: Dancers perform the functions, features, and effects of the mind.
- Transition with the idea of “Oneness of Movement and Tranquility”: Calligraphers’ brushstroke interplay with motion of the dancers to approximate the commonality of stillness and movement as offshoots of thoughts in the mind.
- Conclusion with the idea of “Perfect self”: The interaction between moving dancers and relatively motionless calligraphers implies the concept of “one is all” and the possibility of awakening in all creatures.

### ***RECORDING AND TRANSFORMATION***

In the twenty-minutes-long performance of The Formless Art Installation, the three aspects of the mind were elaborated in four stages. The target was to invite the audience to observe every subtle change experienced in the mind (Figure 6).



*Figure 6. Recordation of The Formless Art Installation*

Every posture of the body and every gesture of the eyes stood for the function of the mind; each drop of ink from the writing brush simulated the form and appearance of the mind; and each moment of

involvement by the audience with the performance reflected the essence of the mind. By dynamic display and creative stage setting, we examined the innate value of the nature of the mind and the nature of the void. In the mean time, we reviewed the four criteria for design with regard to the nature of the mind (Figure 7).



Figure 7. Stillness in *The Formless Art Installation*

In the art display, the three aspects of “essence, form, and function” and the four phases of “introduction, elucidation, transition, and conclusion” were organized to interpret the mind. After viewing the performance in *The Formless Art Installation*, three designers and scholars were invited to discuss on the characteristics of the mind and establish practicable criteria for product design. A total of four principles were concluded:

- The birth and decay of an object reflects the Nirvana, inconstancy, and infinite characteristics of the essence.
- Functionalities of an object derive from subjective ideas and thoughts aroused in the mind.
- The contrary between stillness and movement, as well as that among all relative concepts, can be applied to address the unification of the absolute truth.
- Time and space are only extensions of thoughts. Concrete measurements should be transformed and transcended into infinite awareness.

## PRODUCT DESIGN WITH CRITERIA BASED ON THE NATURE OF THE MIND

In order to examine the practicability of the aforementioned design criteria, we realized a Zen concept in the design of a vase called “Extension of knowledge” (Figure 8).

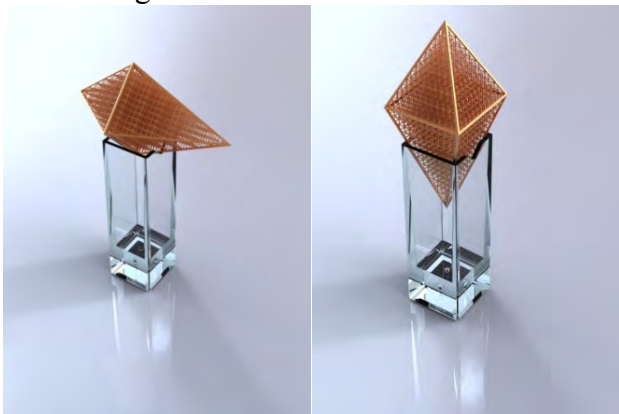


Figure 8. Design product, the “*Extension of Knowledge*” vase

The themes in Buddhism are: “To do no evil, to do only good, to purify the will”. The first two sentences deal with the transmigration of souls and cyclic recurrence of all phenomena. The focus is in visible deed. Yet in the sect of Zen, the emphasis should be put on the regulation of the mind. Purity from worries and obsessions leads to decency of behavior and further to the interests of all beings. As mentioned by Confucius in *The Great Learning*, “Wishing to be sincere in their (the ancestors’)

thoughts, they first extended their knowledge. The extension of knowledge starts from the correction of one's own behaviors". In other words, we should learn to seek inwardly for the fundamental aspects of being an individual among others.

To embody this concept into a perceivable product, we employed the form of a vase to quintessence of the extension of knowledge. Inspired by the pillar structure of Japan's Kiyomizudera Temple, a diamond-shaped frog was mounted on top of the vase to hold the stems of flowers. Its square structure symbolized the correction of thoughts and the abidance with rules, as well as the Nirvana characteristic of the mind. The frog can be placed upon the square glass container either vertically or horizontally, a vivid analogy to the ideas of tranquility and flexibility (Figure 9).

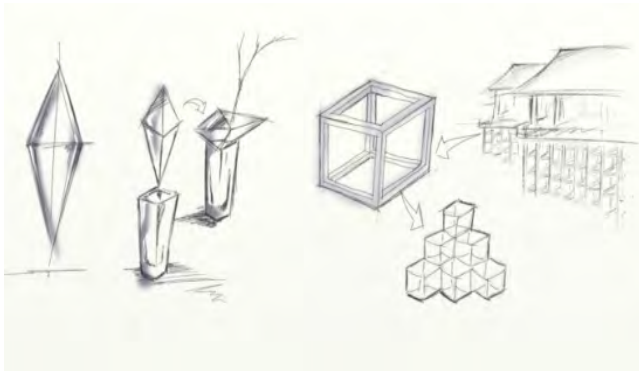


Figure 9. Idea sketch for the "Extension of Knowledge"

Moreover, the diamond-shaped frog stands for the nirvana nature of the mind, as the flexibility in the direction of installation implies infinite extension of time and space (Figures 10 and 11).



Figure 10. Posters for the "Extension of knowledge" (vertical)





Figure 11. Posters for the “Extension of knowledge” (horizontal)

## CONCLUSION

The Zen style has imposed an imperceptible yet undeniable influence on modern design. Directly or indirectly, artists in the domains of painting, poetry, architecture, and garden design have borrowed ideas from the Zen school. This is seen both in the western and eastern cultures. Minimalism, an instant derivative of Zen style, has attained a dominant status in modern art and design. Through the hands of designers, metaphysical and spiritual beauty can be imposed on a concrete object, so as to invoke thinking and create new values to daily life.

In this study we looked into the theories unfolded in *The Diamond Sutra*, examined the nature of the mind in an art installation with the interplay of calligraphy and dancing, and concluded criteria for product design. Despite the abundance of the scripture with over 5,000 Chinese characters, our focus was put on sections that contribute the forming of the Zen style. Discussions among experienced designers were made afterwards to construct the infrastructure of product design. It is expected that this innovative approach would somehow invoke further applications of the Zen concept with regard to the nature of the mind.

## FURTHER APPLICATION OF DESIGN CRITERIA

The structure of the nature of the mind proposed in this study was aimed at the design of daily necessities. From the view of results obtained with our product sample, it is reasonable to argue that Zen style is instrumental in the restoration of spiritual peace in everyday life. Therefore, our design principles may possibly take into effect in other fields of product design, such as cooking utensils, and furniture, as well as interior and space design.

## FURTHER EXTENSION OF THE STUDY

This study took a holistic approach to describe and develop key ideas about Zen style product design by examining the nature of the void defined in *The Diamond Sutra*. As a precursory study, it paves the way to more in-depth studies on other aspects of product design for Zen style. Future researches may look into the artistic imagery and aesthetics of Zen, so as to explore further possibilities of the theory about nature of the mind.

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*Harmonious Thought of Confucianism: A Solution for Development of Modern Society*

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Abstract:

This research starts from an opinion in searching a better solution of the process for resolving crises and clashes to which human being is facing everyday. The research points out that rationalistic thought of Western culture in which the central role of individual has been enhanced in their activities, on the one hand, has brought great achievements to the society that mark a considerable progress in social development process, but this form of thought has already pushed human being to the dangerous limits which threaten their the exist and perish. Having a part in the process of researching solutions for problems of human being nowadays, this article will turn to modern values of ancient Chinese Confucianism in order to find out a new way for development from this inestimable ideology.

The main content of this article mentions to essential thoughts of ancient Chinese Confucianism as building a solidary, harmonic society that relies on the kindheartedness, middle-of-the-road, equality and openmindedness in social relations, etc. so find out the answer for a question that whether these inestimable values of Chinese Confucianism, in which China and East Asian countries have relied on for standing firm and developing for several centuries, could help human being discover a way out for present crises in order to have a new development method that more safely and sustainably or not? By taking harmonic thought of Chinese Confucianism as a decisive development thought, the article affirms that only when we combine the harmonic thought of Chinese Confucianism and progressive values of Western culture in a united form we could get the best solution to resolve the modern problems of society. In this condition, human being will get a development in which there is a balance in relation between the material life and the spirit life of them.

## HARMONIOUS THOUGHT OF CONFUCIANISM: A SOLUTION FOR DEVELOPMENT OF MODERN SOCIETY

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The early of 21<sup>st</sup> century has been elapsed with long conflicts and unstablenesses. The main causes of these conflicts have proceed from crises of socioeconomic development process which led to deep injustice, social gap. Above all, the cultural cutthroat conflicts between ethnic groups, nations have pointed out the differences of political system and ideology seem to be out of date and have been replaced by the cultural conflicts, especially the religious conflicts. The September 11 attacks are typical facts which marked a new escalate of cultural conflict process of society, here, there is a conflict between Muslim culture and the Western culture which is represented by US and EU. These conflicts have brought about many catastrophic consequences that we are seeing from 2001 to present but we seem to be powerless in the process of finding a best solution to solve these problems.

In 1993, in the paper of *Foreign Affair "The Clash of Civilizations?"*, S.Huntington affirmed the boundary drive a wedge between ethnic groups and nations and the origin of these conflicts are not the ideological issues or the problems of economic development. Although governments have still shown their decisive role in the political systems of our world but ultimate clashes of these political systems are in cultural issues. S.Huntington advanced some explanations to the reasons of these cultural conflicts: the clash between values, living outlook in culture of different communities; Awaiting and affirming the cultural position by themselves in the developmental process of society; Reductions of governments as intermediary role in order to reconcile cultural clashes in a multiethnic society; Resistances of Non-Western cultures to the impositions of Western values in the process of expanding economy, polity and culture all over the world; Definement in cultural homogeneity of groups, communities and nations in a tendency of building a "super" community which could be play the counterpoise role with other communities in relation of "us and them"<sup>1</sup>. Re-examining S.Huntington's opinions we could be aware that what he considered which are being realised, are not the debatements by himself. Social group conflicts in a nation, breakaway movements of communities which are common in religion and cultural values today have created many insecure flashpoints. Cultural diffences, imposition Western values on non-Western societies have brought about many catastrophic consequences for human being as conflicts of South-Asia,

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<sup>1</sup> Samuel P. Huntington. *"The Clash of Civilizations?"*. Foreign Affairs, 1993, Summer, Vol.72, N3, pp 7-29.

Middle East are typical instances. The reasons that S.Huntington pointed out, as I see, there is a definement in cultural homogeneity which is the main factor of these conflicts as well as is the decisive solution to solve our modern social problems today. In other words, the cause of social conflicts has include effective solutions to the stable and development problems of our society.

Studying East-Asian society we could see this is a community of stable and development countries. The development of this community in modern time has been an interesting subject for social sciences researchers as well as leaders of these countries in order to find many diversified explanations to this issue. Researching from the cultural aspect we know that the strength of East-Asia has risen from capability of definement in cultural homogeneity as well as the co-ordination in a multi-racial and multi-linguistic community in which there is a cultural foundation has been built to make East-Asian countries take shape a strength not only resist outside effects but to form inner force to impulse the development of their own community. In the process of finding solutions for today socio-economic crises if we notice to East-Asia, especially China and Japan we could have some questions why are they still keeping relative stableness in society for thousands of years of being and developing? Why have the effects of the West culture that have been more increased with every passing day not enough strength to crack cultural foundation as well as thought and consciousness of people in this area?

In the fact, East Asian is community of independent countries in which Chinese and Indian cultures, early development civilizations of human being, have strong influence. In Chinese culture in particular, East-Asian culture in general Confucianism has play an important role as a foundation of building a development society that has existed for thousands of years before to be eroded by culture and colonialism of the West. So “East Asian, from the 14<sup>th</sup> century to the 19<sup>th</sup> century had reached a particular unity. This was a general cultural order that basing an important part on Confucianism, the past-worshipful doctrine in which proposing its own opinion about human being, expressing the ethical meanings on all many respects of human being, nature and social life of humanity. This cultural order, in many centuries, has brought political stableness and many cultural successes to East Asian countries”<sup>2</sup>. In this system of Confucian values hamonious thought has manifested an important role. Harmonious thought, especially on aspect of social harmony has been seen as nucleus factor in preserving the stableness of society from incessantly changes of development.

The essential content of Confucian social harmonious thought is “harmony but not sameness” thought. This is a thought that appreciate the concord between individuals in order to establish a stable society in which a just, equal politics is built. Chinese traditional culture use “harmony but not sameness” principle of Confucianism as a foundation so that to creat operative principles which are flexible and politic in her development process. “Harmony but not sameness” principle is a moral principle which has its own historical development as well as wide and deep

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<sup>2</sup> Pham Van Duc and Dang Huu Toan. *Philosophy in the Global Age*. Social sciences Publishing house, Hanoi, 2007, p. 248-249.



influences not only in Chinese social existence in the past but effect pervasively to modern Chinese policies that useful in solving questions to maintain the stableness of international principles as well as to build independent policies in international relations. Putting forward “harmony but not sameness” thought Confucianism said that individual who comes from any class of society has always had relation with others, affect to others and be affected by environment in which he is living and operating. So the concord between individuals so as to exists is a innate principle of human being. It is here the limit which is used to differentiate the good from the bad, superior man from mean man, is a main principle in which Confucianism based on. Confucius said “The superior man is catholic and not partisan. The mean man is partisan and not catholic”<sup>3</sup> means that the superior man who have conscious ability of social laws could live in agreement with others but persevering his own ideal as well as opinions of his own. Contrarily, mean man who not only imitate and gang up with other but do not care about common interests and concord of society.

In the development scale of society we could see that “harmony but not sameness” thought has included the rule of harmonious development by itself. As we know, a society as well as a particular culture make it possible to develop through exchange of cultural values. Once a culture which boycott nonactive values by being closed, it is decimated soon or later. So as to be stable and expand in this cultural exchange process, particular cultures has to learn and perform the ways of living in peace by acquiring and bringing about fine affect to others. This is the development rule and the way of existence of cultures. Certainly, we do not eliminate ability of annexing by force and other tools to make no distinction between particular cultures but living in peace, learning and exchanging values between cultures are the basic factors to make the stableness of society in general aspect. Cultural interference and modification of East-Asian community as well as 54 ethnic groups of China for thousands of years are the clear evidences of using “harmony but not sameness” principle of Confucianism in development of society.

Here, this principle has an important role in keeping the stableness and development of society clearly and for Confucianism, it is not unprincipled. While interpreting the differences between harmony and identity Confucianism specially emphasize basic principles of harmony. In spite of manifesting opinions of different class in Li theory functions of Li seem to be combined and performed clearly in relations between classes of society practically. In ancient Chinese society, authorities used to pursure ideal of building harmonious relations so that all activities of society turned to demands and expectations in performing Li theory of Confucianism. In the process of pursuing harmonious goals when political ideology turns to be contradictory with reality of harmony so Confucianism likes to incline to return to maintain the truthful values of harmony and criticize unprincipled harmony. Attacking to unprincipled harmony is similar to rejection of pursuing miscellaneous harmony without selections and eliminations. Following Confucianism’s opinion, in order to build truthful harmonious relations in society we have had receipt selectively because

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<sup>3</sup> Confucius. *The Analects of Confucius* (translated by James Legge), Book 2.  
<http://ebooks.adelaide.edu.au/c/confucius/c748a/book2.html>

harmony is not a miscellaneous recapitulations of values which have been combined inprincipledly. It is also not a process in which contradictions as well as changes are negated and eradicated entirely. Conversely, harmony in development will lead to positive and oriented changes which are known as harmony in unification and struggle of opposing sides so that to creat positive development of values. These are principles that Confucianism proposing and executing all the time of forming and developing. Surely, these thoughts still have preserved their own real values in the strong develoment process of our society nowadays.

It is said that the natural movements of cultures will bring about forming of great cultural centers which could represent a wide area and becoming a decisive culture of a large area as well as identify small cultures into this representative culture is a natural reality. On the way of affirming characters of these small cultures which are included in a large culture so simple and cutthroat conflicts are arised could not evade. Then, social crises will occur and endeavours of human in finding solutions to solve social conflits will not bring about any effects. So how about our solution which basing on harmonious thought of Confucianism?

Pre-Qin Confucianism believed that keeping harmony in social relations is the most important thing for each individual. It is not only contribute to consolidate kinds of social relations but to make society becomes more stable. For Confucianism, this harmony has been developed from individual to realation between family's members and extend into community and society. When being asked why did not spend time to become a mandarin Confucius said that "You are final, you discharge your brotherly duties. These qualities are displayed in government." This then also constitutes the exercise of government. Why must there be that making one be in the government?"<sup>4</sup>. This opinion of Confucius has a profound meaning not only on political aspect, but above all, it expresses Confucianism thought on the origin of stableness of society which is determined as building the harmonious relation in family in order to extend into society basing on "harmony is most precious" idea. Emphasizing on special role of Li in building and developing process of society, Confucianism believed that harmony has to be appreciated and considered as a foundation and in carrying out Li because as Confucius said "in practicing the rules of propriety, a natural ease is to be prized"<sup>5</sup> so the origin of pacifying the country is in harmony and stableness of each family, in "harmony is most precious" so that we could avoid conflicts which bring about bad effects to relations between family's members from that to influence on community and society. Once, if "harmony is most precious" is heightened in exchange process of societies so the clashes and boycotts on values between cultures will be reduced. This is a significant suggestion to solve conflicts which are happenning cutthroatly in our modern society. However, it is very subjective to believe that cultures will correct and comprehend "harmony is most precious" idea by themselves so that they could reach to agreement to develop harmoniously and equally. As I said above, the movement for development by cultures is a process of envelopment, interaction and exerting influence to others. By themselves, cultures are

<sup>4</sup> Confucius. *Id.* <http://ebooks.adelaide.edu.au/c/confucius/c748a/book2.html>

<sup>5</sup> Confucius. *Id.* <http://ebooks.adelaide.edu.au/c/confucius/c748a/book2.html>

not without realization to differences between them as well as do not want to acquire the values which are usually different for developing but essential problem is the way of fusion, eliminating or imposing, how is the method to respect between cultures in order to reach to effects and interests for societies, etc.. These problems almost depend on development policies of each country and above all they are conditional upon leaders and political activists of our society.

It is said that the conflicts of cultures usually start from differences of cultural values, in receiving or boycotting of each society to these value as well as impositions which base on compulsions of larger culture to others, etc.. Progress of human society today more and more makes cultural differences become more serious and in other aspects, these conflicts are elementary preventions to social progresses. Cultural conflicts in Middle East, West-Asia, the West, etc., have brought about political conflicts which have created many clash flashpoints in the world, are examples for our consider so that help us aware of main factors in the process to find effective solutions to solve these problems. For my opinion, some suggestions from Chinese society in particular, East-Asian community in general which base on tradition of harmonious thought of Confucianism as well as Chinese traditional culture will be one of the best effective solutions for our modern world's issues. The two aspects of social harmonious thought that we mention above are not really describe the great effects of Confucianism brings to our society but growth and influence of Chinese culture in recent times have proved strength and effect of harmonious development road basing on Confucianism spirit which is being carried out by China and East-Asian countries. Going through the development process of modern history of human society, relying on initiation and flexibility in receiving nonnative values so that to modify them suitably to circumstance and lifestyle of her own, China has created a defence mechanism by herself towards strong attacks from outside which help her stand firm and develop as she is today. There is no need for "applying closed door policy" as well as basing on any mandatory policies so Chinese culture has formed an effective shield with full of features by herself to prevent all of cultural invasions while still making the most of harmony, social solidarity and effect in cultural exchange process nowadays. Lessons of exchange successes in the fields of culture, politics and economy of China bring us some profound suggestions to the ways and solutions to solve the conflicts of international relations. Once, the West culture with achievements and large influences of its own could be combined to harmonious thought of Confucianism so that social conflicts would be reduced and human being could find new development roads which base on the balance of interests between individuals, communities and cultures.

*Wuhan, 12/02/2012*

*New Thoughts On Taiwan'S Cultural Creative Industry: A Case Study On Architectural Works  
Of Taipei City*

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Abstract:

With the advancement of petroleum **economy** and software technology, the pluralistic **development** in terms of creative ideas and product design has become a new form of competition among nations. Cultural creative industry is also valued in many areas of Asia, such as China, Taiwan, Thailand, Hong Kong, Korea, and Japan.

OTOP (One Town One Product) has been highlighted by the Government of Taiwan in recent years. The idea is to encourage distinctive handwork or local food that can represent the uniqueness of each township. To explore new possibilities, we have analyzed the correlation between the six aspects of life in Taipei the capital city of Taiwan (food, clothing, housing, transportation, education, and recreation) and the five senses in Buddhism (sight, hearing, smell, taste, and touch), so as to figure out some commonalities among buildings in Taipei.

Aiming to investigate the practice and performance of cultural creative industry in a nation via cultural element analysis, we have drawn sample buildings to examine their architectural elements and how traditional Chinese cultural totems are embodied in form. Field survey on geographical records and interviews with expert designers have been completed in the period of three years. Through anatomy of the salience and structural elements, we have summarized a set of practical criteria for cultural product design. Via abstract transformation, intangible concepts have been successfully transmuted into a modern Red Dot awarded product.

## **I. Introduction**

### **1-1 Research background:**

Constant innovation and enhancement for the cultural creative industry has been sought after by many nations around the globe. The September 2006 issue of *Economic Outlook* pointed out the budding of “creative industry” in the UK that not only integrates inherited skills, culture, and arts but also boosts economic efficiency and industry value. The UK example sees great success in the innovation of technology and the renovation of existing arts and cultural elements, which are cleverly refashioned to glamour with new features and meanings. Hong Kong, Australia, and Denmark are also eager to accelerate the development of their cultural or creative industry. Singapore initiated the Creative Industries Development Scheme in 1998 and pronounced in 2002 their ambition to evolve into a centre of cultural design and media on a global sense. Meanwhile, Korea’s growth in digital content, game, and visual-audio production has also drawn international attention. In short, cultural creative industry has become a theme for competition amongst the developed countries.

Taiwan Government launched the OTOP (One Town One Product) policy in 1989 to replenish local businesses with historical value, cultural significance, or unpaired uniqueness. Via professional consulting and business coordination, local resources were integrated to boost new product, innovative technology, and the emphasis on originality, service and brand-making. Hence, small scaled businesses aiming at delicacy and individuality can stand firm against market competition. (Ministry of Economic Affairs, Taiwan, 2010)

The OTOP policy has broadened the horizon of local culture, history and traditional craftsmanship and brought them into the domain of creative industry. Success stories include ceramics in Yingge, glassmaking in Hsinchu, handmade paper in Nantou, Hakka Tung Blossom Festival in Sanyi, and the historic Gold Mining Community in Jinguashi.

With the Taiwan’s pluralistic culture background in mind, we analyzed traditional and local businesses and examined the metaphysical implication of symbol architectures in Taipei City. The purpose is to conduct a design study and construct a scheme for product design that enhances the cultural value of a product.

### **1-2 Research Motivation:**



The history of Taiwan sees a multiplicity of cultural infusions. Given the name of “Formosa” by Portuguese mariners in 1544, Taiwan has been governed in turn by the Spanish, the Dutch, Cheng Chen-kung family of the Ming Dynasty, the Qing Dynasty of China, the Japanese, and the ROC government. Traditional Chinese heritage forms the backbone of Taiwanese culture while her history and geographical characteristics various nourished her flexibility and tolerance to alien cultures. On the other hand, a consensus of the distinctive and representative cultural elements of Taiwan seems obscure. Nevertheless, cultural creative industry on the island reached a degree of maturity due to pluralistic coordination and multidisciplinary interaction of local resources in recent years.

As the capital of Taiwan, Taipei City is the gathering place for various industries and cutting-edge technologies. It is also a modern metropolitan with a great number of historic architectures built in traditional Chinese, Japanese, Dutch, and Minnan (southern part of Fukien Province) styles. Therefore, we launched from the perspective of cultural integration an in-depth investigation on the architectural elements seem in Taipei. Findings were applied in a product design project that addresses the embodiment of cultural styles.

### **1-3 Research objectives:**

Representative buildings in Taipei were selected as the research object to examine the underlying cultural essences and establish design criteria that incorporate cultural elements into the design of a modern product. The target of this research is to analyze the architectural elements, transform and incorporate them into a set of modern design criteria, and exercise a product design project.

## **II. Literature Review**

### **2-1 Taiwan’s cultural creative industry**

In 2002, the idea of “cultural creative industry” was furthered in Taiwan’s *Challenge 2008 Six-Year National Development Plan*. The concept of industrial chain was introduced to re-define the value of cultural industry, so as to discover new possibilities for the integration of humanism and business with emphasis on both cultural sustainability and economic efficiency. The link between “cultural industry” and “creative industry” became clear, and the importance of originality, knowledge management, and culture heritage were all recognized for the construction of

Taiwan's identity against the tide of globalization. Taiwanese government defined the cultural creative industry as "those industries which have their origin in individual creativity, skill and talent and which have a potential for wealth and job creation, as well as the improvement of life quality, through the generation and exploitation of intellectual property". Figures 1 and 2 show craftworks made in the collaboration of National Taiwan Craft Research Institute and local artisans. .



Figure 1 Yii Bentboo  
Tripod, National Taiwan  
Craft Research Institute  
(<http://www.yiidesign.com>)



Figure 2 Yii Lace Plates,  
National Taiwan Craft  
Research Institute  
(<http://www.yiidesign.com>)



Figure 3 The OTOP logo  
(<http://www.otop.tw>)

The OTOP (One Town One Product) campaign launched in 1989 by The Small and Medium Enterprise Administration, Ministry of Economic Affairs R.O.C., have revived many local businesses with historical or cultural values as well as significant uniqueness. Professional consulting and coordination of local resources were employed to introduce new product and technology, with originality, service, and brand-making. Aiming at delicacy and individuality, those small scaled businesses have gained more strength to face market competition. Figure 3 shows the logo design for OTOP (Ministry of Economic Affairs, Taiwan, 2009).

As can be seen from the above, we understand that Taiwan has not only set up objectives for the cultural creative industry but also phased in concrete operation plans. In the beginning of the 21<sup>st</sup> century, Asia became main world factory and the fastest-growing consumer market. Confronted with the infusion of Western fashion, Taiwan and her Asian companions are expected to incorporate the essence of oriental life with focus on the value of local cultures. The integration of cultures and creativity will add power to the growth of economy and expand new market.

## **2-2 Characteristics of Taipei**

Taipei is an independently administered municipal district as well as the base of the R.O.C. central government. Located in the Taipei basin of northern Taiwan Island, it is surrounded by the New Taipei City and has the largest population among other townships. In all, it is the center of Taiwan's political, cultural, business, entertainment, and communication affairs.

Historical heritage has it that Taipei is in the spotlight through Taiwan's modern history and is therefore a showplace of Taiwanese cultural and human landscape. It has been governed in turn by the Pingpu tribes (indigenous people on the plain), the Spanish, the Dutch, the Ming Dynasty, the Qing Dynasty, the Japanese, and immigrants from Mainland China. The concourse of multiple cultures grants Taipei with remarkable tolerance and variety in culture.

Taipei outdistances other towns of Taiwan in terms of the density of cultural activities and the scale of venues and facilities for such events. She stands in the crux of Taiwan's economic system as the financial, media, and telecommunication center. With relatively smaller dimensionality, Taipei boasts an abundance of historic sites and museums with distinctive style that is unique among cities of other countries. All the above explains how Taipei became an international city with appeal for tourists.

## **2-3 Traditional Architectures in Taipei**

Taipei as the capital of Taiwan has been granted a wealth of cultural and economic advantages. Buildings peculiar to this area brings about 36 million international tourist arrivals per year. In our in-depth analysis of the structure and characteristics Taipei's city architectures we noticed the underlying philosophy with traditional Chinese cultural essences. For further study on the connection between architectural style and the way people live in Taiwan, we divided major buildings of Taipei into three categories: Temples and monuments of the Min and Qing Dynasties, Japanese-style buildings during Japanese occupation, and modern architectures built after 1949.

### **2-3-1 Temples and monuments of the Min and Qing Dynasties**

Examples include Lungshan Temple of Wanhua (Figure 4), Baoan Temple of Dalongdong (Figure 5), Taipei Confucius Temple (Figure 6), and Xiahai City God Temple.



Figure 4. Lungshan  
Temple



Figure 5. Baoan Temple of  
Dalongdong



Figure 6. Taipei  
Confucius Temple

Taipei's first remarkable architecture of traditional Chinese style was built in 1742. Evolvments and refurbishments in the following three hundred years speak for the kinship of Taiwanese architecture with Mainland China. Prof. Chen-Lang Lee, the leading specialist in traditional Chinese architecture, has divided Taiwanese temples built during the Ming and Qing Dynasties (Minnan style) into two sects, the Xi-di style of Quanzhou and the Bin-Shu style of Zangzhou. See the following table for further comparison.

	<b>Xi-di style of Quanzhou</b>	<b>Bin-Shu style of Zangzhou</b>
Samples	Lungshan Temple of Wanhua/ Taipei Confucius Temple/ Xiahai City God Temple	Baoan Temple of Dalongdong
Architect	Yi-Shun Wang	Ing-Bin Chen
Short column	Svelte papaya shape	Round pumpkin shape
Bracket set	Concise bracket set with eave tie beam	Curvy bracket set in the pattern of hornless dragon
Layout	Palace-like temple in hallow square layout with three courtyard-compounds and eleven partitions (間) in width. The main hall has independent double eave roof with gable and hip.	Palace-like temple in hallow square layout with three courtyard-compounds and five partitions (間) in width. The main hall has independent double eave roof with gable and hip.
Characteristics	The Lungshan Temple has five distinctive features: 1. Meshed bracket set structure is used in the Sanchuan (front) hall. The	Zangzhou temples are famous for delicate wood carving decorations, and the Baoan Temple features: 1. Competition of wood carving between Ing-Bin Chen and Ta Kuo

	<p>pattern of Ruyi, an auspicious S-shaped jade, was borrowed to create sophisticated bracket sets.</p> <p>2. The roof structure of the Sanchuan hall shows ingenuity of combining traditional carpentry skills, including the exposure of girder and beam structure under the roof, caisson ceiling, and flat ceiling.</p> <p>3. The main gate of the Sanchuan hall is decorated with dragon columns designed by Koji Pottery master Kun-Fu Hong. They are the only pair of bronze dragon column in Taiwan.</p> <p>4. Yi-shun Wang's spiral caisson ceiling in the main hall is the first built in Taiwan.</p> <p>5. Western architectural elements, such as Ionic and Egyptian columns, were first intertwined with dragon column of Chinese temple. Western plant patterns were seen on the clay craft of the columns.</p>	<p>resulted in splendid and harmonious asymmetry between the right and left halves of the temple.</p> <p>2. The bracket set has plenty hornless dragon patterns with fine painting and vivid figures.</p> <p>3. Bracket sets in the pattern of hornless dragon under the eaves of the main hall are the most attractive to the eye. Folk story of "The fighting of the eight gods in the East Sea" was adopted as the theme.</p> <p>4. The main hall has double eave roofs with gable and hip. It is surrounded by cloisters supported by a total of 36 columns in all of the four sides. Among all the other Taiwanese temples built in the Qing period it is the most complicated in form.</p>
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Traditional carving and sculpture masters of the Quanzhou and Zangzhou styles have reached an apex in terms of magnificence and artistic delicacy. The opulence of bracket sets (or dougong, the system of wood brackets on the top of a column supporting the crossbeam) evolved with the combination of bracket sets in the pattern of S-shaped jade and metal dragon columns blazoned with clay crafts. The masters demonstrated amazing maturity in skill, and the profusion of China fir from Fuzhou



and stones from Quanzhou implies direct cross-strait interaction on the cultural and economic bases. Moreover, presented in the carvings are folktales that teach traditional Chinese moralities, such as “The fighting of the eight gods in the East Sea”, “Romance of the Three Kingdoms”, and “The Investiture of the Gods”. Therefore, in addition to aesthetic expressions, these craft works also performed practical functions as the media for the spread of Confucius ideology.

### 2-3-2 Japanese architecture during Japanese occupation

Since 1895 when Taiwan was taken over by the Japanese colonial government, western architecture styles and skills were openly introduced to this subtropical island by some Japanese architects. Generally speaking, buildings constructed during this period were the composite of classical western, modern, Chinese, and traditional Japanese architectural features. The versatile style is still appreciable today.

Examples include The Presidential Office (Figure 7), Taipei Guest House (Figure 8), National Taiwan Museum (Figure 9), The Control Yuan Office Building (Figure 10), Taiwan Monopoly Bureau (Figure 11), Bank of Taiwan (Figure 12), Japanese Colonial-era High Court, Museum of Contemporary Art Taipei, The Beitou Hot Spring Museum (Figure 14), Taiwan Folk Arts Museum and The Land Bank of Taiwan.



Figure 7. The  
Presidential Office



Figure 8. Taipei Guest  
House



Figure 9. National Taiwan Museum



Figure 10. The Control Yuan Office



Figure 11. Original site of Wine and Tobacco Monopoly Bureau



Figure 12. The Bank of Taiwan



Figure 13. Jinan Presbyterian Church



Figure 14. Beitou Hot Spring Museum

Architectures built during Japanese occupation can be divided into three categories: the classical western style, non-classical western style, and Euro-Japanese style.

<b>Classical western style</b>	<p>The wind of neoclassicism between 1900 and 1920 has spread to Taiwan. Relics built between 1912 and 1919 echoed the revival of Greek, Rome, Renaissance, and latter Renaissance fashions.</p> <p>Representative examples are The Presidential Office (Figure 7), Taipei Guest House (Figure 8), National Taiwan Museum (Figure 9), The Control Yuan Office Building (Figure 10), Original site of Taiwan Wine and Tobacco Monopoly Bureau (Figure 11), and Bank of Taiwan (Figure 12).</p>
	<p style="text-align: center;"><b>Features</b></p> <p>Victorian red-brick buildings that combine complex layout and expressive decoration of latter Renaissance period, with distinctive Mansard roof, Greek dome, and columns in Doric order.</p>
<b>Non-classical western style</b>	<p>Representative works include Taipei Jinan Presbyterian Church (Figure 13) and TCS Presbyterian Church that</p>

	introduce the architecture philosophy of Christian culture to Taipei.
	<b>Features</b>
	Gothic red-brick buildings with pointed arch, lancet, stained glass, flying buttress and stone-carved persiennes.
<b>Euro-Japanese style</b>	Representative example is the Beitou Hot Spring Museum (Figure 14) constructed in 1913.
	<b>Features</b>
	<ol style="list-style-type: none"> <li>1. As a hybrid of eastern and western cultures, this building is of European style in the outside while the roof above the second floor and the interior were of traditional Japanese design.</li> <li>2. With brick-made first floor and the second floor made of Taiwan cypress timber, the contrast of two materials is obvious in the exterior of the building.</li> <li>3. Bathhouse in the first floor is surrounded by rounded arches and rectangle columns of western style.</li> </ol>

Architectures built during Japanese occupation were not only the composition of European and Japanese styles but also reflected Taiwanese people's tolerance and openness to alien culture. From The Presidential Office to The Control Yuan Office Building, many important government buildings are prominent with both Victorian and Japanese accents. As these majestic buildings were distinctive from civilian houses, they also contributed to the dignity and superiority of the colonial power over the people.

### 2-3-3 Modern architectures after 1949

Examples include The Grand Hotel (Figure 15), National Dr. Sun Yat-sen Memorial Hall (Figure 16), National Chiang Kai-shek Memorial Park (CKS Memorial Hall (Figure 17), National Concert Hall (Figure 18), National Opera House (Figure 19), Archway entrance to Freedom Square (Figure 20), National Palace Museum (Figure 21), Hsin Tian Kong, Miramar Ferris Wheel (Figure 22), Taipei 101 (Figure 23), Taipei Fine Arts Museum (Figure 24), Living Mall (Figure 25), and Q Square (Figure 26).





Figure 15. The Grand  
Hotel



Figure 16. National Dr. Sun Yat-sen  
Memorial Hall



Figure 17. National Chiang  
Kai-shek Memorial Hall



Figure 18. National Opera House



Figure 19. National Concert Hall



Figure 20. Archway entrance  
to Freedom Square



Figure 21. National Palace Museum

Source: <http://blog.xuite.net/hiking.ma/blog>



Figure 22. Miramar Ferris Wheel

Source: <http://www.taipeipackage.com>



Figure 23. Taipei 101



Figure 24. Taipei Fine Arts Museum



Figure 25. Living Mall



Figure 26. Q Square

Modern architectures built after 1949 when the Chinese Nationalist government moved south to Taiwan can be divided into two types. Those of the first category are heirs of Chinese tradition, such as The Grand Hotel, National Dr. Sun Yat-sen Memorial Hall, National Chiang Kai-shek Memorial Park (composed of The CKS Memorial Hall, The National Concert Hall, The National Opera House, and the archway entrance to Freedom Square), National Palace Museum, and Hsin Tian Kong. The major purpose was to reserve history and serve as monuments.

The other type is of modern constructions aimed at business utilities. Note that Spanish and Dutch remains are not found in Taipei as settlers from these countries did not establish ruling power over this island.

<b>Continuance of traditional Chinese style</b>	
Traditional north-Chinese palace style	Employed are elements of palace architectures of Northern China, such as glazed roof tile, celestial being, and animal ornaments on the straight roof ridge. Representative examples are National Dr. Sun Yat-sen Memorial Hall, The CKS Memorial Hall, The National Concert Hall, The National Opera House, The Grand Hotel, National Palace Museum, and The archway entrance to Freedom Square °.
<b>Modern architectures</b>	
Modern architectures	Modernism embraces the concept of simplicity in the form, geometry, and reduced decoration. Novel materials and structures were sought after to innovate construction technology. Representative example is Taipei Fine Arts Museum
Post-modern architectures	Since the 1970s, simplicity of Modernism was out of favor for the lack of character. Post-modernism flourished as architects cooperated modern architecture with multiple cultural elements and versatility in the form. Representative examples are Taipei 101, Living Mall, Miramar Ferris Wheel, and Q Square

Nowadays, the daily life of most Taipei dwellers mostly takes place in modern constructions built after 1949. Modern life emphasizes business functionality and convenience, and modern technology is seen in all aspects of everyday life them.



People spend their free time working out, attend concerts, or appreciate performance art in places like The National Dr. Sun Yat-sen Memorial Hall, The CKS Memorial Hall, The National Concert Hall, and The National Opera House. Alternatively, they may enjoy shopping at Taipei 101, Living Mall, Miramar Ferris Wheel, and Q Square. Compared with historic monuments of the previous two periods, these modern architectures address more directly to practical functions and business value. On the other hand, constructions featuring northern-Chinese palace style are tourist attractions that draw great number of visitors from everywhere. The CKS Memorial Hall and The Grand Hotel, for instance, have become the symbol of Taipei city architecture and the apple in the eyes of people in Taiwan.

### **III. Research Method and Analysis**

This research comprises two parts. Firstly, expert interview with professional designers was conducted to access their perceptions about architectures in Taipei. Secondly, direct questionnaire was employed to gather understandings of major buildings in Taipei among both people who have lived in Taipei City for over ten years and those who live in other parts of Taiwan. Findings were applied in a practical design project.

#### **3-1 Questionnaire survey and expert interviews**

It is an object of this research to analyze the correlation between architecture and humanism. A two-phased questionnaire survey was held to investigate perceptions about Taipei's city architectures. The first stage interviewed a total of 120 Taipei residents, 60 male and 60 female, with an average age of 38 and an average length of residence of 21.7 years. The second stage interviewed 50 male and 50 female subjects, with an average age of 36, who lived in other areas of Taiwan. Findings include:

1. Agreement has reached among all the subjects that buildings in Taipei prominently reflect features of Minnan-style Taiwanese architecture, Japanese style, art deco, and modernism.
2. The interaction with and the infusion of people outside Taipei City yielded in pluralistic culture and changed architectures in form.
3. The CKS Memorial Hall and National Dr. Sun Yat-sen Memorial Hall built during the period of martial law rule not only substantiate the authoritarianism of earlier days in Taiwan but also witness the growth and flourish of Taipei since the 1960s. In this sense, they are very representative as Taipei's city architectures.

### **3-2 Establishment of design criteria**

Based on the findings of the above questionnaire survey, expert interview was employed to construct a set of criteria for product design. Five experts, including a Taiwanese geologist, a product designer, an architect, a poet, and a specialist in the philosophy of life, attended three sessions of meetings to discuss on the design criteria that work in harmony with cultural and architectural essences of Taipei. A total of five criteria were constructed.

#### **1. Emphasis on humanism:**

Minnan-style temples built during the Min and Qing periods reserve moral teachings in the wood carving and reflect the faithfulness of local residents. Openness to and uncertainty about the world situation were seen both in Japanese and modern architectures. With regard to the above, our emphasis was put on concerns about the human mind. It is the Confucian argument to value the existence of each human in Nature and society; in other words, humanistic thinking accounts for the world view in the Chinese culture. Therefore, to unclothe the cultural value of Taipei's architecture, it is crucial to highlight humanism in product design, so that the resulted cultural creative products may unflinchingly reflect the cultural essences of local society.

#### **2. Reflection of pluralism:**

History has granted Taipei with architectures of multiple cultural backgrounds. An agreement was made among all the experts that singularity either in form or material may very likely interfere with the illustration of Taipei's openness and tolerance. Therefore, a creative product to represent Taipei should feature not only functionality but also aesthetic, artistic, universal and commemorative values.

#### **3. Abstract form to recall collective cultural experience and memory:**

The experts evaluated user behavior and experience from the viewpoint of cultural creative design. They suggested that designers should avoid abstraction of the third degree but resort to abstraction of the first and second degree in attempts, so as to remind the user of key features of architectures in Taipei. Appropriate reduction of details may result in efficient retrieval of impressions about the building and hence the appreciation of Taiwanese culture.

#### **4. Incorporation with traditional local craftsmanship**

Besides the improvement of a nation's culture value, creative design should look further to explore business potential and untrodden market. Thai's success in the promotion of its traditional handicrafts and innovative design is very inspiring in that if we could integrate local craftsmanship and materials with originality in the design of creative product, significant growth can be expected for Taiwan's industry.

#### **5. Renewal of existing elements:**

The transformation and application of architectural elements should look beyond the making of artifacts with traditional skills. The object is not to create more collectibles but to echo with modern life and address brand-new user experience. Composition in the golden ratio, totem extraction, microcosmic approach, and abstraction of the first and second degree are all recommended approaches to adopt cultural elements. Moreover, interdisciplinary integration, plurality of material, and businesses strategies are all measures to enhance the feasibility and market potential of a design project.

### **IV. Taipei's Cultural Elements in Design**

#### **4-1 Practical product design**

The design criteria established via expert interview were latter employed in two product design projects that address architectural elements of Taipei. The research and development stage involved cooperation with Prajna Culture & Creative Design Company to ensure the feasibility of mass production. Retailing in the gift shop of The CKS Memorial Hall further confirmed the feasibility and merit of our design criteria. The results were outstanding creative cultural products of Taipei.

#### **Design sample 1: Dajhong Jhihjheng Pot**

It was concluded in our questionnaire survey that The CKS Memorial Hall was the most prominent tourist attraction and a widely recognized architecture in Taipei. Therefore, in our first product design project, a teapot was named after the main gate of the CKS Memorial Park as "Dajhong Jhihjheng Pot" (literally, the pot of ultimate impartiality and righteousness), as shown in Figure 27. This design followed the fifth criterion, "renewal of existing elements", to convert cultural components into a tangible object via the microcosmic approach. The profile of The CKS Memorial Hall was projected onto the body of the teapot. Unnecessary details were omitted while the

outline of the hall remains. The figuration seems dreamy and obscure before use, but as tea gradually flows into the pot and fills the interior, the color of the tea substantiates a clear image of the building. Furthermore, the marriage of traditional craftsmanship and modern techniques facilitated the transformation of crystal glass into a delicate art work in the method of *Cire perdue* or "lost wax".

The impressive vacuum on the body of the Dajhong Jhihjheng Pot is the result of negative space approach and hence draws the viewer's attention. The interior space stands out in contrast with the down-to-earth shape of the teapot. This design challenges the original idea of form by demonstrating that molding may not only frame the exterior but also expand the interior. Also, the emptiness inside the pot is the embodiment of modesty and tolerance in Chinese culture. The appearance of a teapot was redefined, and the appreciation of tea is now linked with the reveal of Taiwanese culture, the subtlety of local artifact, and the return to humanism and Chinese heritage.

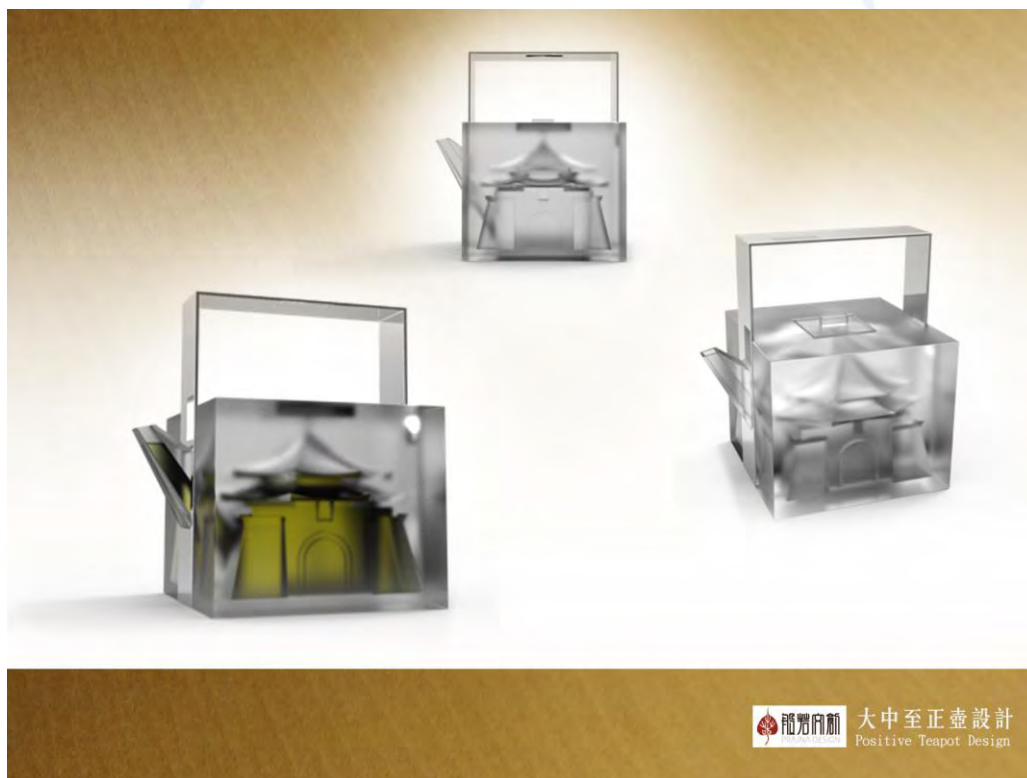


Figure 27. Dajhong Jhihjheng Pot

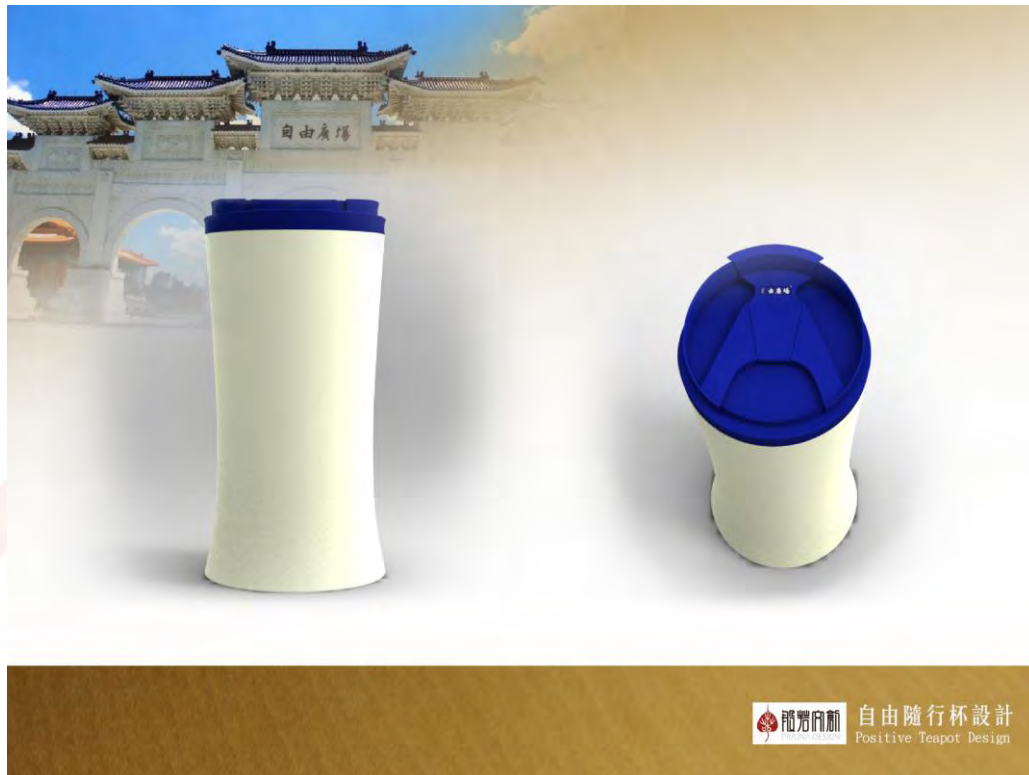


Figure 28. Freedom Tumbler

### Design sample 2: Freedom Tumbler

Figure 28 shows the design of a tumbler with the image of the archway entrance to Freedom Square in The CKS Memorial Park. A view from the top sees a relief totem of the archway entrance, as the sky blue on the cap and pure white of the cup signify the color arrangement of the majestic portal. Many people who live in adjacency to the park are used to gather on the Freedom Square to do their morning exercises, such as shadowboxing, country-dance, and jogging. They are the witnesses of the construction and erection of the CKS Memorial Hall, which also witnesses the economic miracle of Taiwan.

The third criterion was employed to recall the user's Taipei memories. We applied the first degree abstraction to convert elements and take the form of a tumbler to address the pluralistic characteristic of the product. It is not only portable and affordable to the public but also serves as an artistic souvenir. Furthermore, the cultural essence and humanistic thoughts become more tangible for the user to appreciate.



## **V. Conclusion**

The creation of the two cultural products for architectures of Taipei was performed under a tangible and practical product design scheme. The analysis upon architectures built during different periods revealed that the inner beauty of Taipei is hardworking and tolerance to various cultures. Close investigation to the details and structural elements of these buildings further exposed the wisdom and skillfulness of our ancestors. The field survey also recognized the necessity and significance of culture awareness.

Our findings include:

### **1. Limits on abstraction**

If the transformation of cultural elements involves emphasis on distinctive characters of a culture, excessive abstraction that detaches the user from their viewing experience should be avoided. Abstraction of the first and second degree is recommended in that the user may recount their memory and appreciate the essence of the target culture more easily.

### **2. Extension of cultural creative design**

The design criteria constructed in this research were aimed at everyday utensils. They should also be feasible in the design of furniture, home electronics, 3C products, and transportation vehicles when it is intended to impose cultural elements and originality onto all sorts of consumer products.

### **3. Selection of cultural elements**

The operation of microcosmic approach, corner feature extraction, and totem extraction is often confronted with an excessive number and breeds of cultural elements. In this case, field survey and questionnaire can be adopted to sort out the most distinctive features. Referring to elements recognized by the public helps ensure the marketability of the product.

### **4. New trends in traditional craftsmanship**

Cultural creative industry of today is eager to integrate local craftsmanship and materials. To meet contemporary trends and needs, traditional skills must cooperate with design and fashion to create better economic value and expand new market. The products developed in this research are in tune with requirements for quality and originality in modern life. Bestowed with traditional Taiwanese techniques and design, these products are expected to enhance the development of Taiwan's culture creative design industry.

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*The Role of the Psychiatrist in a Complex Mental Capacity Assessment - A Test Case Involving the Mental Capacity Act (2008) of Singapore*

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Abstract:

In 2010, a new Mental Capacity Act came into effect in Singapore, which allows for an adult donor to voluntarily appoint one or more persons he trusts to be his proxy decision maker(s) (donee) if he should lose his mental capacity in future. Psychiatrists are usually involved when the donor is suspected to lack mental capacity before the issuance of this Lasting Power of Attorney (LPA), or to certify that the donor has lost mental capacity such that the donee should exercise his legal powers.

Madam TSN is a 39 year-old Chinese lady whose psychiatric diagnosis remains arguable despite having been on psychiatric treatment for mood and psychotic symptoms since the age of 18. 2 years ago, she underwent open cranial surgery to remove an intracranial cyst and became cognitively impaired post-operatively. Before the surgery, she had appointed her mother to be her donee without her husband's knowledge. A dispute arose between TSN's mother and husband, with her husband challenging the validity of the LPA as it was made while she was on treatment for a mental disorder, and her mother applying the legal process to exercise her power as a donee to take over the care of her daughter.

This complex case brings up several issues. The psychiatrist needs to decide who to trust in this complex web of mistrust. He also needs to be clear about the responsibilities he has been entrusted with by the court, the patient and opposing members of the patient's family. Ideally, he should also seek to protect the patient's interest by seeking to re-establish trust within the family again.

There is also an ethical dilemma for the psychiatrist who holds dual roles of treater and assessor for the court. How justice should be served is controversial. The law, by itself, is insufficient to protect the vulnerable.

## **THE ROLE OF THE PSYCHIATRIST IN A COMPLEX MENTAL CAPACITY ASSESSMENT – A TEST CASE INVOLVING THE MENTAL CAPACITY ACT (2008) OF SINGAPORE**

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### **I. Introduction**

Mental capacity evaluation is an area of work where psychiatrists operate at the interface between Medicine and Law. This is where he removes his clinical/treatment-oriented hat and dons the hat of an expert witness<sup>1</sup> to step outside the comfort zone of the more familiar clinical setting governed by medical ethics. The scientific process of assessing mental capacity operates outside the medical framework where the principles of beneficence and non-maleficence lose their primacy to the principles of truth, honesty, objectivity and justice<sup>2</sup>.

The Mental Capacity Act can be understood as a unique piece of legislation that attempts to reconcile the 2 seemingly opposing arenas in a sequential fashion. As can be seen by the case discussion later, the scientific process is applied objectively to determine loss of mental capacity, which then allows a person who has lost capacity to be protected under an ethical framework.

### **II. The Mental Capacity Act (2008) of Singapore and Its Ethical Underpinnings**

Prior to the Mental Capacity Act (MCA) 2008, provisions existed in the Mental Disorders and Treatment Act (MDTA) for the appointment of Committee of Persons and Committee of Estate by the High Court to act on behalf of mentally incapacitated persons in their daily affairs and financial matters, respectively. However, execution of this old Act in practical situations was often patriarchal in approach as there was a glaring absence of guiding principles. There was also a gap in that there was no protection given to the persons made vulnerable by their mental incapacity from abuse by their appointed guardians. In cases where a Committee of Persons/Estate had not been appointed, the old law was silent on who should make decisions for those who lack mental capacity and how decisions should be made.

Drawing inspiration from the Mental Capacity Act of England and Wales in 2005<sup>3</sup>, there was recognition of the common reasons why new legislation was needed. Not only were there lacunae in the old law that needed plugging, there was a need to promote human rights obligations towards persons lacking capacity while achieving a better balance between autonomy and protection for them. New legislation would also serve to promote awareness and good practice in dealing with persons lacking capacity<sup>4</sup>.

The new MCA of Singapore 2008<sup>5</sup> is therefore a law which addresses the need to make decisions for persons who are 21 years or older when they lack mental capacity to make those decisions for themselves. It expands the old MDTA by allowing persons who have mental capacity to voluntarily sign a legal document known as a Lasting Power of Attorney (LPA) to appoint at least one donee to act and make decisions on their behalf if and when they lack mental capacity in future. A component of the old MDTA is supplanted into it by provisions of court-appointed deputies to act on behalf of those who lack capacity and who have not signed an LPA.

The Act includes other provisions in an attempt to provide broad protection for the vulnerable. It allows parents of children with intellectual disabilities who are below the age of 21 years to apply to the Court to appoint a deputy to ensure that their child's future care is arranged if the parents

pass away or lose their mental capacity. Importantly, and what was absent from the MDTA, it gives legal protection for acts done by anyone in connection with the care and treatment of a person who lacks mental capacity if certain conditions are met, including the requirement that the act is done in the best interests of that person. The MCA also provides for the appointment of a Public Guardian and gives him/her supervisory and investigative powers as ill-treatment of persons who lack capacity by their caregivers or decision-makers is now a criminal offence.

In the MCA's Code of Practice, there are 5 statutory principles that must be applied by anyone making any decision or taking any action for a person who appears to lack capacity.

- Principle 1: A person must be assumed to have capacity unless it is established that he lacks capacity.
- Principle 2: A person is not to be treated as unable to make a decision unless all practicable steps to help him to do so have been taken without success.
- Principle 3: A person is not to be treated as unable to make a decision merely because he makes an unwise decision.

Among the 4 key principles of medical ethics, namely beneficence, non-maleficence, autonomy and justice<sup>6</sup>, the first 3 statutory principles underlying the MCA sets out to respect and preserve the autonomous right of individuals with intact capacity. This is achieved by affirming the default legal position of presumed capacity persons aged above 21, and advocating a non-discriminatory approach to avoid biases towards a person's age, appearance, condition, behavior or quality of decision.

- Principle 4: An act done, or a decision made, under this Act for or on behalf of a person who lacks capacity must be done, or made, in his best interests.

This principle is akin to applying the ethic of beneficence, where any decision done or action made on behalf of the mentally incapacitated, seeks to promote the person's welfare and maximize his well-being.

- Principle 5: Before an act is done or decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

This principle perceives curtailment of a person's freedom and rights as a form of harm and is therefore an application of the ethic of non-maleficence.

Taken together, principles 4 and 5 promote respect for persons by explicitly providing guidance in how persons made vulnerable by their mental incapacity are to be protected from badly or ignorantly-made decisions. This is achieved by the legal empowerment of a donee or donees through an LPA, or court-appointed deputy or deputies. Specifically, the LPA expresses respect for personhood by allowing a person with intact capacity (a donor) to extend his autonomy through the legal empowerment of his preferred person or persons who will take over his decision-making when he has lost such abilities. By transferring this decision-making authority to a trusted person with intact capacity, a donor is protected from decisions that are not consistent with his best interests and those that he is unlikely to make had his capacity been intact<sup>7</sup>.



The statutory principles help the individual to take part as far as possible, in making decisions that affect him and protect him when he lacks capacity to do so. The idea is to assist and support people to make particular decisions, not restrict and control them.

The Singapore MCA sets out explicit requirements for assessing whether someone lacks capacity. “A person lacks capacity in relation to a matter if at the material time he is unable to make a decision for himself in relation to the matter because of an impairment of, or disturbance in the functioning of the mind or brain” – section 4(1).

This definition tells us that capacity is both:

1. “time-specific”, focusing on the particular time when a decision has to be made – so the loss of capacity can be temporary, partial, or fluctuating; and
2. “decision-specific”, concentrating on the particular matter to which the decision relates, rather than the ability to make decisions generally. So, someone may lack capacity in relation to one particular matter, but not necessarily another<sup>4</sup>.

The definition in s 4(1) also provides a two-stage test in assessing mental capacity:

Stage 1: is the person suffering from an impairment of, or disturbance in the functioning of, the mind or brain?

Stage 2: if so, does the impairment or disturbance cause the person to be unable to make a decision when he needs to? i.e., unable to understand the information, retain the information, weigh up the information, or communicate the decision.

A person’s inability to make a decision must be caused by a temporary or permanent impairment of or disturbance in the functioning of the mind or brain. This is known as the “diagnostic threshold”, which means that emphasis is placed on medical evidence for the presence of a mental disorder. However, this ensures that the test is stringent enough not to catch large numbers of people who make unusual or unwise decisions. Such a threshold would also provide a significant protection and would in no sense prejudice or stigmatise those who are in need of help in decision-making<sup>4</sup>. The diagnostic threshold may appear to be overly high and make the certification of mental incapacity difficult, but eventually, the Court still applies the test of balance of probabilities. This means that it is sufficient to show it is more likely than not that an individual lacks the capacity to make that specific decision.

There are 2 approaches towards making decisions on behalf of the mentally incapacitated. The “best interests” approach is derived from traditional lunacy law in England and represents a more paternalistic, protective and sometimes even restrictive approach. The decision that is eventually made is the one that the decision-maker thinks is best for the person concerned. Beneficence and non-maleficence are emphasized in this approach.

Under the “substituted judgment” approach, which also derives from traditional lunacy law, decisions made on behalf of an incapacitated person seek to replicate the choice the person himself would have made if he had been competent to do so<sup>7</sup>. This approach places prime importance on individual autonomy.

Where a person has never had capacity in the first place, substituted judgment is inappropriate, and there is no viable alternative to best interests. Also, the failing of a pure “substituted judgment” model is the unhelpful idea that a person who cannot make a decision should be

treated as if his or her capacity were perfect and unimpaired, and as if present emotions, wishes and feelings did not count<sup>4</sup>.

In providing a checklist of factors that anyone making the decision must consider when deciding what is in an incapacitated person's best interests, the MCA also contains a strong element of substituted judgment. These are:

1. Whether the person who lacks capacity is likely to have capacity in relation to the matter in question in the future;
2. The need to permit and encourage them to participate, or to improve their ability to participate in the decision-making process;
3. Their past and present wishes and feelings (and, in particular, any relevant written statement they made when they had capacity), the beliefs and values that would be likely to influence their decision, and any other factors they would consider if they were able to do so;
4. If it is practicable and appropriate to consult them, the views of others, such as family members, carers, and anyone else who has an interest in their welfare; and
5. Whether the purpose for which any act or decision is needed can be as effectively achieved in a manner less restrictive of their freedom of action.

The MCA is thus well-anchored by principles of medical ethics, and serves to promote respect for and protection of those who suffer from loss of mental capacity. But the effectiveness of instruments such as LPA cannot be guaranteed without the quality and sustained communication between the maker of the LPA and his designated surrogate(s)<sup>6</sup>, as can be seen in later sections.

### **III. The Case of Mdm TSN**

Mdm T is a 38-year old Chinese lady who is the younger of 2 adopted children. Her adoptive father had a history of psychiatric illness and passed away in January 2010. Since her childhood, she had been cared for mainly by her mother and paternal grandparents.

She had been on psychiatric treatment and follow-up since the age of 18 in 1991. She was initially diagnosed with Schizoaffective Psychosis, but this was eventually revised to Borderline Personality Disorder in 1999.

She studied in the Normal Stream in Secondary School and had to repeat one of the years before successfully completing her 'N'-levels. She could not proceed to 'O'-levels due to her psychiatric condition. She then worked in a variety of salesgirl jobs but could not maintain a job for long.

Mdm T did not return for follow-up between the years 2001 and 2008, and in this time, she had gotten married and had 2 sons who are now 9 and 3 years old. According to her husband, who denied prior knowledge of her psychiatric history, reported that she did not appear mentally unwell during this time. However, her mother also reported that the couple required much financial help as Mdm T's husband did not have a regular job, as well as practical help in terms of parenting and childcare.

She presented again to a psychiatrist in February 2008 for the complaint of auditory hallucinations of 1 years' duration. Since then, she has been treated as for Schizoaffective

Disorder that is resistant to several psychiatric medications. She is currently being treated with Clozapine 175mg every night, Fluoxetine 20mg every morning, Benzhexol 2mg every night and Epilim Chrono 300mg every night, but continues to suffer from residual auditory hallucinations.

In April 2010, she was discovered to have a cyst in the third ventricle of the brain. This was found to be a cavernoma after surgical excision by the Neurosurgeon on 7<sup>th</sup> July 2010. The surgery proceeded uneventfully but ever since the surgery, she has had persistent complaints of forgetfulness and needing much care and assistance in her daily life.

Prior to the brain surgery and unknown to anyone else, Mdm T had asked a lawyer to issue a Lasting Power of Attorney (LPA) in which she appointed her mother, Mdm L as her donee. Her mental capacity at the time of signing the LPA was not formally assessed.

As Mdm L was heavily involved in helping to care for Mdm T and her children after the brain surgery, conflicts arose between her and Mdm T's husband, Mr K. Mdm L complained that Mr K was not fulfilling his duty as a husband to provide adequate care for his children and wife who was recovering from a major surgery. She revealed that she was Mdm T's assigned donee and thus had the legal authority to make decisions on her behalf regarding her personal welfare. Mr K, on the other hand, perceived his mother-in-law to be excessively controlling. He challenged the validity of the LPA as it was made at a time when Mdm T was on treatment for a mental disorder, and regarded himself as the rightful proxy decision maker since he is the lawful next-of-kin. Naturally, Mdm T and Mr K began to argue frequently and as a result, a triangular web of mistrust developed between them. Mdm L also alleged that Mr K had used his influence over Mdm T to gain access to money held in a joint account by Mdm T and Mdm L.

#### **IV. The Issues of the Case and the Role of the Psychiatrist**

There are many complexities to this case and hence, it is of vital importance to clarify the essential issues.

##### **1) Was the LPA valid?**

The Code of Practice states that

- a. The donor must understand what an LPA is and its effect.
- b. To ensure that the donor understands the consequences of making an LPA, the LPA forms require the donor to state that
  - he has read or someone has read to him key (prescribed) information about LPAs, and
  - he intends to give his donee the authority to act on his behalf when he no longer has capacity.
- c. The certificate issuer must certify that when the LPA was made:
  - the donor understood the LPA and its scope,
  - the donor was not induced by fraud or undue pressure to create the LPA,
  - there is nothing else that would prevent the LPA from being created.
- d. The following persons may be a certificate issuer:
  - an accredited general practitioner
  - a registered psychiatrist, or
  - an advocate and solicitor of the Supreme Court who has in force a practising certificate under the Legal Profession Act.

As the issuer of the LPA in this instance was not the treating psychiatrist, but rather, was a lawyer, the psychiatrist has no information about her mental state and capacity at the time of LPA issuance. As such, it is inappropriate for the psychiatrist to retrospectively assess her mental capacity and give an expert opinion on this matter.

However, Mr K can still select to bring the dispute to the Courts on the grounds that Mdm T was mentally disordered at the material time and may not have fully understood what an LPA is, and was under undue pressure (from the prospect of complications of surgery and from her mother) to create one.

The Public Guardian would then have to exercise his investigative powers and this matter would then be resolved by a judicial process and decision. It bears repeating that the first principle underlying the MCA is presumption of capacity unless established otherwise.

2) If valid, does Mdm T lack mental capacity now?

According to the Code of Practice, the donee may make decisions on behalf of the donor only when the donor lacks capacity to make those decisions [section 11(1)] and may only make decisions that he is authorised to make under the LPA.

There is reason to suspect that Mdm T lacks mental capacity because she is likely to be suffering from cognitive impairment after major brain surgery, which would be clinically obvious even to a lay person. The donee(s) or carer(s), who are untrained persons, can make an informal assessment of capacity for most day-to-day decisions, by applying the statutory principles mentioned before.

However, in this case, continuing disputes between Mdm L (donee) and Mr K (husband) are anticipated. Thus, it is wise and prudent to formally assess Mdm T's mental capacity so as to determine whether it is an appropriate time, by legal definition, for the donee make decisions on behalf of Mdm T.

3) What are the specific pressing decisions that need to be made by Mdm T now?

This always needs to be clarified with the person requesting the assessment of capacity, bearing in mind that mental capacity is time-specific and decision-specific as described earlier.

The most pressing decision should be Mdm T's capacity to consent to or refuse a formal assessment of her mental capacity. This should be the first and most basic action taken to preserve a person's autonomy.

The Code of Practice gives guidance that no one can be forced to undergo a formal assessment of mental capacity. However, if a person lacks capacity to consent to or refuse assessment, the assessment can still proceed so long as it is done in his best interests.

Mental incapacity can be permanent, temporary or fluctuating and a guideline exists for the postponement of non-urgent decisions until capacity improves or recovers. Hence, clarifying what the urgent decisions are will help in deciding the need for an assessment and guide the proxy decision-making process. It is highly likely that Mdm T's cognitive impairment will improve with time since it was related to the brain surgery.



4) What are the practical difficulties and ethical conflicts faced by the psychiatrist in assessing Mdm T's mental capacity?

History-taking from collateral sources, in this case Mdm L and Mr K, is an essential step in assessing Mdm T's mental capacity. The psychiatrist needs to be aware and anticipate that they may each give information that benefits themselves and not the other. The assessing psychiatrist thus needs to analyse all available information with a healthy dose of scepticism and pay attention to objectively obtained and observed facts, and not let his opinion be clouded by subjective reports.

The psychiatrist should also anticipate that Mdm L and Mr K will exert opposing demands on him/her to uphold Mdm T's best interests according to their personal viewpoint. As discussed before, there is a checklist of factors to consider when deciding what is in Mdm T's best interests. The psychiatrist should remain distant from the triangulation of mistrust to maintain objectivity and approach the assessment based on the premise that Mdm T is the most important character in this family drama.

However, the psychiatrist is also likely to face a dilemma of justice for the patient because in the scenario that Mdm T does not have capacity and her mother takes on the role of her donee, this might drive the wedge of mistrust even deeper into the family and put the whole family through a very stressful and unpleasant process of having the validity of the LPA challenged in Court. On the other hand, if Mdm T does have capacity despite her cognitive impairment, her mother and husband will continue to be in conflict with each other and compromise the care of Mdm T and possibly even the care of her children.

From a legal perspective, the psychiatrist is called upon to only assess her mental capacity, and not to make decisions on her behalf, and is thus guided by a different set of ethical principles from those of beneficence, non-maleficence, autonomy and justice.

The ethics guiding a psychiatrist called to give an expert opinion in the legal arena has confidentiality, consent, honesty and striving for objectivity as its basic tenets. Medical ethics govern the doctor-patient relationship and hold the patient as the object of consideration. Whereas the ethics of forensic practice holds that the expert's responsibility is towards the Court (the trier of fact) in upholding truth and justice. Therefore, in the process of mental capacity evaluation, there are limits to confidentiality as information will be made accessible to involved parties. Consent from the patient for this evaluation and being honest and objective in giving an expert opinion, may put a psychiatrist at odds with trying to do no harm and benefit the patient. In setting out explicit guidelines on how mental incapacity should be determined, the MCA demands that the assessor be honest and objective.

In criminal cases, this honesty and objectivity may result in punitive action towards the person who has been assessed. But the MCA's purpose is for the respect and protection of the mentally incapacitated. Thus, the MCA, with its firm ethical underpinnings and safeguards to protect and promote individual autonomy as far as possible, limits and balances out these ethical conflicts.

5) How can Mdm T's autonomy and best interests be upheld?

Even if cognitively impaired or lacking capacity, the present opinions and preferences of Mdm T should ideally be sought and respected by all involved parties wherever possible.



It is tempting for the assessing psychiatrist to deal only with mental capacity evaluation and ignore the other issues. However, it is obvious that Mdm T is in a lose-lose situation no matter what the outcome of the capacity evaluation is.

As the treating psychiatrist in a doctor-patient relationship, he/she should be an advocate for Mdm T's welfare by facilitating the healing of relationships and re-establishing trust within the family again. He can achieve this by either establishing a therapeutic alliance with all parties while establishing common ground of seeking the best interests of Mdm T, or engaging the assistance of professional counsellors/therapists to resolve issues and improve communications between the different members of the family. He may even advise Mdm T to obtain legal representation for herself.

## **V. Discussion and Conclusion**

This case illustrates the intricacies and complexities of mental capacity assessment and the practical application of the Mental Capacity Act. In addition, insofar as the MCA seeks to promote and protect individual autonomy in a well-meaning way, disputes and ethical dilemmas and conflicts can still occur as in the case of Mdm T. It can thus be concluded that no law seeking to protect the vulnerable is entirely complete.

There is an increasing understanding that to minimise future disputes, an LPA should be made when there is no pressing need, the donor should inform all parties with a potential interest in his/her welfare about the selection of donee(s), and continuously communicate with the donee regarding his feelings and wishes. The unfortunate case of Mdm T also highlights the importance of this.

The MCA promotes beneficence, non-maleficence and autonomy, but as shown in this case, does not promote justice directly. Justice in this case cannot be served by the law, but can be served by practical, sensible actions that facilitate mutual respect and understanding.

Where the law is incomplete, justice can still be achieved by restoration of trust between human beings.

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*Trusting The Murderer - On Trust And Treachery in The Mythical Space*

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Abstract:

Trusting the Murderer - On trust and treachery in the mythical space

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Nobody is trusting his murderer. And everyone does. That is, in short, the bottom line of many mythical stories. By the meaning of "mythical", I subsume fictional art and literature, from theology (myths of man or myths of origin) and theatre (tragedy) up to folk religion and fairy tales. Fairy tales excessively deal with the trust in a murderer, for example in "Bluebeard" or "Snow White", pan-European tales who have become world-famous. Religion as well: Abraham trusted in God for sacrificing Isaac, Jesus trusted in Judas who sold him out. Further examples are numerous. What is that special about the theme of trusting the murderer, that it became a paramount content in the mythical space? Why did and does it still fascinate people? Is it only a rhetoric means to create fear, or a propaedeutic message to overcome this fear, or more?

First, trusting the murderer is a lesson about relations, and relations have proved to be vital in human history. This fearful theme deals with human relations in the case of erotic partnerships (Bluebeard), but with parental relations as well (Snow White), and sometimes - for we are in mythical space - there is an additional relation, a bonding to God, evoked (Abraham and Isaac). The interdependence of trust and violence has been widely discussed within peace research (Arendt, Galtung, Reemtsma). But the interdependence of trust and treachery still remains rather neglected, although it is a constellation deeply rooted within the subconscious. My theory is that "trusting the murderer" forms an encouragement to listen to one's intuition and to break through illusions of life. Because in most mythical stories the victim survives.

Claudia Simone Dorchain

**Trusting the Murderer –  
On trust and treachery in the mythical space**

*ACERP, Conference on Ethics, Philosophy and Theology, Osaka/ Japan 2012*

Claudia Simone Dorchain

**Trust, in the philosophical sense of the word, has something to do with time.** Trust is an anchor tied to the shore of a distant land, a projection towards unknown situations to come later and so, it links us evidently to the future, because trust defines how we expect things to develop. *Vertrauen*, the German word, derives from the ancient etymological root of hope and faith, and this nearly religious association is similar in many languages, such as in Latin, Greek, English and French. Trust means the certainty that expectations of today turn out in a positive or at least predictable way tomorrow, so the meaning of time underlies the definition of trust. That is the reason why German philosopher Jan Phillip Reemtsma defines trust as “Erwartungssicherheit”<sup>1</sup> – to know in advance what will happen. This definition shows that trust, like few other attitudes, is a link between the present and the future, and it implies two meanings of the word: trust as a certainty of *positive* things to come, and trust as a certainty of *predictable* things to come.

**Besides, trust is an attitude, not an emotion,** and if we talk about trust, we do not mention an “emotional” phenomenon. But it can create emotions by the anticipation of future developments, so trust is the cognitive premise of an emotional anticipation. But let us discuss about that later and go back to the different connotations of the word “trust”. The two meanings of trust, as of positive things to come or of predictable things to come, are highly different from each other. If we trust in things to develop positively, we expect something good to come. But if we trust in things to develop predictably, we just expect something to come, may it be positive or negative. This double meaning of trust, deeply rooted in our

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<sup>1</sup> Jan Phillip Reemtsma, *Vertrauen und Gewalt*, Hamburg 2008

psychology, is actually what the philosopher Francis Fukuyama defines – trust as a link between human nature and social conditions<sup>2</sup>.

**Trust may be naïve or coined by experience.** If we trust in the first meaning of the word – that everything will develop positively – we may trust naïvely, because there is no such thing as a guarantee of positive results. But if we trust in the second meaning of the word – that things will develop like they use to do – we integrate our experience of life, or work, or relations, within our expectations, and we expect things to develop the way they do without judging them, let it be positively or negatively. For example, the idle student may trust in good results of his exams, but this trust is certainly naïve because it expects things to develop positively without questioning the conditions, while the ambitious students may trust in his results in the second meaning of the word, “trust” denoting expecting a development which is, under conditions, predictable.

**We all deal with trust in our everyday life,** because we all need a connection between the present and the future, and it is vital to build up expectations of things to come in every aspect of our life, work and relations. Whether our trust is naïve or mature, whether it focuses on positivity or on predictability, whether it takes the circumstances and the plausibility of future results under consideration, is quite another question. But out of question is the general meaning of trust as an attitude essential for human civilization, progress and research. The essentiality of trust in human civilization turns it a paramount issue in “the mythical space”<sup>3</sup> as well. To trust or not to trust is a core question in the myths of mankind, affiliating all nations, religions and times.

**The myths of mankind – may it be myths of man or myths of origin – center the meaning of trust,** *trust in Gods*, trust in life, trust in a certain meaning of life, and the fairytales and legends of all cultures focus on trust in social relations such as erotic love, brothers and sisters or family life. We can clearly see why trust, as an attitude inevitable in our everyday life as well as a driving force for social progress, is that common in the mythical space, which has been, and in some regards is still, a source of inspiration for all cultures. But trust is not given blindly. To trust in things to develop positively, or at least predictable, is

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<sup>2</sup> Francis Fukuyama, *Trust. Human nature and the reconstitution of social order*, Free Press 1996

<sup>3</sup> By „mythical space“ I summarize myths of man, myths of origin, legends and fairy tales in an intercultural context, or more precisely, the source of immanence of these narratives.



risky, as the German philosopher Niklas Luhmann warns<sup>4</sup>, because there is no guarantee for a positive turn. For Luhmann, trust is a – in most cases very naïve – means to cope with a difficult reality by the reduction of its complexity, so trust as a “reductionist point of view” is definitely not apt to predict future developments, as reductionist points of view generally fail to predict something with accuracy, but trust would be a kind of everyday illusion used to blind people and smoothen fears. Although Luhmann stated this critical point of view in 2000, it does not seem very innovative. Men of all ages have known that trust blinds people and proved it in their cultural heritage, first of all the mythical space.

**“Trusting the murderer” seems like a fatal error – a deadly error indeed.** However, the mythical space is full of examples of this deadly, irrevocable error. The biblical Issac trusts in his father Abraham who nearly kills him. Jesus trusts in Judas who sells him out for twenty silver shillings. Homers tragical hero Odysseus trusts in the Cyclops who persecutes him and tries to kill him (fortunately, the Cyclops is not very clever and cannot reach his aim). The beautiful but naïve Hindoo princess Draupadi trusts in her pretended honest husband who sells her out during a game of dices, and the killing of brothers, from which the world-famous epos “Bhagavadgita” tells, starts. These are only a few irritating examples, picked out, representative for many others. Trusting the spy, the betrayer or even the murderer is an intercultural topic widely-spread within the myths of man, within religious textbooks and fairy tales, and we still wonder why such a topic despite of its cruelty remains favored during the ages. There is reason for it and I will show, why. Let us have a look on two girls and one boy trusting the murderer in the mythical space.

First, there is this girl named *Snow White*. “Snow White” has been a German fairy tale collected by the Brothers Grimm in the 19<sup>th</sup> century, but it has become very popular all over Europe and all over the world, even used for commercial advertisements let it be anti-aging products or mirrors, and, as we know, it is well-known even in Asia. The plot is familiar: the beautiful young girl Snow White is condemned to death by her envious step-mother, whose magical mirrors foretells her that her step-daughter will far outclass her by beauty, and flees to avoid her end<sup>5</sup>. The refugee finds new friends and hides in a lodge in the forest. But Snow White is detected in her hide-out by the stepmother, who disguised as a market-woman and maliciously seduces her to eat what she pretended to be a delicious fruit, actually it was an

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<sup>4</sup> N. Luhmann, *Vertrauen. Ein Mechanismus zur Reduktion sozialer Komplexität*, Stuttgart 2000

<sup>5</sup> Jakob and Wilhelm Grimm, *Kinder- und Hausmärchen* (KHM) 53, in: ibd., *Kinder- und Hausmärchen, Vollständige Ausgabe*, Artemis and Patmos publishing house, Düsseldorf and Zürich 1999

empoisoned apple. Snow White appears to be dead and her loyal companions, seven dwarfs, bury her body in a glass coffin.

Without any further interpretation, let us turn to the second example. *Blue Beard* (“Barbe bleu”) is another irritating legend, originated in France, but well-known all over the world, about trusting the murderer. Some people, such as Leonard Wolf, believe that the plot of the serial killing of young brides and the sadistic main character derive from a historical person, the cruel duke Gilles de Rais, companion-in-arms of French national heroine Joan of Arc, who has had a criminal conviction because of infanticide and mass murder<sup>6</sup>, but there is, despite of this thrilling criminal affair, not enough historical evidence to turn the suspect of the tale of “Blue Beard” eventually being biographic into a fact. Nevertheless, the story of the murderous bridegroom haunts (not only) France since centuries, so let us summarize one of the first written versions by the French collector of fairy tales, Charles Perrault, in the year 1697. The young bride – her name changes – is entering her future husband’s house and suddenly feels uneasiness and the foreshadowing of coming danger. Actually, her future husband is a murderer, habitually killing his brides after having had married them. They are many variations of the Blue Beard theme, but they all have in common that the clever bride, who acts careful within the haunted house, avoids being killed. In this regard, she surpasses the naïve trust of Snow White who expects everyone to be reliable.

Now let us go to the third example. There was a boy in Arab, named *Aladdin*, who found a magic lantern<sup>7</sup>. The name “Al-addinn” in Arabic derives from the etymological source of faith, as does trust in most languages of the world, and there is the paramount issue of the whole story. We all know, for this legend is wide-spread and known all over the world too, that Aladdin’s lantern had a Genie (Dschinn) in it and was able to fulfill every command of its master. The adventures of the Genie serving his master under the most extravagant circumstances and the lucky Aladdin having his invisible servant at his beck and call are familiar, but many of us do not know how the story began. Aladdin has not been the Genie’s master right from the start. In the very beginning, when he first found the magic lantern, the enclosed Genie called him by his name and begged piteously to let him out, promising riches beyond belief and every wish coming true. But after Aladdin actually had opened the lantern,

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<sup>6</sup> Leonard Wolf, *The life and times of Gilles de Rais*, Windsor Press 1980

<sup>7</sup> Wiebke Walther (Ed.), *Tausend und eine Nacht*, Artemis Publishing House, Munich and Zürich 1987

the Genie rushed out and menaced to kill him. It took an enormous effort to calm down the malicious spirit and turn it into a friendly and helpful one.

**Trust, or corrupted trust, has been given various interpretations.** All of them are interesting in a philosophical or ethical viewpoint, because they show how fatally the optimist attitude that Reemtsma calls “Erwartungssicherheit” fails. The awareness of having trusted someone who turns out to be an enemy or even a murderer is the definite and tragic end of trust as, as we have said, a cognitive premise of predictable things to come. In effect, Luhmann’s critical if not cynical point of view is right, trust as a “reductionist theory of thinking”, a means of reducing a complex reality into a simple frame of naïve expectations cannot be deconstructed more definitely as by the topic of trusting the murderer. If Luhmann would be right, the cultural heritage of mankind, by treasuring tales like Snow White or Blue Beard or Aladdin, actually focuses on proving that trust is naïve, highly dangerous, if not impossible at all, so the philosophical consequence of this interpretation would be not to trust anyone under no circumstances imaginable. But by accepting this nearly nihilist moral of “not trusting anyone” and sweeping away all affiliated notions of fear, love and faith, we lose precious hints to our intercultural psychological knowledge.

**The failure of trust is of immense psychological importance.** Regarding our three examples, although all heroes and heroines fail to predict what will happen next in a similar way, the cultural interpretations given to their failure vary extremely. The Snow White theme can be, and actually is often, associated with Freudian fears within a broken family, a murderous mother-daughter-rivalry intensified by fears of old age and the lack of female attractiveness. The Blue Beard theme is different from the mother-daughter-rivalry; it focuses on the instable creation of trust in sexual relationships and has been given a feminist interpretation recently<sup>8</sup>, by reducing the multi-layered plot to a “typical male” suppression and dominance story. But Freud’s gloomy picture of female rivalry need not to be the only, at least not an overall sufficient, interpretation of this very old story of trusting relations or trust in relations, neither does a feminist approach on the balance of power in heterosexual couples, or, to go even further, a debate about masochist roles, as Gilles Deleuze suggests<sup>9</sup>. The Deleuzian point of view holds that masochism has to do with waiting more than with

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<sup>8</sup> See Monika Szczepaniak, *Gewalt in Blau. Zum Gewaltdiskurs in Blaubart-Texten des 20. Jahrhunderts aus der Sicht der Männlichkeitsforschung*, in: Martin Dinges (Hg), *Männer – Macht – Körper*, Frankfurt a.M. 2005, p. 192-207

<sup>9</sup> Gilles Deleuze, *Sacher-Masoch und der Masochismus*, in: Leopold von Sacher-Masoch, *Venus im Pelz*, Frankfurt a.M. 1968

whipping, masochism being supposed as an attitude, an expectation of negative things to come. So, masochism – reduced to its cognitive ground – could be a subtype of trust, not expecting the best but the worst things to come, and, most paradoxically, *enjoying it*. But by giving this special interpretation to stories like Blue Beard, reducing the ancient topic of trusting the murderer to what Deleuze calls a masochist contract, we actually go too far.

**“Trusting the murderer” is an intercultural theme about domestication.** Domestication is considered as the major process of human civilization, as we know by reading what Claude Lévi-Strauss, Marcel Mauss or other French philosophers define as “culture”<sup>10</sup>. Culture, in their view, is the sum of all human attends to create a surrounding of stable conditions to live, procreate, defend one’s home, and create art, philosophy as means to describe the construct of reality. It is not by coincidence that the heroes and heroines of the mythical space deal with domestication, and sometimes they fail tragically. Trust and domestication are closely related, because trusting in persons or situations is only possible under the condition of having “tamed” them before. Snow White, Blue Beard and Aladdin show the domestication of rivalry within parents and children, the domestication of sexual lust and of avarice – human features thought to be threats to a peaceful community since the beginning of time. The third example, Aladdin and his magic spirit, even shows that there is a common moral in these stories that seem to be different at first sight.

**Death is not the end.** Like Snow White and the clever bride in “Blue Beard”, Aladdin trusts a murderer, but like the others, *he survives*. Let us take into consideration that these different stories of “trusting the murderer” have a common ending, the survival of the hero. The survival of the hero is a counterpart of the threatening plot of being persecuted and threatened. These legends show that there is actually such a thing as malice in the world, the malice of the jealous step-mother, the malice of the murderous bridegroom, or the malice of an evil spirit – but the moral is that people can actually cope with malice, so, in the end, the issue of “trusting the murderer” is encouraging and gives hope. This moral alone could explain why this issue is that wide-spread and appreciated in intercultural regards, because every human culture needs sources of inspiration that create hope. So, if “trusting the murderer” basically aims at creating hope under depressing or encouraging circumstances, it could evidently be what Fukuyama calls the “human nature”<sup>11</sup>. US-philosopher Martha Nussbaum is of a

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<sup>10</sup> See Marcel Mauss, *Sociologie et anthropologie*, Volume I, Paris 1950

<sup>11</sup> Francis Fukuyama, e.g.

similar optimist view and pretends legends to be a narrative means to create trust, faith, and hope, and calls the “murderous” myths of mankind an “extra-tuition of faith”<sup>12</sup>. But the survival of the hero is not the only message.

**Surviving malice creates hope in a future worth living.** But if we take a closer look on these three examples, we must ask *how* the hero – or heroine – survives. First, there is Snow White who is reanimated by her lover’s kiss. Second, there is the clever bride who hides in a chamber nearby to spy how her husband behaves when he pretends being alone, or in another variety of the story, flees from the haunted house and asks her brothers to join and help her. The last example is a model of domination, because the hero – Aladdin – first needs to tame, to domesticate the spirit and show him that he will successfully master him, and not vice versa. So, there are three coping-strategies with malice introduced: the power of love, the power of friends, and the power of the Ego. By dealing with the issue “trusting the murderer” our collective consciousness not only gives hope in general, as Nussbaum thinks, but also displays actionable ways of overcoming evil, and the moral of the three powers of overcoming malice: the help of love, friends, and the Ego, needs not to be changed diachronically because of its continual interest. *“Trusting the murderer” is a message about the necessity to strive with evil – and the human power to overcome it.*

Thank you for your attention.

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<sup>12</sup> Martha Nussbaum, *Upheavals of thought*, Cambridge University Press, New York 2001



*Full Disclosure to Subjects of Per Capita Payments or Enrollment/Retention Bonuses Paid by Pharmaceutical Companies to Researchers or their Institutions: The Role and Effects of Trust*

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Abstract:

I have proposed that pharmaceutical companies include in human subject disclosures any per capita fees or recruitment /retention bonuses paid to clinical researchers or their institutions. This recommendation has been implemented to some extent, but recent scholarship argues against disclosure. One objection is that financial disclosures will undercut trust between researchers and subjects, and, in turn, beneficial healing effects that result from the very process of medical interventions as opposed to the specific content thereof. Nevertheless, I would expand disclosures to include an explanation that such payments constitute a conflict of interest that might influence the researcher to enroll or retain subjects who should not be part of the study, and that this could undercut those subjects' best interests, the study's validity, or respect for science. I do not mistrust trust. Rather, I focus on the function of trust in clinical research and the limited data concerning the effects of financial disclosures. Disclosures can spur a heightened degree of concern and inquiry by subjects and counter the therapeutic misconception. Moreover, heightened subject awareness is not anathema to trust. In fact, certain studies conclude that financial disclosures enhance subject or patient trust. Ironically, some argue from these findings that disclosure can lull subjects, especially less educated ones, into a false sense of security. This is improbable and irrelevant. Attending to the effects of trust-a utilitarian calculation-- is only part of a full consideration of disclosure. Due consideration must be given to all subjects' rights to autonomy, information, and respect.

## DIRECT AND ENHANCED DISCLOSURE OF RESEARCHER FINANCIAL CONFLICTS OF INTEREST: THE ROLE OF TRUST

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### Long-Standing Disclosure Recommendations Implicate Trust

I was among the scholars who early—over two decades ago-- called for direct disclosure of certain researcher financial conflicts of interest (“conflicts”) to subjects in clinical trials. “Direct disclosure” is defined here as disclosure to the subject as part of the informed consent process. “Indirect disclosure” is taken to mean disclosure to third parties, such as posting on a public website. I argued in my prior writing that subjects should be “told the mechanism [and source] of the funding (for example, capitation or block grant with a target enrollment), as well as the amount of funding.” The mechanism of compensation I focused on was “per capita funding” of a set amount for each subject recruited and enrolled in a study. Per capita funding is troubling because it risks inclusion of compensation beyond fair market value of the resources, goods, and services supplied by the researchers—a bribe of sorts (Shimm and Spece, 1991 and 1993).

The problematic nature of per capita funding is apparent from an example. Thomas Parham was enrolled in a clinical study despite a heart condition that should have excluded him. His physician was paid a generous sum for each subject enrolled in the study. Toward the beginning of the study Parham had symptoms that could have indicated that his heart condition was deteriorating, but his physician ignored the problem. Weeks later Parham was hospitalized and required a pacemaker. At least as far as appearance is concerned, it is easy to believe that a conflict in the form of per capita payments caused the physician to enroll and continue Parham in the study despite the risks to his health (Eichenwald and Kolata 1999).

My earlier recommendation that financial conflicts of interest (focusing on per capita funding) should be directly disclosed to subjects was based on historical aspects of human experimentation, the dynamics of privately funded human subjects research, and, primarily, rights to autonomy and bodily integrity embedded in and supported by the pertinent case law, statutory law, and commentary regarding informed consent in clinical practice and research (Shimm and Spece 1991). In a legal context, this leads to the conclusion that direct disclosure is required by the right to informed consent. The core justification of the earlier recommendations was based on a nonconsequentialist moral framework concerning each subject’s—indeed, all persons’—*presumptive* individual rights. The present article takes these rights as given and is based on the same moral foundation. But, being a moral pluralist of sorts, I believe that consequences are morally material. I agree that strong empirical proof demonstrating the high

likelihood of significant harm and little good resulting from direct disclosure might overcome a presumption in favor of subjects' individual rights to bodily integrity and autonomy in decision making. This article will show that currently there is no such strong empirical proof of direct disclosure's effects on subjects' trust in their researchers that would overcome the presumption in favor of individual rights. Some of the studies that would be needed to adduce sufficient proof of effects on trust that would overcome the presumption in favor of individual rights would require that 50% of subjects be denied the very information required by their rights to bodily integrity and autonomy.

### Disclosure Is Needed Now More Than Ever

The amount of research and the percentage of it that is privately funded have increased tremendously during the last two decades. There is no reason that this growth is not matched by a proportionate increase in the number of conflicts. In fact, conflicts are now not only more numerous proportionately, but even more likely to occur as a percentage of all cases. For example, consider the probability that companies will be under more pressure to recruit and enroll subjects from what is now a proportionately smaller pool of candidates (given growth in research). This might lead them to use per capita funding even more often and to make the per capita fee in excess of fair market value to entice researchers to play fast and loose when recruiting and enrolling subjects. Furthermore, much of the privately funded research has moved from the academic setting to the offices and clinics of physicians in private practice (The Center for Health & Pharmaceutical Law & Policy 2009). This has exacerbated researcher conflicts of interest caused by exchanges of value between pharmaceutical companies and researchers. For example, payments in the academic setting are distributed through units having a managerial structure and several professionals (thus diluting the effect of excess payments on any one researcher), and academic physicians are in a culture intended to be conducive to high ethical standards that should counsel against acceptance of excess payments. In non-academic settings, physicians receive payments directly and may be under little "environmental" restraint (Hall et al. 2010).

### Limited Scope Of This Article

I hope eventually to publish another article that draws on the same categories of considerations I relied on in my earlier writings on direct disclosure as they have developed over the last two decades. It will support even more disclosures and restrictions, and it will address an array of conflicts beyond per capita funding and individual researchers. The instant article, however, has a circumscribed focus. It addresses researcher conflicts, but does not examine associated institutional conflicts. It does not address the entire array of conflicts; it only considers disclosures of conflicts created by per capita payments. It does not develop all the arguments for and against direct disclosure. Rather, a propos the theme of the Conference, it focuses on direct disclosure's possible effects on subjects' "trust" in researchers and whether particular effects argue for or against direct disclosure. This article goes beyond my earlier work in that it recommends *enhanced* direct disclosure (summarizing the relevance of the conflict to the subject), and it would seem that an enhancement of disclosure would add to the likelihood of effects on trust.

### An example Of An *Enhanced* Direct Disclosure

An example of an *enhanced* direct disclosure that might affect researcher-subject trust would be a requirement that subjects in studies funded on a per capita basis be told: “This study is funded by company *x* which has paid researcher *y* \$10,000 for each subject enrolled. [If true add—“*x* and *y* certify that these payments are not in excess of fair market value.”] [“However,”] T/this form of per capita funding (a set amount for each subject enrolled) risks payment to *y* that exceeds the fair market value of resources, goods, and services supplied by *y* to *x*. Excess payments in turn present the risk of biasing (in favor of *x*) decisions concerning the design of the research study, whether and when to enroll or keep each subject, and how to determine whether the data from the study demonstrate [the studied intervention] is safe and effective.”

### Current Disclosure Practices And Their Relationship To Trust

The early recommendations for direct disclosure have been embraced to a limited extent (Benbow 2003<sup>1</sup>, Rao and Cassia 2002,<sup>2</sup> Christensen and Orlowski 2005<sup>3</sup>). For what it is worth, recommendations that indirect disclosures (e.g., to the public on a website) be made have fared better. Disclosure of basic data concerning virtually all exchanges of value from pharmaceutical companies to physicians in a broad array of contexts will soon be required by portions of the Patient Protection and Affordable Care Act (2010). These disclosures are limited, however, to delineation of the nature and amount of consideration on a publicly-available website. For example, per capita payments to a physician-researcher would be posted by the amount of total payments without designating that the payments were made on a per capita basis. This “Sunshine” legislation is not likely to serve subjects’ rights to autonomy and bodily integrity except in speculative or remote ways although it will provide data useful to researchers. Consider the example above concerning Thomas Parham. If the total amount of per capita payments in that case had been posted on a public website without designation of the per capita mechanism of payment, it is not likely that Parham would have both researched for this conflict and understood what it meant. Probably not even an expert could have understood it because its significance would not have been apparent without possibly futile research for further information such as the per capita nature of the payments.

Scholarly commentary opposed to direct disclosure of conflicts is likely at least part of the cause of limited support for including compensation information in the informed consent process, even when there is growing acceptance of the need for indirect disclosure. This literature gives several arguments against direct disclosure. Arguments against direct disclosure include the claim that it would: (1) negatively “free” physicians from some ethical obligations through a conceit that disclosure itself is more than sufficient; (2) *increase* trust so much that

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<sup>1</sup> Discussing a proposed federal law requiring direct disclosure but only insofar as determined advisable by an Institutional Review Board.

<sup>2</sup> Consent cannot be informed without disclosure of payments.

<sup>3</sup> Disclosure must be made to an Institutional Review Board, which should then decide whether there should be direct disclosure to subjects.



subjects would irrationally become too placid and would not sufficiently monitor researchers; (3) *decrease* trust so much that subjects would forego participation in studies that their less skeptical selves would want them to accept; (4) *decrease* trust so much that subjects who do enroll in a study would forego a chance to benefit from therapeutic effects inherent in the researcher-subject relationship; (5) confuse all subjects, except those from a wealthy educated elite who least need protection; (6) waste resources because subjects' decisions would not be affected; (7) leave many subjects with no viable alternative, thus making disclosure gratuitous; (8) cause institutions to be lax in their general oversight responsibilities related to financial conflicts, on the assumption that the informed subjects themselves would make reasoned choices; (9) cause information overload and lead to subject confusion or inattention to more pertinent information such as physical risks; (10) would not be necessary because of indirect disclosure or other protections; and (11) would not have any beneficial effects (The Center for Health & Pharmaceutical Law & Policy 2010, Rodwin 1989 and 2011, Moore 2004, Cain 2005).

Several of these arguments against direct disclosure relate to effects on trust, and this article will examine them exclusively. The obvious question this raises is: What is "trust?" I will now address that question.

#### The Multiple Domains Or Aspects Of Trust, Conflicting Research On Trust, And Why, Given the Current Literature, Trust Concerns Should Not Guide Decisions About Enhanced Direct Disclosure

One of the problems of analyzing direct disclosure's effects on "trust" is that the pertinent literature does not sufficiently define the aspects of trust addressed in each study. Here I will stipulate a broad, tentative working definition of at least the core of trust: trust is a favorable subjective state of mind concerning another's expected motives, intentions, propensities, competencies, or behavior. The existing literature's failure to further define and probe "trust" and its various dimensions and aspects alone erodes the power of any findings to a degree that eliminates them as guides for policy. *Trust is a multi-faceted concept that can be approached from many perspectives.* For example, one can consider *why* a person trusts another person or an entity—is it because of membership in some group such as doctors or is it because a particular physician has earned trust over time through what is perceived as sound performance? One can speak of particular dimensions of trust—faith in another's competence, veracity, or empathy. There are also levels of trust. For example, trust could be comprised of magnitudes of belief in the researcher's overriding concern for the subject's best interests starting from a complete trust that would likely lead a subject to unqualifiedly submit herself to a researcher, then descending degrees of trust down to a potential subject's complete mistrust in a researcher and consequent probable automatic refusal to enroll. Above the nadir of complete mistrust and refusal to participate could be ascending levels of trust such as (1) that which a subject would rest in a close and respected family member, probably resulting in only a cursory monitoring of researchers' decisions, representations and recommendations; (2) that which a subject would place in most people, probably motivating a subject to reasonably monitor a researcher; and (3) that which a subject would grudgingly place in an adversary, probably causing a subject to carefully scrutinize each word and every action the researcher takes.



The best study on the effects of direct disclosure of per capita payments on trust is one done by Keven Weinfurt and his colleagues (American Heart Journal 2008). However, even he is not clear concerning the forms of “trust” his study addresses. He writes that what his study concerns is “trust in medical research.” To establish a pre-study baseline of “trust in medical research,” Weinfurt asked subjects to rate their agreement with the following statements: “‘Doctors who do medical research care only about what is best for each patient’; ‘Medical researchers tell people everything they need to know about being in a medical research study’; ‘Medical researchers treat people like “guinea pigs”’; and ‘I completely trust doctors who do medical research.’” These questions suggest different aspects of trust. The first question addresses what motivates researchers. The second question speaks to what researchers will disclose to patients. The third question relates to the expected behavior of researchers. The fourth question suggests a global form of trust that presumably would encompass the aspects spoken to in the first three questions.

The question Weinfurt put to reach conclusions about the effect of direct disclosure on trust in researchers and research institutions was: “How likely would you be to agree with the following statements I completely trust Dr. Smith to do good medical research[;] I completely trust University Medical Center to do good medical research.” Here trust is faith in doing good medical research, but it seems that distinct elements of trust have been collapsed into the phrase “doing good medical research.” What does this phrase mean? It seems to relate most directly to the researcher’s technical competence as opposed to concern for subjects, but one can only guess. Even “technical competence” bears major ambiguities: competence in choosing a project, competence in setting up methodology, competence in mechanical tasks, in monitoring, recording data, doing statistics, etc., as suggested in the next sentence. We could address even more specifically—and very importantly—competence to properly administer diagnostic tests and the intervention being studied; to properly enroll and maintain subjects in the study generally; to make enrollment, continued participation, and other decisions in the best interests of the particular subject whose trust is being measured; to fully inform subjects; to do all of the preceding, and more?

Different dimensions of trust or different aspects of a single meaning of trust are inherent in the questions just put. All these dimensions or aspects of trust are relevant to subjects, but to different degrees, often depending on variations among individual subjects. These dimension of trust listed, tentatively, from most to least important to subjects concern strength of belief in whether researchers are (1) making decisions in the best interests of the particular subject (thus protecting the subject across the board); (2) fully informing subjects (thus allowing them to opt out of studies, before and while they are ongoing if the full information and their preferences so dictate); and, more specifically; (3) properly administering diagnostic tests and the intervention being studied (consequently protecting the subject from injury caused by substandard care and maximizing the possibility that the subject might benefit from the studied intervention); (4) properly enrolling subjects in the study generally (hence protecting fellow subjects and the validity of the study conclusions); and (5) competently designing, conducting, and interpreting the study to obtain good data (thereby reaching correct conclusions regarding safety or efficacy of the studied intervention). Of course, a global conception of trust would include all the senses of trust and provide all the protections in (1) to (5). In all of these, there are problems of combining different degrees of different variables. Thus (to oversimplify for illustration), a

subject could have a .7 degree of trust that the researcher has .5 commitment to his best interests but only a .3 degree of trust that the researcher has a .8 commitment.

It is impossible to determine which, or which combination, of these five dimensions or aspects of trust participants in Weinfurt's study had in mind when they answered the questions put to them about "doing good medical research." Once again, the current literature does not sufficiently specify which dimensions or aspects of trust should be, or most often are, studied. Consequently, the best I can do in this article is to speculate about enhanced direct disclosure's effects on various forms or aspects of trust.

The ambiguity concerning what facet(s) of trust are being studied is one of the reasons that direct disclosure's supposed effects on trust *as spoken of in the literature* should have little or no influence on decisions whether to implement direct disclosure. *Because the studies of (or concerning) direct disclosure offer no clear specification of which aspects of the complex mosaic of trust are being investigated, the findings about direct disclosure's supposed effects offer limited guidance, at most, and should have little or no influence on decisions whether to implement direct disclosure.* This is a comment about the utility of the studies, not ultimately about the concepts being studied. A largely new set of studies and analyses is necessary before the literature achieves basic reliability. This is vividly illustrated by the fact that findings conflict as to whether direct disclosure of financial conflicts of interest enhances or diminishes trust (The Center for Health & Pharmaceutical Law & Policy 2010). This is a rather basic failure, and it is not merely empirical—it is conceptual. There has been a failure to recognize and sort through the serious systematic ambiguities of trust, which is reflected in its strikingly different—though obviously connected—dimensions. Thus, the utility of any supposedly "empirical" conclusions about direct disclosure's effects on trust is questionable.

#### Focus On Enhanced Direct Disclosure Of Per Capita Payments

There is a working understanding among most policy makers and scholars that although per capita payments risk excess compensation, they should not be prohibited as necessarily involving such improper incentives in every case (Hall 2010). I take no position on prohibition. At the very least, however, per capita payments should be treated as generally suspect because they risk excess payment and the consequent bad incentives for at least three reasons. First, it is relatively easy to "hide" excess payment in complex budgets. There are many complex variables that can affect the appropriate funding of any particular study at a specific venue and there is a dearth of research on the costs of conducting clinical studies. This makes it very difficult to prove excess payment in a given case (Hall 2010). Second, per capita payments also pose a high risk of excess compensation because they ignore the economic principle of economies of scale. Third, as mentioned above, they can also improperly entice researchers to enroll subjects or keep them on a study when this is contraindicated. The allure of a substantial set amount of money, say \$10,000, for each captured target of opportunity is especially strong.

In this context, my original call for direct disclosure of per capita payments remains important. Again, I now also propose that direct disclosure include an explanation of how a conflict can harm a subject or the public. This is the *enhanced* direct disclosure mentioned earlier. Specifically, again, subjects should be told that per capita payments pose the risk of

excess payments that might bias (in favor of the company funding the study) researchers' decisions concerning the design of the research study, whether and when to enroll or keep each subject, and how to determine whether the data from the study demonstrate that the studied intervention is safe and effective. I make this recommendation for enhanced direct disclosure because otherwise subjects might not understand why they are being informed about per capita payments and risk of excess compensation. (The enhancement of disclosure adds a variable that is not addressed in the studies to date.)

(a) Thoughts About Enhanced Direct Disclosure's Effects On Particular Kinds Of Trust ; (b) Disputed Empirical Questions; And (c) Issues And Tools For Further Research

Six Variables Concerning *Risks* to Trust.

Although the literature does not contain sufficient information to confidently predict the effect enhanced direct disclosure might have on particular forms of trust in any given study, it is useful to consider what actions might be best to take under a series of assumptions that enhanced direct disclosure increases or diminishes *specified* forms of trust. Adequate study requires attention both to the dimensions or aspects of trust under investigation and to at least six variables that map onto the five dimensions of trust (or all of them together). These variables are: (1) the nature of the conflict (e.g., researcher owning stock in the sponsor?; here (i.e., in the hypotheticals below) actually per capita payments); (2) the precise wording and method of disclosure (e.g., enhanced or direct? oral or written?; here enhanced (and verbally and in writing) as specified above); (3) the demographics of the subjects (e.g., social or economic class?; here assume primarily white middle-class males ); (4) the setting (e.g., academic?; here assume non-academic); (5) the dimensions or aspects of trust being studied (e.g., trust that the researcher will honor the subjects' best interests?; assumed here); and (6) the magnitude of the impact on trust, if any (often itself the focus of empirical study). Then one can mix and match various combinations of these six variables in various hypothetical situations (sometimes with specific assumptions such as the subject's affinity or aversion to risk) to generate specific questions for research and analysis. This is a heuristic formulation to help isolate questions and guide further study.

I have just listed variables that need to be addressed in studies of trust and provided an organizational scheme to guide future research. Once the propositions that require empirical confirmation are identified, it can be determined whether some or all of them are amenable to proof in empirical studies that can be ethically done. If certain policy recommendations relating to trust can only be supported by proofs that either have not been made or cannot be made in the future because of practical or ethical restraints, those recommendations should not be pursued--at least at this time. Consideration of the various dimensions or aspects of trust and the six variable identified above suggests how difficult it will be to adduce proofs of the effects of enhanced direct disclosure sufficient to overcome the rights to bodily integrity and autonomy that justify enhanced direct disclosure.

I will use my remaining space to venture representative applications of my organizational scheme having already explained above that the current literature concerning direct disclosure's supposed effects on trust is insufficient to support any objections to direct disclosure. *Before*

*proceeding however, I emphasize, to promote clarity, that the current literature is deficient because it does not specify or control for each of the six variables set forth above, nor does it explain either what dimensions or aspects of trust are involved or why researchers have reached contradictory findings as to whether direct disclosure enhances or, instead, diminishes trust. It is quite possible that, in some cases, “contradictory” results are not contradictory at all because they involve different kinds of trust that are affected differently under different disclosure regimes in different settings.*

### Some Partial Applications Of The Suggested Guide For Future Study

I will now apply my guide for further study to four representative hypothetical scenarios involving the six variables and one of the many different dimensions or aspects of trust mentioned above that are not sufficiently distinguished or considered in the literature. These hypotheticals are representative in the sense that they address whether increasing trust might be good or bad, and, conversely, whether decreasing trust might be positive or negative as well as, in two cases, demonstrate how certain needed studies might be practically or ethically impossible. The goal is to generate questions for study of the impact of enhanced direct disclosure on the various dimensions or aspects of trust. In each of these hypotheticals assume that (1) the conflict disclosed is the use of per capita payments, (2) the wording, conveyed both verbally and in writing, is the enhanced direct disclosure delineated earlier, (3) the setting is outside of academia, (4) the demographic of subjects is primarily white, middle-class males, (5) the aspect of trust to be studied is faith that the researcher will make all decisions with the subjects’ best interests being of paramount concern, and (6) we have done preliminary work to determine a baseline of trust (in the stipulated sense) that would exist without enhanced direct disclosure against which we will judge any increase or decrease in trust. These assumptions allow the study of each hypothetical to center on the direction and magnitude of any effects on trust from the trust baseline without enhanced direct disclosure.

Now for a first scenario, assume (1) the subject has trust in the researcher’s commitment to the subject’s best interests to such a degree that the subject is prone to unqualifiedly submit himself to the researcher’s representations and requests; (2) the studied intervention is known to have serious albeit remote risks, and the subject is generally very guarded and risk averse. A reasonable subject in this scenario might well decline participation, and even more so we might think our hypothesized usually “very guarded and risk averse” subject would, without more, refuse to enroll. Nevertheless, the hypothesized subject’s form and level of trust in the researcher as specified in this hypothetical might well lead him to automatically consent. Based on these assumptions, it would seem that trust in the form and level assumed would be a bad thing because it would likely lead to unquestioning participation on facts that call out for skepticism and scrutiny. The questions for research derived from this case include: (1) does enhanced direct disclosure of per capita payments enhance trust in the form of belief that the researcher will honor the subject’s best interests?; (2) if so, how much will trust be enhanced, and to what level will that raise overall trust when added to any degree of trust without enhanced direct disclosure?; and (3) how will that affect a subject’s decision making—e.g., will it cause the subject to be far more deferential and to forego reasonable (never mind strict) review of issues likely to be material within her own value framework?



Now, for a second hypothetical change just one assumption to suppose that the enhanced direct disclosure *attenuates* the same species of trust. Under these assumptions, it would be beneficial to attenuate trust at least to the extent of creating skepticism that would lead to reasonably strict scrutiny of the researcher's representations and requests. The questions for research derived from this hypothetical include: (1) does enhanced direct disclosure of per capita payments diminish the specified form of trust?; (2) if so, what is the magnitude of this effect?; and (3) how will the subject's level of trust as modified by the direct disclosure affect the subject's decision making—e.g., will it engender a desired level of skepticism?

Conversely, it might thus be argued that direct disclosure could, at least in some cases, attenuate trust, harming researcher-subject relationships and thereby lowering the possibility of therapeutic benefits from a studied intervention as possibly potentiated by a high quality researcher-subject relationship. However, some probes of this possible deleterious effect might not be able to be undertaken for practical or ethical reasons. This is one reason that it will be very difficult for scholars to adduce empirical proofs concerning enhanced direct disclosure's effects on specific facets of trust.

For example, assume another case: First assume that the positive quality of the researcher-subject relationship has been shown to improve subject outcomes through the same mechanisms that have been shown to improve outcomes when a placebo (inactive intervention) is prescribed. (These are actually disputed questions (Malani 2008).) In this sense, improved quality of the researcher-physician relationship would be analogous to a placebo. "Placebo" might be expanded to include relationship quality or, better, relationship quality effects could be labeled "placebo-like." The common idea of course is that an element not therapeutically effective independent from participation in the study may affect outcome measures favorably. To be sure, a therapeutic relationship is not a medicine, device or procedure and isn't literally a placebo (unless perhaps we are talking talk-therapy and its accompanying relationships). Now assume the project is to answer the following questions (put in the same form as before): (1) does enhanced direct disclosure of per capita payments diminish a specified form of trust?; (2) if so, what is the magnitude of this effect?; (3) how will the subject's level of trust as modified by the direct disclosure affect the quality of the researcher-subject relationship and consequent therapeutic effects—i.e., will it harm the relationship so as to negate any placebo-like effect?

Although the questions presented by the hypothetical study are important, answering them via the gold-standard of a double blind study with placebo would require the following groups of subjects: (1) those receiving enhanced direct disclosure and receiving a placebo; (2) those not receiving enhanced direct disclosure but receiving an active experimental intervention rather than a placebo; (3) those receiving enhanced direct disclosure and receiving an active experimental intervention; and (4) those not receiving enhanced direct disclosure but receiving a placebo rather than an active intervention. It is questionable whether such a study would yield valid results and whether it would be ethical. Subjects would unwittingly risk the possibility of not being told pertinent information because of absence of direct disclosure. Those who happened not to receive enhanced direct disclosure would in fact lose an opportunity to consider pertinent information from the disclosure when deciding whether to participate. This would be unethical if, as I have previously established, enhanced direct disclosure currently is presumptively required by legal rights to bodily integrity and autonomy and by basic moral



considerations. The subjects could not be informed about the risk of not being told about a conflict because the very mention of a risk of not being told pertinent information could hurt the quality of the researcher-subject relationship. It would not be possible to isolate the effects of being told about a conflict and being told that one might not be told.

All these permutations of disclosure would also threaten the overriding purpose of isolating the effects of the active intervention as opposed to placebo or placebo-like effects. In the traditional physician-patient relationship one could (in theory) determine the effect of relationship quality on outcomes without the confounding variable of using a placebo. However, the best experimental design in the researcher-subject context requires use of a placebo. Scientific consensus and legal regulation, moreover, demand that efficacy requires a therapeutic effect beyond the effects of placebo (Code of Federal Regulations, Kulynch 1999). This would logically require that therapeutic effect from the studied intervention alone exceed effects from both a placebo and a quality researcher-patient relationship.

Consider one last project: to determine whether enhanced direct disclosure would affect trust in such a degree as to, in turn, eliminate or ameliorate subjects' common "therapeutic misconception" that studies are primarily (though not solely) designed for their therapeutic well-being rather than to determine whether the studied intervention is safe or effective (Morreim 2003, Applebaum 1987, Miller 2003, Coleman 2005). This widespread error that their participation in a study is primarily for their benefit and that they will certainly be given an active studied intervention rather than run a 50% risk of being assigned to a placebo group could lead them to consent to participation when they would not have consented if they understood the placebo and other risks. The therapeutic misconception would also confound researchers in determining whether the studied intervention has sufficient therapeutic effect, beyond the classic placebo effect, to be found "effective." For example, if every subject had the misconception that they were certainly receiving an active substance, any and all beneficial effects could be attributed to a placebo effect. So there are 3 possible "over-effectiveness" distortions: the classic placebo effect (belief there's a 50% chance); an enhanced placebo effect born from the therapeutic misconception (belief there's a 100% chance); and high quality therapeutic relationship (not a placebo effect but structural parallels).

The questions generated by this project include: (1) would enhanced direct disclosure affect trust, taken as faith in the researcher's devotion to the subject's best interests? (2) if so, what would be the direction and magnitude of the change in trust?; and (3) would trust as modified by disclosure help dispel or, rather, exacerbate the therapeutic misconception? What would a study of these questions look like, and would it be doable and ethical?

## Conclusion

In earlier writing I recommended direct disclosure of a major researcher financial conflict of interest, per capita funding—i.e., providing a fixed sum per subject recruited and enrolled in a study. Here I have added a recommendation for *enhanced* direct disclosure. The enhancement in the disclosure is a summary of why per capita and excess payments are being discussed. The reason they are being discussed is because of their risk of introducing bias into researchers'

decisions regarding study design, implementation, and interpretation as well as concerning whom to enroll or keep in studies. I have explained that my recommendations are required by the rights to bodily integrity and autonomy embedded in informed consent. I have identified several arguments that have been made against my recommendations. I have explained that many of the arguments against direct disclosure relate to supposed effects on trust. I have argued that my rights-based recommendations should not be rejected because of objections based on propositions that (a) are conceptually unclear because of a failure to unbundle different kinds and degrees of trust; and (b) have not been empirically proven even where concepts are clarified. In some instances, empirical confirmation cannot be made because of practical or ethical restraints. These restraints include the fact that some of the necessary studies would require invasion of the right to informed consent. Finally, I have suggested and partially applied an organizational method to generate empirical questions and guidance for future research. Even the few hypothetical scenarios addressed demonstrate how complex—and sometimes practically or ethically impossible-- would be the empirical studies necessary to adduce proofs sufficient to overcome the imperative of informed consent.

The logo for the International Association for Future-Oriented Research (iafor) is centered on the page. It features the word "iafor" in a light blue, lowercase, serif font. The text is enclosed within a circular frame composed of two concentric, slightly irregular arcs. The outer arc is a light blue color, and the inner arc is a light red color. The overall design is minimalist and academic.

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*Gogol's overcoat in Taipei, 2011*

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Abstract:

Gogol's short story "The Overcoat" is artistically adapted and directed by Oleg Liptsin, director and professor of drama in different parts of the world. The version performed in Taipei in 2011 is a two-character play. Aicheng Ho plays the main character Akaky, an impoverished government clerk. Her performance is mostly based on her trainings in Paris, which conveys important artistic elements emphasized by the three best-known theater directors: Artaud, Grotowski, and Brook. Wenpin Lin is the narrator, proficient in Chinese crosstalk, *Xiangsheng*, and presents his role in much of a traditional Chinese art form. Liptsin and his teammates have made possible an integration of the 19th century text and a blend of modern technology, adopting Western and Eastern performing arts. This interactive theatrical performance with a modern experimental approach does unprecedentedly reveal the profound moral inherent in Gogol's masterpiece.

Key words: Gogol, Liptsin, *Xiangsheng*, integration, interactive

## Gogol's *Overcoat* in Taipei, 2011

Gogol's short story "*The Overcoat*" has been adapted in films, ballet, and play. The story centers on the life and death of the main character Akaky Akakyevich Bashmachkin. Its modern version in Taipei in 2011 performed at the National Theatre, is a two-character play, with Wenpin Lin, the narrator, and Aicheng Ho, playing Akaky. It is artistically adapted and directed by Oleg Liptsin, and produced by International Theater Ensemble (ITE) in commemoration of the 200th anniversary of the great Russian author, Gogol. Liptsin creatively presents his own particularities, adopting the artistic elements and a blend of technology: live acting with the emphasis on movement, live narration with musical-singing elements, shadow puppets theatre tradition, remote controlled surrealistic robots, new interactive video projection technique based on the cutting edge body-tracking software.<sup>1</sup> Liptsin's Akaky seems to be living in the 19<sup>th</sup> and also the 21<sup>st</sup> century, when the significance of individual life is diminished because of the inevitable technological expansion. This is a new presentation of the 19<sup>th</sup> century text, with a style that integrates traditional and modern forms of performing arts and unprecedentedly reveals the profound moral inherent in Gogol's masterpiece.

Nikolai Gogol is a Ukrainian-born Russian dramatist and novelist, and influences Russian literature tremendously. "*The Overcoat*" is regarded as a philosophical tale in the tradition of a stoic philosopher or Schopenhauer, famous for his pessimism and philosophical clarity. The name of the main character, Akaky Akakyevich Bashmachkin, is similar to "John Johnson," a role as an "everyman." "Akaky" is "poop" in Russian, and "Akakyevich" means "to smear with excrement." Originally "*Akaky*" means "harmless" or "lacking evil." in Greek The surname "Bashmachkin" is a type of shoe meaning: "under someone's thumb" or "to be henpecked." The miserable Akaky is an impoverished government clerk and copyist in the Russian capital St. Petersburg, a titular councilor, but very dedicated, and taking special relish in the hand-copying of documents. His irreparable old coat represents his poor status in life, which is always the butt of the other clerks' jokes. With a low position in the bureaucratic hierarchy, the introverted Akaky looks hopeless, but he is happy and contented in his own isolated world. He does not step into the real social world, until one day he owns a new overcoat, which evokes his self-esteem and more expectations in life.

From that time onwards his whole life seems to be richer, as though he married and another human being was by his side. Because of this new coat, he is invited to a great festival, an unusual occasion to him. That night after the party hosted by his clerk superior, Akaky goes home far later than usual. Two ruffians confront him, take his coat, kick him down, and leave him in the snow. The transient bliss Akaky is savoring is thus completely destroyed. Being socially inept, he fails to find any help in bureaucratic departments. Finally he is advised to ask help from a "Very Important Person," a high-ranking general, who habitually belittles subordinates in attempting to appear more important

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<sup>1</sup> ITE website: <http://www.internationaltheaterensemble.com/nose.html>



than he truly is. This VIP does not in the least care such a trivial matter Akaky has brought forward. A merciless rebuking is thus provoked, which contributes to Akaky's fatal illness. In his last hours, he is delirious, imagining himself again sitting before the VIP, who is again scolding him. As he sighs his last breath, he curses the general. Soon after his death, Akaky's ghost is reportedly haunting areas of St. Petersburg, taking overcoats from people. It is said that after the ghost has frightened the VIP terribly and taken his overcoat, it disappears forever.

It is thought-provoking to read the elegiac passage near the end of the story after Akaky's death:

Akaky Akakyevich was taken to the cemetery and buried. And St. Petersburg carried on without Akaky, as though he had never lived there. A human being just disappeared and left no trace, a human being whom no one ever dreamed of protecting, who was not dear to anyone, whom no one thought of taking any interest in, who did not attract the attention even of a naturalist who never fails to stick a pin through an ordinary fly to examine it under the microscope; a man who bore meekly the sneers and insults of his fellow Civil Servants in the department and who went to his grave because of some silly accident, but who before the very end of his life did nevertheless catch a glimpse of a Bright Visitant in the shape of an overcoat, which for a brief moment brought a ray of sunshine into his drab, poverty-stricken life, and upon whose head afterwards disaster had most pitilessly fallen, as it falls upon the heads of the great ones of this earth! (Gogol 265-66)

This is what the original story values most: the unique humanistic qualities and compassionate attitude towards each and every human creature. In Gogol's description, the main character Akaky is an underdog and social misfit, but he is not treated as a nuisance or a figure of fun, or an object of charity. Akaky is only a human being, who has as much right to happiness as anyone else. As a petty bourgeoisie, Akaky is like those counterparts, mentioned by Agamben in "Without Classes," who cannot be granted an individuality even by death itself:

The fact is that the senselessness of their existence runs up against a final absurdity, against which all advertising runs aground: death itself. In death the petty bourgeois confront the ultimate expropriation, the ultimate frustration of individuality: life in all its nakedness, the pure incommunicable, where their shame can finally rest in peace. Thus they use death to cover the secret that they must resign themselves to acknowledging: that even life in its nakedness is, in truth, improper and purely exterior to them, that for them there is no shelter on earth" (Agamben 64-65).

Liptsin's version skips the final scene about Akaky's ghost taking overcoats from other people in St. Petersburg. But he keeps the scene of the ghost haunting about, which obviously conserves Gogol's essential compassion toward this poor civil servant for the return of his stolen overcoat. It is a two-character play, with a lot to be left out, and a lot to be proficiently kept. Liptsin is currently the artistic leader of ITE, and works as director and professor of drama in different parts of the world. He was awarded a National Award for Experimental Work in Theatre by the Theatre Union of Ukraine and won the "Best Director" award and 4 nominations for "Best Director" and "Best

Actor” in Ukraine. His doctoral research is to explore the usage of “Theatre As A Game” methodology in modern theatrical education. His most recent directing credits include “The Nose” and “The Overcoat” by N. Gogol, “Outcry” by T. Williams, “A Propos Of The Wet Snow” by F. Dostoevsky, “The Gamblers” by N. Gogol at Podol Theatre in Kiev, “Happy Days” by S. Beckett, the ITE production in San Francisco and Berkeley. During his stay in Taiwan, he was very gentle and modest in front of the students anxious to learn from him, in spite of his magnificent international reputation.

Liptsin is more than eligible to interpret Gogol’s story because of his Russian and Ukraine background. Being an artistically thinking person, he listens to the wise voice of the true philosophy in the original story, and finds vividly expressed wisdom in it. In Liptsin’s version, there are elements to be found in the books written by Antonin Artaud, Jerzy Grotowski and Peter Brook. Artaud advocates the idea of “no more masterpieces” on the stage, saying that “we must get rid of our superstitious valuation of texts and *written* poetry”(78), and urging to create “a metaphysics of speech, gesture, and expression”(90). But he never renounces the metaphysical ideas in literary masterpieces. The “texts” should not be relied on, as Artaud insists, but “the notion of a kind of unique language half-way between gesture and thought” has to be recovered. What his theater can still take over from speech is its “possibilities for extension beyond words” (89), depending on the soul of the classics, the indispensable philosophical elements. This play reveals much of Artaud’s theatrical idea about the theatre being like “the plague,” contagious, but mostly “the revelation, the bringing forth, the exteriorization of a depth of latent cruelty” (30). It indeed possesses “immediate and violent action,” mentioned by Artaud (84), absolutely different from the other media, movies for example. The *mise en scene* of the play is considered, not as “the reflection of a written text, the mere projection of physical doubles that is derived from the written work,” but as “the burning projection of all the objective consequences of a gesture, word, sound, music, and their combinations” (73).

Liptsin’s theatre is like the one Peter Brook has remarked in his book *The Empty Space*, “The Theatre of the Invisible-Made-Visible” (42), referring to the stage as a place where the invisible can appear and has a deep hold on our thoughts. With small means, intense work, rigorous discipline, absolute precision, Liptsin makes possible an ideal performance. In his version, Liptsin quite lives up to Grotowski’s idea of “a poor theater,” which is explained by Grotowski in an Interview with Wywiad z Jerzym Grotowskim, from TVP documentary in Polish, in 1968:

... if we eliminate the kind of effects from the so-called ‘total’ theatre, circus effects, rich mechanical scenery, changing decorations etc. And so via these kinds of elements, music and lighting somehow return via the living person. This was the principle of reduction, to see what can be removed and find the essence of theatre. [...], taking away all the rich elements that are unnecessary.” Liptsin’s theater is by no means a “total” theater, but quite a “poor theater.

On Liptsin’s stage, there is only a chair, a table, and a big screen with certain functions to be discussed later. Liptsin has made a big frame with a shape of an overcoat fixed in the middle of the

stage about half an hour before the start of the play. The moment the narrator starts his story, the “frame” shudders a little, and bubbles out a head—it is Ho as Akaky in his shabby overcoat. This is a very interesting and creative way to introduce the actor to the audience. This symbolic frame appears at the beginning and also near the end of the play, when Akaky confronts the VIP. After being mercilessly rebuked, he shudders in fright, shrinking into his tattered overcoat frame again, which symbolizes the end of his life.

The actor, to Grotowski, is always a centre of attraction. He puts great emphasis on some ideas about “the actor in a poor theatre,” expounding in “The Theatre’s New Testament” that the actor should undertake an act of self-penetration, reveal himself and sacrifice the innermost part of himself. The actor must be able to express, “through sound and movement, those impulses which waver on the borderline between dream and reality. In short, he must be able to construct his own psycho-analytic language of sounds and gestures in the same way that a great poet creates his own language of words” (Grotowski 35). In the abovementioned interview, he mentions that the actor should create “from himself a kind of music, even the sound of his feet on the floor becomes a kind of rhythm and music, and his voice becomes a song.” Liptsin is advisable to choose Aicheng Ho to fulfill the task of the performance. Aicheng Ho, a member of ITE, a movement and modern dance performer, perfectly interprets a role of this impoverished little man solitarily living in an isolated world.

Ho doesn’t say much in the play. She mostly half-pantomimes, making excellent use of her body language, and facial reaction into introversive and extroversive impulses. She is able to complete what Artaud has emphasized: “The overlapping of images and movements will culminate, through the collusion of objects, silences, shouts, and rhythms, or in a genuine physical language with signs, not words, as its root (124). Her facial expressions, hand gestures, and body movements, combined with the narrator’s exciting articulation, completely draw all the spectators’ attention. In Artaud’s opinion, a good actor should be able to do as follows: “His spectacle demonstrates the irresistible expressiveness of gesture; it victoriously proves the importance of gesture and of movement in space. Ho restores to theatrical perspective the importance it should never have lost. He fills the stage with emotion and life” (145). No doubt, Ho herself is an amazing composition of the role. She successfully represents the soul of the whole scene. Very much measuring up to an ideal performer in Grotowski’s theater, she is well trained in physical and plastic exercises, and exercises of the facial expressions. Ho moves extremely freely on the stage, crouching, curling, squatting, stalking intermittently, or somersaulting, turning, and dancing to the music so plastically. She possesses what Grotowski asserts: “a sensation of being extremely light, soft and elastic like foam rubber” (140). Her emotional changes on the face are conspicuously visible—happy, complacent, imploring, melancholic and the spooky apparition on the final scene after Akaky’s death.

According to Grotowski, an actor should work through exercises to seek constant ideograms and the immediate and spontaneous composition, which ideas he has got from the Peking Opera. And he

insists that the “starting point for such gesticulatory forms is the stimulation of one’s own imagination and the discovery in oneself of primitive human reactions the final result is a living form possessing its own logic. These exercises in composition present unlimited possibilities” (Grotowski 142). He gave an example of “The blossoming and withering of the body”: “Walking rhythmically. As in a plant, the sap rises, starting from the feet and spreading upwards through the entire body, reaching the arms which burst into blossom as indeed does the whole body. In the second phase, the limbs-branches wither and die one by one” (142). What Ho has presented exactly matches Grotowski’s ideas. She is by all means a rigorously trained actor, walking rhythmically on the stage, and doing all the gestures, prompted by the narrator, Wenpin Lin, the other dominator in the performance.

Wenpin Lin owns a beautiful roaring voice, articulating the words clearly, strikingly and affectionately. He is able to successfully control the functioning of the respiratory organs, called “total respiration” by Grotowski in the article: “Actor’s Training” (148). Total respiration is the most effective for the actor, and can be trained by methods used in “classical Chinese theatre.” (149). Lin possesses wonderful resonators to compress the column of air into the particular part of the body selected as an amplifier for the voice, amplifying “the carrying power of the sound emitted” (153), on which function Grotowski lays great stress. Lin brilliantly takes on his job as the narrator, mostly on the basis of traditional Chinese Xiangsheng. Xiangsheng<sup>2</sup>, or called “Crosstalk,” is a traditional Chinese comic performance featuring jokes and funny dialogues. Originated in Beijing, the art is popular across the country, deriving from the “imitating shows” of the Song Dynasty. In the late Qing Dynasty, Xiangsheng matured and developed into an art with unique features and styles, mainly performed in Beijing dialect. In the course of development, Xiangsheng absorbed the essence of different art forms like vocal imitation, and storytelling. It rose as a performing art that implies sobriety in humor, presenting the true, the good and the beautiful through satirical puns, and bringing laughter to the audience. Modern Xiangsheng is made up of four artistic skills— speaking, imitating, teasing and singing. It can be performed in the form of a monologue, dialogue or a multi-player talk show. A traditional Xiangsheng player either satirizes odious practices of old China or reflects various social phenomena through humorous storytelling.

The narration is mostly presented with Lin’s monologue xiangsheng, partially combined with another amazing art form, *Zhuban Kuaishu*,<sup>3</sup> the so-called “Chinese rap.” *Zhuban Kuaishu* can be traced back decades ago, when the performers told stories in streets, or small-sized recreation places. It is an art form of “Speak and Sing,” accompanied with the hitting of the bamboo clappers. The “rhythmic storytelling to clappers accompaniment” abounds in popular figures of speech, and the “rhyme” is continuous throughout, like tongue twisters. The performer needs to beat the flapper constantly in rhythm, and the rhythm usually becomes faster and faster. That is how the art gets its name, *Kuaishu*, which means the speedy storytelling in Chinese, and *Zhuban*, referring to the

<sup>2</sup> <http://traditions.cultural-china.com/en/17Traditions1836.html>

<sup>3</sup> [http://library.taiwanschoolnet.org/gsh2008/gsh5160/web\\_en/history01.htm](http://library.taiwanschoolnet.org/gsh2008/gsh5160/web_en/history01.htm)



bamboo clappers. The articulation of standard Chinese is indispensable, and the tune should be mellow and full, in a loud and clear voice. It is fast, but not disordered; slow, but continual. The gestures of the performer's hands, eyes, body and steps should be steady but not confused, with a natural role-play, abundant expressions, and humorous content.

Wenpin Lin is nicknamed "Prince Zhu-Ban," because of his well-known proficiency in this traditional art form. His marvelous monologue *xiangsheng* constitutes most of the narration, interspersed with "*Zhuban Kuaishu*" and Beijing opera arias, thus extraordinarily enriching the delineation of the story. He has taken charge of various personae in the performance, and the transferring among the roles is done fluently. When Akaky goes to ask the tailor to have his ragged overcoat mended, Lin puts on a pair of glasses, folding the front piece of his robe as an apron, and he becomes the tailor, Petrovitch, immediately and spontaneously interacting with Ho. It is Petrovitch who tells Akaky that he needs a new overcoat. When Akaky wears his new overcoat to attend a sub-chief's party, Lin becomes the host of the party stepping toward the spectators asking them to join the party too. When all the spectators cheer for Akaky's new coat together, the barrier between the stage and the audience seems to have disappeared at that very moment, just like what Artaud has advocated: there should be "a direct communication" established "between the spectator and the spectacle, between the actor and the spectator"(96).

When Akaky goes to the watchman to report about his overcoat's being robbed, Lin is the watchman now, and tells Akaky to go to the police to lodge a complaint of the theft. When the exhausted Akaky goes to see his landlady, again Lin is "she," who advises him to report the theft to the district police chief himself. Lin transfers again, being the chief now and treating Akaky maliciously. A coworker of Akaky's advises him not to rely on the police but should lay his case before a certain "prominent personage," who would speedily attend to the case. Lin thus again becomes the "big man," who excoriates the intimidated Akaky, because he does not go through the proper government channels to get an interview. Poor Akaky is yelled and scolded by Lin playing the Very Important Person. Actually, it is by Lin, but by Lin's image on the big screen. As is mentioned above, Liptsin's project always involves the cutting edge body-tracking software. It is the use of a data projector, an infrared camera tracking system for lighting the moving body of a performer to create its projected image. The projected shadow figures expelled by the performer take on a dramatic form of their own and influence the behavior response of the performer. Lin publicly uses a mobile phone on the stage, which contains the integrated projection technology beaming DVD quality video onto the screen.

Lin's big image there vividly creates a frightening effect on Akaky. With the story going on, this big screen on the stage impressively projects a variety of images, including anything that Akaky is drawing, the movable scenes of St. Petersburg's streets, the snowy weather there, Akaky's office, and the shadow puppet of Akaky walking behind the screen. The credit goes to Liptsin's teammates, the shadow puppets director, and his Shadow-Light Productions, surrealistic robots'



creator, video artist software developer, and the local costume designer. The whole play is a joint effort of all those internationally and locally acclaimed artists and companies. Liptsin and his teammates contribute to a great possibility of profoundly combining a Russian Classic with Western and Eastern artistic elements, and modern technology. This interactive theatrical performance is indeed an applause-worthy success. As to most audience of the IT-era, such an experimental modern approach can absolutely attract them to re-enter the theater, temporarily getting away from other commercially-oriented mass media, and bringing back the long-obiterated indulgence in a thought-provoking stage play.

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*Ethics and Globalisation in the Work of Zygmunt Bauman*

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Abstract:

This paper focuses on the question of ethics and globalisation in the work of the Polish sociologist, Zygmunt Bauman. By problematising modernity in terms of a double logic that proffers both emancipation and domination, the paper focuses on his account of the quandary of the ethical subject who, in the face of the seductive pressures of global consumerist opulence and its individualist art of liberation, is forced to stand up to them alone yet is morally ill equipped to do so. The competing Nietzschean and Levinassian ethical positions Bauman suggests we are confronted with are examined and, while he favours the latter, it is argued that his solution to escape this ethical bind demands too much, too late. Specifically, Bauman does not adequately delve into the place of globalised technologies within the structures of consumerist opulence; secondly, he misappropriates the concept of creative destruction from Joseph Schumpeter, such that the ethical ills Bauman uses it to highlight are incapable of the cure he advocates; and, thirdly, Bauman's concept of the autonomous moral subject overlooks the power relations that are part of the constitution of subjectivity, which means his concept of freedom lacks the ethical import he asks of it. Despite these reservations about Bauman's ethics of consumption designed for today's global world, the paper concludes that his virtue is his capacity to enlarge our interpretive horizons. Indeed, Bauman helps define one of the tasks of critical thought today as that of pursuing an ethics appropriate for subjects interpolated into subjectivity through liquid modern global consumerism.

## **Ethics and globalisation in the work of Zygmunt Bauman**

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### **Introduction**

The problematisation that has preoccupied Zygmunt Bauman is that of modernity. In particular, he excels in conceptualising modernity's ambivalences, or those things which, precisely because they can be assigned to more than a single conceptual category, are often subject to a "differentiating power [that] hides as a rule behind one of the members of the opposition..., [which] is but the other ... (degraded, suppressed, exiled) side of the first and its creation" (Bauman, 1991: 14). Given Bauman is a trenchant critic of modernity's contemporary apparition as globalisation and its structural effects upon our capacity for autonomy, the purpose here is to examine his account of the constitution of ethical subjectivity today. In particular, does Bauman offer us way out of the impasse of the consumption of ethics by the ethics of consumption?

In section one we draw on Bauman's 2008 monograph, *The Art of Life*, and flesh out this claim in terms of how the pursuit of happiness through the act of consumption, which leads down a dark tunnel of unfulfilled individualisation that estranges us from both our social context and other individuals, has been encouraged by an ideology of privatisation. Indeed, were it not for the political choices made by neo-liberal governments in the cockpit of globalisation, things according to Bauman would be different. Section two then looks at how neo-liberalism culminates in what he calls the centripetal self, whose ethics boils down to a programme of ego care, which is juxtaposed with its antidote of an ethics of being for others of the centrifugal self that Bauman implores us to assume. Finally, the conclusion questions his argument along two possible fault lines: firstly, in its diagnosis of the individual's moral predicament and, secondly, its prognosis of how to become a true moral subject whose acts are selfless because motivated by a responsibility for the other. It is suggested, however, that Bauman's virtue is his ability to expand our interpretive horizons. In this particular instance he shows how political choices have been made about which stones to use to pave the moral paths down which we have travelled so far, such that we are left with a keener sense of the direction in which we might want to go and the ethical responsibility for the stone laying that awaits us if we decide to go ahead.

### **Beings in consumption**

In his recent work Bauman explores how, as subjects interpolated into giving our lives purpose and form, we nonetheless lack as individuals the skills and resources necessary for our "life

politics strategies” that are designed to realise a meaningful existence (Bauman 2008: 3). Moreover, the latter is only exacerbated by the constantly changing conception of happiness itself, which is due to our perception of it as a hope rather than a state, as a liquid that slips through our hands as soon as it is grasped instead of a solid that we can keep hold of and cherish. At first sight pursuing a line of investigation into happiness seems counter-intuitive for, as Bauman (2008: 1) writes, asking what is wrong with happiness is akin to asking “what is hot about ice or malodorous in a rose”? But there is evidently something amiss, as rising levels of material welfare have not only failed to correlate with rising levels of happiness in wealthy countries, such as the USA, France or Britain, but in fact show signs of an inverse relationship. Yet delving into the paradox of the GDP-based measure of happiness is but a prelude for Bauman to introduce his latest thesis, which is the intimate bond between the pursuit of happiness and its realisation through instantaneous consumption. To a large extent, this relationship can be traced back to the deliberate extension of the process of commodification, in which a market logic extends beyond mere relations of production to encroach upon all aspects of life (Bauman, 2008: 41). The result is that “every item of culture becomes a commodity and becomes subordinated to the logic of the market either through a direct, economic mechanism or an indirect, psychological one” (Bauman, 1987: 166). It is this logic which, over the preceding three decades, has enabled the roads we have followed in seeking happiness to be deliberately redesigned by political choices that are encapsulated in what Bauman (2008: 88) terms an ideology of privatisation, wherein “thinking about a ‘totality’ and composing visions of a ‘good society’ are [seen as] a waste of time, since they are [deemed] irrelevant to individual happiness and a successful life”. These ideologically paved roads now lead through shops, which is perhaps bad enough in itself, though as always Bauman goes one interpretive step further to articulate the consequences.

What the commodification of happiness implies is that the pursuit of it can have no final destination. We have come to substitute after purchase bliss with the act of shopping itself, or the ends with the means, as is our lot in liquid modern – specifically technologically – individualised society, with two moral corollaries that flow from it. Firstly, Bauman (2008: 12) claims, “labels, logos and brands are the [new] terms of the language of recognition”. In a society in which happiness is no longer a state of being – of something to be achieved, had and enjoyed – but the hope of being happy, individuals are apt to assemble, and to just as quickly disassemble, their identity as it can only ever be an achievement thrown out for momentary affirmation. Our existential destiny is to be constantly on the move in search of the sensation derived from the “state of being on the way” to what essentially boils down to nothing other than the possibility of being happy (Bauman, 2008: 28). As a result, secondly, those who are ceaselessly trying to *bricoler* an identity are necessarily turned in upon themselves, not least because consumption does not produce the desired security and satiety. Instead, there is escalating anxiety about what tomorrow’s trend is going to be and if it will be within one’s financial grasp, let alone whether one is actually consuming the latest thing, for how long does the latest last in fashion conscious consumption? Hence, Bauman (2008: 87) says, we can better understand the incitement of French President, Nicholas Sarkozy, upon his election in 2007, namely, that “it is good to work harder and longer hours in order to get rich”.



Not surprisingly, in a society of oniomaniacs one-upmanship becomes the name of the game to overcome identity diffidence. Individuals who are compulsive consumers on the road to the hope – and emphatically not the end-state – of being happy find it is a full-time occupation that has no need of others, nor indeed allows any place for them. Time devoted and spent with them, notions of self-sacrifice for others or attachment to them fall by the wayside for individual narcissists whose carefree notion of moral commitment amounts to engaging in justice for themselves, rather than on behalf of the injustices suffered by others (Bauman, 2008: 42-44). In any case, the competitors undertaking the journey in the name of the hope of happiness only ever have a brief insight into the troubles of the less fortunate others that they whiz past, who are either relegated to the role of spectator, socio-economically bivouacked along the road or kept out of the game altogether by a politics of security and surveillance. Ethics, in short, is the main casualty of hoppers of happiness in a consumer society in which politics foists moral agency upon them as a duty and responsibility that must and can only be attained alone.

According to Bauman, the often thwarted hope of being happy, as well as the radically contingent nature of such a hope if ever attained, is as much a sociological problem as it is a philosophical one. What he calls the miseries of happiness is partly a question of definition, as any clear-cut notion is inevitably at the expense of any consistent account of it. Still, Bauman (2008: 31) says, if happiness is a universal human yearning that we all cherish, which in turn is fuelled by the desire to demonstrate the eternity of being and the concomitant existential predicament of wanting to slow “down time and deprive[e] it of its eroding powers”, it comes packaged with an inkling, if not a warning sign, of the apparent impossibility of its accomplishment. Notwithstanding, like Odysseus’ soldiers seduced by the songs of the Sirens, this does anything but dampen our insatiable desire for happiness. *Au contraire*, as is the case with any scarce good that is coveted, and nowhere else is this more evident than in liquid modernity – its solid predecessor having been characterised by the absence of unhappiness that was found in daily routine, adherence to norms and conservative expectations – which Bauman (2008: 46) says is powered by the cultural, social and economic consequence of the pursuit of happiness. This Nietzschean will to happiness is radically boosted by the uprooting of individuals, who are driven by a brazen egotistical self-fulfilment, so that the switch from any end state of being (objectively) happy to the (subjective) pursuit of it signals the point at which a society crosses the “threshold of modernity” (Bauman 2008: 29) which, as Foucault (1990, 142) similarly noted and who Bauman perhaps has in mind, coincides with the individual “gradually learning what it mean[s] to be a living species in a living world” as the state takes charge of life and our biological existence “passe[s] into knowledge’s field of control and power’s sphere of intervention”.

## **Ethics and happiness**

How then do individuals go about pursuing happiness today and what is problematic about it from a moral point of view? Bauman's reply is to identify the ethical practices through which we are invited to articulate, as well as seduced into constituting, ourselves as artists of life. At its core, being an artist of life implies a particularly modern assumption, namely, that one can

make a difference in and to the world. Of course, the evidence of the precise difference is well nigh impossible to discern – Pascal had already realised as much by 1669 when in *Pensées* he noted our insignificance in comparison with the infinite that engulfs us – but it functions as an existential heuristic device that pushes subjects into action as if it mattered in respect of making something of themselves. As such, we come to see ourselves as artists that create and shape things, especially ourselves, and the fact that we approach “life as a work of art” is linked to the human condition of will and freedom of choice (Bauman, 2008: 53).

In reference to the ethico-political tension raised above, which to recall is the perplexing dilemma of modernity of reconciling liberty and security, Bauman suggests that when the bearers of will, agents, confront sources of belonging through which recognition is attained, it is ironically in terms of the latter as an exogenous structure that is anything but a matter of choice. Nonetheless, this antagonism between will and freedom, or moral agents who must seek affirmation in the background practices through which they are constituted, cannot be transcended. We are not autarkic islands of spontaneous freedom but dialogical beings who depend on others, which is why Bauman (2008: 71) suggests there is “little point in the art of life unless there is some hope, if only a hazy one, that the *objets d’art* it produces will be admired”.

Historically, treating our life as a work of art has taken form in numerous ethical practices, from strategies of stoical self-retreat to those of platonic abstraction that denigrate the body, which are subsequently latched onto by Christian thinkers who, apart from the need to promote spiritual values, used it as a plausible strategy to “explain (and, hopefully, argue away) the pain and misery of the brief earthly existence” of most people in the pre-modern world (Bauman, 2008: 32). While Bauman finds more moral mileage in the Christian art of life, it is the Stoic position of self-sufficiency and self-mastery that he finds wanting, partly because it is a prelude to the individualistic approach to the art of life that was to come – Socrates of the early dialogues was the first “self-made man” and master of “self-creation and self-assertion” (Bauman, 2008: 79) – and in part because of the way in which it gets taken up by Nietzsche, or rather his interpreters today, for “[o]urs is the time of Nietzsche’s resurrection” (Bauman, 2008: 121).

In this regard, life as a work of art in modernity has evolved and Bauman demarcates solid modernity from its liquid offspring by forms of the art of life that are specific to each. In a rare personal tone to his writing, Bauman (2008: 55) undertakes an excursus in *The Art of Life* and claims that, for past generations to which he belongs, a work of art meant making life into something of “lasting value, imperishable, resistant to the flow of time and the caprices of fate”. Here, Jean-Paul Sartre’s gauntlet of a *projet de la vie* was the blueprint, imploring as it did a meta-choice of ethical commitment to which all else was subordinate along the mapped out route to its realisation for a generation at its summit in the mid-twentieth century and who “were cast in a context in which all the ambivalence of the human condition spawned by the self-contradictory and often self-defeating processes of modernity was at its most acute and most creative at the same time” (Bauman cited in Tester, 2004: 5). Moreover, successive

situations and challenges were not distinct episodes but “stages of a predesigned itinerary ... [in the] pilgrimage to a destination designed once and for all” (Bauman, 2008: 74). Bauman (2008: 73) contrasts the Sartrean vision of ethical self-formation and moral engagement with that of “creative destruction”, which is attractive to “many people, particularly to young ones”, today. Its pulling power is the flexibility it offers them, for like much of contemporary art what is cherished above all are happenings, where the only certainty is the uncertainty of what will happen during the life of the exhibition, and installations, which are patched together from brittle, perishable and discardable elements with only the short-run life of the exhibition in mind.

If subjects follow circular strategies of life in an attempt to make themselves into an artistic creation that no sooner is admired than it is destroyed, there is an archetype that predominates and an alternative that Bauman invites us to reflect upon, if not to urgently take up. Insofar as liquid modernity is characterised by uncertainty and ambivalence, it constitutes what Bauman (2008: 107) describes as the “home ground of the moral person”. It throws us into a position of responsibility for the other that implies an ethical duty to care about her needs. However, the archetypal response to this calling is the Nietzschean position in which responsibility is uncompromisingly to and for myself. It is only my interests and desires that matter, such that there can be no gesture of self-sacrifice towards the other, who ends up as the victim at the other end of the adiaphorized relations that link subjects in the commodified network of the social world. Bauman (2008: 122) portrays this Nietzschean subject as a centripetal self, for whom ethics is tantamount to a “programme of ego care, ego enhancement and altogether *self-referential* concerns”. In contrast, and by way of an alternative, Bauman speaks of a Levinassian archetype. He calls it the centrifugal self, for whom ethics is the “prospect of care and concern for the Other – and the happiness of being for” (Bauman, 2008: 122). The advantages of the centrifugal self is that it also encapsulates its Nietzschean rival’s desire for self-fulfilment. Concern for the well-being of others has a centripetal effect, as care for an other can only enhance my well-being as well.

The question that springs to mind is why the centrifugal self might be on the wane. To be sure, the adiaphorisation of inter-subjective relations in the commodified network of the social world does not help matters. In the Machiavellian market, choices are rendered amoral. For agents in for the free moral ride, and so necessarily exonerated from responsibility, the norm for some is to pop Viagra in the evening, while for others it is to take the morning after pill come daybreak (Bauman, 2008: 109-110). Because of his adherence to the “conversational image of interpretation and understanding” that is better suited to a literary public than a pedantic academy (Beilharz, 2001: 1-2), Bauman similarly castigates philosophers and theologians who have tried in vain to dissuade us from a centripetal life of self-interest, often by outlining the rewards of a life devoted to the care of others, while the “self-proclaimed masters of foolproof ... research methods”, the sociologists, are not beyond disparagement either for their inability to explain why at crucial moments centrifugal selves choose to do good over evil (Bauman, 2008: 94-97). In the end, Bauman argues, the subject who cares for the other does so because of nothing other than free will, which for Bauman is a spontaneous expression devoid of any ulterior motive that makes true moral acts into intrinsically free choices.

In short, we can succumb to the overwhelming force of social structures imbued with consumerist opulence and carve out an existence that is thoroughly unconcerned with the other, or we can act as an ethical self who, when confronted by the other, has an unconditional impulse towards her that is not determined by a reciprocity of care but a will to take responsibility for the other precisely because she is weaker. As Bauman (2008: 124) concludes, facing up to “ethical responsibility, taking on that responsibility, *assuming responsibility for that responsibility*, is a matter of choice”, and while the sets of choices that confront us originate with “fate and its guerrilla troops, accidents” (Bauman, 2008: 103), what ultimately determines which choices are made is an inner moral voice that tells me the choice could not be otherwise. Being ethical, therefore, is not a question of being stronger than, or more enlightened about the limits of, the centripetal mode of the art of life, but of moral character, which clarifies Bauman's (1993: 13) earlier claim that “moral responsibility is a mystery contrary to reason”. Centrifugal selves are simply better and becoming one is the ultimate choice that we all must confront, nowhere more so than in liquid modernity where the pursuit of happiness is best understood as a double-edged sword.

## Conclusion

In conclusion, several observations on Bauman's account of the consumption of ethics by the ethics of consumption spring to mind. Firstly, in rightly speaking of happiness as an existential predicament, Bauman understandably highlights what from his point of view is the mistaken route down which liquid modern subjects have ventured that ends in the cul-de-sac of centripetal selves. His explicit advice is to turn back and take up the position of the centrifugal self and her moral imperative of responsibility vis-à-vis the other that at the same time encapsulates a freedom of choice worthy of the name. Albeit in keeping with Bauman's (1991: 51) earlier views that the postmodern pluralisation of power promises to return “moral responsibility for action to its natural bearer: the acting individual”, it might be argued that a clearing of the technological conditions of possibility for the existence of solitary naval gazing pursuers of the hope of happiness – which Bauman (1998: 18) has broached in the past, though only in passing as a variable to explain globalisation's “*annulment of temporal/spatial distance*” – might fall on more receptive ears than his somewhat moralising tone of late. Instead of Bauman's stick approach that is designed to cajole us towards the centrifugal carrot, bringing these technological conditions to the fore, together with the environmental risks and dangers they engender, might just provide us with enough of an incentive to look beyond ourselves, to future generations and cultures across spaces, which today increasingly fall within our moral horizons, too.

Secondly, such moralising may in any case carry little weight. Indeed, in the crossing of the threshold of modernity with artists of life who are responsible to and for nothing other than themselves, we may equally have crossed the moral Rubicon, too. Although Bauman refers to the centripetal artist of life's penchant for creative destruction, the idea as developed by its



originator, Joseph Schumpeter, is a wake-up call – from the world of political economy to those who believed in a radical alternative to free market capitalism – to abandon their revolutionary dreams and to work for transformation from within. Part of the reason why the revolution never got off the ground was that capitalism leaves no room for alternatives. Its fascination as the centre of analysis for any critical philosophy is that capitalism is “an immanent system that's constantly overcoming its own limitations” (Deleuze, 1990). As Schumpeter well realised, it prospers by destroying its offspring through a process of continuous creation that saps the energy of those who resist it, while despite capitalism's almost *de rigueur* denigration from the academy it nonetheless has high attraction powers due to the endless possibilities it offers to mortals now fully aware of their finitude, yet screened from any real appreciation of death by a society that has not only pushed back its frontiers but sanitised our increasingly rare confrontations with it as well. Not surprisingly, those creatures moved more by custom and habit than liquid values and constant change, whence the centripetal self, are often left by the wayside as new creative forces not only take hold but soon come to be taken for granted and seen as normal, if not indicative of the truth of how to be.

The worry for Bauman in this respect is that the plea for individuals to recentre their attention from the outside-in to the inside-out, such that the centripetal self is transformed into a centrifugal self, may well fall on deaf ears precisely because the latter is what has been destroyed in the creation of the former by the political choices made on behalf of the ethics of consumerist opulence. This is not to play down the importance of Bauman's observations, nor to deny that governments hell bent on assuring the narcissistic individual self-fulfilment of their citizens every need and whim preside over societies that are close to moral bankruptcy. Rather, it is to question the impact of Bauman's critique, for as Gane (2001: 274) says in respect of his desire to once again see private troubles translated into public concerns, how is any of this “to be achieved in practice”? In other words, if a moral character (of depth) is the basic prerequisite for becoming a centrifugal self who takes responsibility for the other precisely because she is weaker and in need of help, it seems hugely optimistic to expect liquid modern centripetal selves characterised by their shallowness to suddenly see the light and morally reform themselves. To do so would be to deny the existential effectiveness of the structures of consumerist opulence upon shaping ethical subjectivity to begin with, while those Bauman is asking to transform themselves are those who benefit most from these structures – the global elites in their delimited communities – precisely because of their privileged position in relation to shaping them and who, far from developing any moral guilt complex, show few signs of scaling down the conspicuousness of their mode of being across the planet.

The ideology of privatisation that produces a politics that foists consumerist opulence upon us as a moral responsibility raises the third observation about the coherence of Bauman's argument, nowhere more so than in its development in *The Art of Life*. What he implies is a moral realm inhabited by centrifugal selves who are sufficiently autonomous – read free from power relations – to be able to choose with both the other in mind (being-for) and an understanding of the social conditions (being-with) that uphold authentic moral choices and push us beyond our subjective, self-centred concerns of individual fulfilment (being-aside). Bauman seems to advocate a classic conception of the autonomous subject, which then begs the



question of how the critic is able to explain the domination of the subject without herself being a victim of it, other than from a position of epistemological privilege. One suspects that Bauman could benefit here from the insights of Pierre Bourdieu (1989), amongst others, for whom explaining how we are implicated in our own subjection depends on a reflexive understanding of the operation of symbolic forms of power through modes of socialisation that burrow down to the very core of our being, and which Bauman (1973: 49-57) himself has previously addressed in his writings on culture as both the creative and destructive, or structuring and structured, force that shapes the social environment and the freedom of the individual therein.

From this point of view, subjects are typically the vehicles through which power is exercised, with the contingent outcome the constitution of subjectivities, such as those articulated by Bauman. The question is whether solitary seekers of happiness are dupes of the power that operates in the guise of consumerist opulence, which seems to be Bauman's (2007a: 47-49) position given his previous discussions of the "economics of deception", or if the centripetal self's free market choices of consumption is the form that freedom now takes in liquid modern society, not least because all historical alternatives have been destroyed, albeit creatively? If the latter, then nothing short of a revaluation of freedom is required as a categorically moral value rather than a notion to be touted around in terms of being the be-all and end-all of human existence in relation to consumerist opulence. Indeed, one cannot help wondering what genuine liberty of choice that a centrifugal self might exercise would look like anyway. Is Bauman (2008: 77) calling for a pristine form of autonomy in which choices are made without the distortions imposed upon us by the decree to pursue the hope of happiness that directs us through the labyrinth of the mall and ultimately down the road of a Nietzschean narcissism? If so, a sharper distinction would be in order between, on the one hand, the exclusively moral choices that free will confronted with the other imposes upon us that Bauman designates as freedom of choice and, on the other hand, the everyday preferences we are called on to express for ourselves without a necessary concern for the other, but which are sold on the basis of being crucial free choices.

In the end, despite his ability to be "inventive, provocative, [and] unpretentious" (Gane, 2001: 272), together with the acuity of his writing that teases out the discursive intricacies that constitute who we are, Bauman has an air of nostalgia about him today. Perhaps, as Beilharz (2001: 1-2) suggests, it is in part due to Bauman being the purveyor of a form of thinking that is notoriously "slippery" and unsystematic in its pursuit of "the fragment", perhaps because his reflections are permanent, experimental "works-in-progress" (Vecchi, 2004: 1). Nevertheless, it is the first time that Bauman departs from his otherwise admirable analytic posture from within the fray and instead comes across as someone who is above and, indeed, estranged from it. To be sure, Bauman encapsulates the centrifugal self he recommends, but the impression is of a writer who is looking inwards rather than outwards and clutching at a form of ethical existence which, like the epoch of modernity it was relevant to, is no longer solid and, in fact, almost fully melted away. Finally, it is ironic that, whereas Bauman (2001: 69) has previously counselled us to learn to live with ambivalence, insofar as "each one of us faces it alone, as a personal problem" and it is an advance beyond the regimes of order of solid modernity, it would seem

that he himself now has difficulty accepting it as our moral lot today, whence his attempt to order our ethical proclivities or channel our irreducible differences into similar moral concerns. In the end, his counsel comes across in a tone more akin to a moraliser than a moral adviser.

The question one is left asking is, what now, or perhaps, where to now? Despite the reservations above, what Bauman provides us with is an insight into the ethical consequences for subjects who fashion themselves against the backdrop of global consumerist opulence, which is in keeping with his attempt to portray the radical liquidity of today's moral currency in the hope that we face "our choices more consciously and [see] their moral contents more clearly" (Bauman, 1995: 7). Bauman leads us to the moral crossroads that he feels all individuals must eventually encounter in their trials and tribulations with liquid modernity. And, like all crossroads, they "call for decisions about which way to go, but the first crucial, and not at all obvious decision to be taken is to recognize the crossroads as a crossroads – to accept that more than one way leads from here into the future, and that sometimes pursuing the future – any future – may require sharp turns" (Bauman, 2005b: 120). In short, Bauman has begun charting an ethical course that we must continue to navigate and which critical thought must take up as a task of channelling in the right direction.

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*Life Imperative, Self-Constitution and Trust: Wittgenstein Vs. Korsgaard and Heidegger*

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Abstract:

This paper aims to give an account of Ludwig Wittgenstein's view on the foundation of practices by comparison with relevant ideas of Christine Korsgaard and Martin Heidegger. I contend that for Wittgenstein the 'must' and freedom of normativity (in his way of speaking: I let a rule compel me) finally consists in a *life imperative*. Among others, such an imperative operates in a way that bears on: first, self-constitution, and second, trust. Unlike Korsgaard's notion, self-constitution is not understood as an implication of action as such: our plight requires acting, which further requires the actor to be a - unified - agent, and which in the end requires conforming to principles of practical reason. Unlike Heidegger's notion, self-constitution is not a matter of resolute being-towards-death. A certain 'existential leap' is implicit in Wittgenstein's dynamic conception of normativity, in which language-games evolve (at times, the content of a rule is updated, or even an entirely new game emerges). No formulation of a rule can fix the range of its correct applications. When conflicts occur regarding what it requires, one cannot appeal to some other rule(s) for completely settling the problem. Renowned arguments leading to this conclusion in Wittgenstein's considerations of rule-following are against Korsgaard's moral-law conception of self-constitution. Furthermore, in contrast with Heidegger's conception, according to Wittgenstein, the trust that my action manifests is at stake, not always, but only at the time of radical change.



## Introduction

In Wittgenstein's view, the normative determinacy of a rule-governed practice does not rest on the rule-follower's interpretation of the rule concerned (see RFM, VI-30). To a large extent, it is training that enables one to fulfill a rule's requirement. There is no need to urge for further and further explanations: 'The difficult thing here is not, to dig down to the ground; no, it is to recognize the ground that lies before us as the ground' (ibid., VI-31). These remarks, among others, are highlighted in Robert Fogelin (2009)'s reading of Wittgenstein (see my summary and comments of it in Huen [2012c]). Admittedly, such a reading captures a central line of thinking in Wittgenstein's later philosophy. However, as many others in the Wittgenstein literature that emphasize so much on the stability and continuity aspects of rule-following, it suppresses his thoughts on the agency of practice. In fact at an adjacent place, he writes: If I follow a particular order (that is, a kind of rule), I do *this*. My doing *this* suggests more than a mere instance of a pre-given definition of following the order; my order-fulfilling action involves my taking part in a practice (see VI-29). He notes (ibid.): 'Following a rule is a human activity. I give the rule an extension.' Any regularity exhibited in my following the rule is not simply an empirical result of a certain education that I share with other people. Rather, such a pattern is based on my taking it as a (normative) law (see ibid., VI-30). Apart from certainty, Wittgenstein does not ignore uncertain moments (see OC, §617), in which the role of agency is especially salient; in virtue of which our rules or principles may be updated or changed, and thus our practices can be evolved or give rise to new ones, respectively (see Huen, 2011, 2012a and 2012b).

I contend that 'life imperative' is an appropriate term to indicate Wittgenstein's thoughts on normative practice. For him, to understand normativity (in particular, meaning and rule-following), we should trace its sources in human lives. This paper attempts to focus on two crucial aspects of 'life imperative': (1) self-constitution, and (2) trust.

(1) is indicated in the following remarks, among others:

When I say: 'If you follow the rule, this *must* come out,' that doesn't mean: it must, because it always has. Rather, that it comes out is one of my *foundations* (RFM, VI-46).

This *must* shews that [I have] adopted a concept (ibid., VI-8).

Accordingly the profound significance of my acceptance of a rule or concept in my life accounts for the compulsion I experience in my practice. The idea has much affinity with Christine Korsgaard's neo-Kantian position: We make laws for ourselves. She contends that my (moral) practice involves a self-relation—a relation between I and the rule that I am committed to and follow. Moreover, it is action (not interpretation) that is at stake. For Korsgaard (2009, 1.4.8), action is self-constitution: 'what makes actions good or bad is how well they constitute you ... into a single identity, into a coherent life'. However, for Wittgenstein, as to be explained in this paper, my foundations need not bear upon the kind of integrity that Korsgaard has in mind—that is, based on the law of self-constitution in terms of commitment to universal practical principles.

As for (2) trust, it is an essential element in my sharing principles (or norms) with other people in a tradition. Justifications are exhausted and I have to act—to make a leap—in response to what practice requires of me. Such a leap is not obvious when practices have become customs in daily lives. However, the leap is salient in radical uncertainty moments, that is, when language-games are changed (see Huen, 2011). ‘At the foundation of well-founded belief lies belief that is not founded’ (OC, §253). It is not the case that my reasonable response has its ultimate ground on some justified beliefs. In Martin Heidegger’s thinking, my life’s meaning rests on my decision to live an authentic life, that is, my resoluteness to live towards my death. Like Wittgenstein, my belief behind this decision is not entirely justified; my historical nature explains this. One important consequence of the structure of finitude under Heidegger’s conception is that idealized principles, including those in morality, cannot be fully trusted. By contrast, I argue that idealized rules that are practiced in human lives have their place in Wittgenstein’s perspective. For Wittgenstein, our practice is not structured by our mortality, and thus we are not, as Heidegger maintains, always at risk.

### **Korsgaard’s notion of action: self-constitution**

Korsgaard (2009) argues that action is self-constitution. A better action is one that better constitutes an agent, who can thus integrate her ‘roles into a single identity, into a coherent life’ (1.4.8, p. 25). A moral life is commonly taken as good and rational, and yet, in Korsgaard conception, it is not to be understood as struggling to fulfill certain (external) goals of goodness and rationality. ‘It is, instead, the ongoing struggle for integrity, the struggle for psychic unity, the struggle to be, in the face of psychic complexity, a single unified agent’ (1.1.5, p.7). So the form in question must not be detached from the agent.

Moral knowledge as such is not binding us to do what morality requires. ‘Mere knowledge is external to the will, and external standards cannot obligate the will’ (4.2.2, p. 66). To understand the nature of moral obligation, we must *not* rest on the idea that we should *apply* what knowledge requires. We cannot justify knowledge by appeal to another piece of knowledge, further, to still another piece of knowledge, and so on. Instead, we must recognize our ‘obligation to take the performance of morally required actions as our end’ (4.2.2, p. 65). That I ought to do x is only vindicated on the fact that without doing x, I would be against my identity as a rational and human person.

Korsgaard maintains that moral life requires identifying ‘with the principle of choice on which you act’ (4.4.3, p. 75) and with the maxim by which you resolve conflicts. A mere heap of desires, impulses, beliefs and thoughts (premises)—‘incentives’— is not sufficient to indicate the rationality of the agent, even though these elements causally lead to an act. The principle of choice or maxim here does not merely function as a certain standard or guideline that determines whether what I choose or judge is right or wrong. We self-consciously act from (not just in accord with) certain principles we are committed to.

To perform an action, I have an end that I want to fulfill, and I determine myself (exercise my will) to be the cause of it. But ‘to will an end is not just to cause it, not even if the cause is one of [my own] desires and impulses, but to consciously pick up the reins, and make myself the cause of the end’ (4.3.3, p. 69). Although, being cheated, now I realize this executive’s dishonesty, I

control my emotion and impulses not to give him back some improper harm that any rational person would prevent from causing. My will to become a good person requires me to follow the principle of nonmaleficence. This can be understood as (1) a hypothetical imperative: 'If you aim to become a good person, you must not give any improper harm to other people.' Following this hypothetical imperative, I make myself the *cause* of my action of not giving improper harm to the executive. Both the end of becoming a good person and the principle of nonmaleficence are indispensable to me, for they account for my identity. I cannot violate them in any circumstances. So here (2) a categorical imperative is involved: 'You must not give any improper harm to other people'. Following this categorical imperative, I make *myself* the cause of my action. Accordingly, in Korsgaard's view, the hypothetical and categorical imperatives always work together and do not separate from each other. Both are constitutive principles of volition and action. Yet categorical imperative is more fundamental: 'it is only because action is autonomous that the question of its efficacy can come up' (5.6.4, p. 107).

Autonomy consists in my being governed by a moral law that I choose; adopting such a law to govern my life explains my free will. Otherwise the agent concerned would not be a unified whole, and lacks a genuine will: 'Particularistic willing lacks a subject, a person who is the cause of his actions. So particularistic willing isn't willing at all.' (4.4.3, p. 76). A moral law, which is more than a categorical imperative, consists of formal principles, such as: 'Act in good will: not only according to your own will but you think all others who have a rational mind would also do the same thing in that situation.' First, a moral law must range over all the rational beings (not only me); second, it must be based on public or sharable reason (see Korsgaard, 2009, 4.5.5., p. 80).

Such principles of practical reason to which I am committed are my *constitution*, not merely the reasons I happen to take in some circumstances. Our plight is acting, which requires us to be agents; as an agent, we must be a unified whole; in order to be a whole, we must conform to universal and formal principles of practical reason.

### **The problem of inconsistency**

It is not clear how Korsgaard's ideas can cope with a case like this (which is brought up in Musschenga [2001]): In the Netherlands, it is reported that some immigrant youth, who are the second and third-generation members of ethnic-cultural groups, find difficulties in accommodating both their traditional culture and the mainstream Dutch culture. Tensions and conflicts are intense for the young people and children—especially the girls—of those cultures, in particular, the Moroccan (and Turkish), which differ substantially from the Netherlands' in values and norms. In the wide community in the Netherlands, people in general are very liberal in moral matters concerning sex and marriage and observe the principle of gender equality. By contrast, at the Moroccan homes, virginity is one of the most emphasized values owing to their Islamic faith and Arabic tradition. This value's importance is tied up with the honour and reputation of the girls' family in the Moroccan communities. It is common among the Moroccan families that a much stricter supervision is given to their daughters than their sons in regard to their (sexual) behaviour and relationships before their marriage.

These girls find lots of difficulties in living and growing up between the Moroccan and Dutch cultures. Outside their homes, they are expected to be independent, open-minded and progressive. Being treated as a 'girl' and a 'person' in this way, they enjoy fewer social constraints and more autonomy (self-determination, self-mastery, self-rule, etc.). However, when they are not at home, they would not get the same amount of love, security, dependence, support, protection, and so on, that their family provides them. Yet in order to obtain the latter values, they need to live under the authority of their parents (and perhaps also of their elder brothers), to suffer from gender inequality, and to have little room for experimenting relationships with friends of the opposite sex.

Some girls have chosen to leave their homes to pursue independence and individual freedom. Other girls decide not to resolve the tension between the two different systems of values and norms. It is not merely two conflicting sets of desires but also a volition to maintain the tension that cause these girls to live in this inconsistent manner. Such self-determination of the Moroccan girls who grow up in the Netherlands involves a special kind of cultural identity. Recent studies have found that 'adolescents [in the Netherlands] may identify with different ethnic groups at the same time, including both their ethnic group of origin and that of the host society' (De Valk & Liefbroer, 2007, p. 491). They accept both the Islamic and Arabic tradition on the one hand, and the liberal views of the Dutch society today, in an ambiguous manner.

These girls may adopt this rule (Ia): 'I *must* behave this way (x) in the family and behave that way (y) in the wide community outside the family.'<sup>1</sup> The necessity has a bearing on the girls' identity—should they not behave this way (x) in the family and behave that way (y) outside the family, they would no longer maintain what they think, feel and wish they are. (Ia) can be said to be a categorical imperative according to Korsgaard. However, such a rule does not appear to fulfill Korsgaard's criteria of moral law. (Ib) 'All the girls in similar circumstances *must* behave this way (x) in the family and behave that way (y) outside the family' can be said to be formal and universal. Yet whether it is a moral law or not is questionable. As a matter of fact, some other girls chose to leave their family, that is, not to behave this way (x) in the family. We can hardly determine the correctness of (Ib) by 'testing' whether this general rule of action expresses the common 'good will' of the rational humans. Rather, our judgment depends largely on the details of the girls' particular situations in their family and outside their family. Moreover, in Korsgaard's view, the *must* of normativity has to do with the agent's necessity of being a whole. Here the girls decide to live in inconsistency, not under certain formal and universal norms of practical reason, and yet we can still understand these girls' predicament and motivation, and tend to attribute agency and identity to them. Their 'self-constitution' (that involves a certain kind of integrity) is very special, as it were: 'one country two systems'; their lives are inconsistent, incoherent but *united* in some special way. For Korsgaard, however, a life not governed by formal and universal principles can never achieve any self-constitution.

## Wittgenstein: foundations of life

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<sup>1</sup> Perhaps also another one: 'If behaving this way (x) in the family and behaving that way (y) in the wide community outside the family, albeit inconsistent, bring a and b, respectively, to me, and I can lack neither a nor b since both of them constitute my happiness (that is the aim of my life), then I shall behave this way (x) in the family and behaving that way (y) in the wide community outside the family.' Korsgaard would call such a rule a 'hypothetical imperative', in virtue of which the girls *cause* themselves to act in certain ways.



To account for the sources of normativity, Korsgaard goes beyond objective rules (reason) or objective values (goods) to action. This implies the agency, identity and integrity of the rule-followers. She emphasizes that the necessity involved here is 'psychic'; a moral life is a continuous struggle for a 'psychic unity', a kind of integrity that has an essential bearing on the complexity of the mind (see 1.1.5, p. 7). It is well-known that in Wittgenstein's philosophy, action is given a primary place. However, instead of highlighting the psychic unity as the foundation of practice, his attention has a much broader scope: the *life* of the rule-follower (which is not reducible to some pre-determined structure governed by formal rules). The rule's function in life, rather than the rule itself, explains the rule's compelling character. The rule 'makes it possible for me to hold by it and let it compel me (RFM, VII-66). With a set of rules, we can follow them in order to fulfill certain life purposes (see *ibid.*). With a certain rule such as (Ia) mentioned in the last section, the Moroccan girls are able to live between two different cultures. In order to master this rule, they need to learn some techniques through their experiences of the relevant cultural discrepancies.

To put (Ia) into practice, the Moroccan girls must behave differently in the two domains of their lives. From Wittgenstein's perspective, this *must* not only reveals that they have 'adopted a concept' (*ibid.*, VI-8), but also that it 'is one of [their] *foundations*' (*ibid.*, VI-46). So it is not simply a matter of being trained to acquire the techniques of using it (that is, adopting it [see Williams, 1999, pp. 211-212]). Rather, it involves a foundation of their *lives*, which suggests a kind of identity and self-constitution. However, Wittgenstein does not make one further step like Korsgaard to suggest that such a foundation of a person's life is valid only when all the life purposes are unified under certain formal principles.

In the *Tractatus*, consistency is something that is unquestionable. However, the later philosophy of Wittgenstein is pliable: an inconsistent system, which does no harm but can still play its role in life, need not be excluded. Fogelin (2009) discusses Wittgenstein's *laissez-faire* attitude on inconsistencies and other related subject matters like paradoxes and contradictions. In particular, he defends Wittgenstein's pragmatic view against the criticism of Charles Chihara (1977). Fogelin's suggestion (2009, p. 154), on this point, is noteworthy: 'Given these dual constraints—the formal and the pragmatic—the following situation is possible: A system whose formal rules are dilemma-prone can be pragmatically shielded from dilemma. We might say that such a system, though not formally consistent, is pragmatically consistent, or, for short, *pragma-consistent*'. Such *pragma-consistency* is *not* derived from certain rule-systems called *pragma-consistent* or *paraconsistent logics*, but made sense only in the relevant person's life. The Moroccan girls who hold (Ia) would come across dilemmas in which they have to, but can hardly, fulfill at the same time both the Moroccan and Dutch requirements (expectations) of being a 'girl'. They would adjust their behaviour depending on where they are when the moral obligations arise and who will be affected, among others, to obtain certain pragmatic consistency and maintain her life as she wishes.

Wittgenstein would not deny that in moral practices, people are guided by formal and universal rules. However, first, there must involve a continuous learning process, and second, these rules should have their roles played in life. Life's fulfillment would not be entirely determined by those rules. As our experience is always limited, how can we fix the content of the universal moral principles that we are committed to? Korsgaard remarks: 'A good person is someone who is good



at being a person'. Can we determine whether the Moroccan girls are (good) 'persons' or not just by appeal to certain formal and universal principles?

It is a matter of *life imperative* for the Moroccan girls to live in such a way. They have adopted a way of life. It is one of their foundations.

### **Heidegger's notion of human finitude: everything being at stake**

Heidegger shares with Wittgenstein an emphasis on practice and human finitude. In Heidegger's view, my finitude (historical nature) explains the impossibility of grounding my life on entirely justified beliefs. But Heidegger goes further: Without realizing my mortality, I would be unable to conceive my life as a (determinate) whole, and to commit myself to it. My life's meaning rests on my resoluteness to live an authentic life towards my death. I am called by conscience to take up this responsibility. I have to 're-resolve' constantly. Such a decision indicates my affirmativeness of life, and yet it must be held open and free. That means that, at some point, I might have to take it back. 'Anticipation discloses to existence that its uttermost possibility lies in giving itself up, and thus it shatters all one's tenaciousness to whatever existence one has reached' (B&T, p. 264/308; see also Haugeland, 2000, p.73).

I comport myself in the world. Things in this world matter to me. I am beholden to the entities (that is, to 'truths', broadly taken, including moral 'truth')—my essential aim is to get them 'right'. Binding, if any, pertains to something that binds *me*. The disclosure of the being of entities is inseparable from self-disclosure. My ability to project myself onto my possibilities, that is, my understanding (articulating and concerning) the being of myself (my identity, social roles, etc., what I can and cannot, what I should and should not, etc.) implies my ability to project other entities onto their possibilities, that is, my understanding (articulating and concerning) the being of other entities. *Dasein*'s responsibility to itself can only make sense if it gets itself 'right', and getting itself 'right' can only be possible if its disclosure is about its self *as a whole*. Further, such wholeness is not obtained if *Dasein* does not think through its life to its end, that is, toward its death.

From Heidegger's perspective, *Dasein*'s trust—affirmative attitude towards its life and death—is to be understood in the following way: It is responsible to itself, and this involves the requirements that it gets itself *right*, and also that it gets other things in the world *right*. However, it is aware of its finitude, because of which getting things *right* is always beyond its horizon. Whenever anomalies arise, *Dasein* tries hard to make sense of them and to maintain their pre-given paradigm. Yet while being engaged in its practices, *Dasein* would not ignore the possibility of what Herbert Dreyfus (2005) calls 'world-collapse'.

One important consequence of the structure of finitude under Heidegger's conception is that idealized principles, including those in morality, such as 'Love others!' and 'Be just!' can never be fully trusted. The fulfillment of these orders involves actions in idealized circumstances. We usually construe, for instance, the principle of 'Love others!' in such a way that if its follower (for instance, Mother Teresa) had not died, she would have continued to behave in the same way (all other things being equal). However, that infinite principle can hardly find its place under the

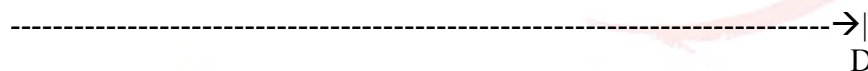
structure of human finitude that Heidegger brings to light. According to Heidegger, beyond death, which means beyond a horizon or world, ontological ‘truths’ will no longer be ascertainable.

The normativeness of the Moroccan girls’ principle (Ia) ‘I *must* behave this way (x) in the family and behave that way (y) in the wide community outside the family’, Heidegger would say, comes along with the girls’ devoted lives, with their determination to live in divergent ways towards their own death. At the same time, being conscious of their mortality, as authentic persons, the girls’ affirmative attitude is necessarily restricted, for they could not see beyond their world.

### Wittgenstein: idealized rules and trust

How would Wittgenstein take (Ia) and other moral rules? The structure of human finitude that features Heidegger’s philosophy does not apply to Wittgenstein’s thinking. In his considerations of rule-following, Wittgenstein is, among others, concerned with the puzzle as to how a rule-follower (a human) can learn a rule that involves indefinitely many applications or steps. Although he focuses much more on mathematical rules, his ideas can well illuminate moral rules. One thing that we need to pay attention to is our confusion in talking about infinity, in particular, the rules that have an infinite scope of applications. An addition rule is infinite because it governs the correct applications of it in unlimited circumstances, including those with numbers so large that we cannot operate within our lifespan. Speaking in this way, one might have mixed up two different concepts of idealized rules. In taking these rules, we accept that they cover infinitely many correct instances. By this we might mean: (1) there *are* infinitely many correct instances. Or (2) we have learned and put into practice rules that have a nonterminating (or and-so-on) application pattern. The sentence ‘There are infinitely many trees’ is unlike the sentence ‘I learn how to count an infinitely many trees, and I practice such a technique of counting in my life’; the latter is not problematic. Human finitude is actually compatible with (2) (see LFM, p. 70, Fogelin, 2009, pp. 129-132, PI, §§208-209, and Huen, 2012b).

For Heidegger, death is the end point beyond which normativity has to be put into brackets.



By contrast, for Wittgenstein, even though the finality of death is acknowledged, normativity has implications beyond death.



How can the significance of love and justice be restricted within a person’s or culture’s lifetime or within my world?

In Heidegger’s view, meaningfulness rests on an individual’s decision to lead a life towards death. This idea, which suggests wholehearted actions, has, as Carol White (2005, p. 116) points out, an optical implication, as indicated by Heidegger’s use of the term ‘resolution’ (*Entschlossenheit*). Heidegger’s overall project aims to account for the disclosure of being. *Dasein*’s resoluteness is like adjusting a microscope’s resolution in order ‘to see what the thing in question is’ (ibid.) and

to bring ‘a new answer into focus’ (ibid.). Accordingly, a person’s meaning of life, whatever makes sense, and whatever is right, have a boundary since she cannot see beyond her end of life, beyond her world. And thus her life (a human life) is always at risk.

As for Wittgenstein, a plain view of human practices show that action is not restricted to what we can perceive: ‘someone who has had practice will pause and sense that there is a difficulty close by even though he cannot see it yet’ (CV, 29e). Religious faith ‘is a trusting’ (ibid., 72e). It is a way of life in which notwithstanding the fact of our limitation of ‘visibility’, uncertainty would not always come along with certainty. ‘Christianity is not based on a historical truth; rather, it offers us a (historical) narrative and says: now believe! ... believe, through thick and thin, which you can do only as a result of a life. Here you have a narrative, don’t take the same attitude to it as you take to other historical narratives! Make a quite different place in your life for it’ (CV, p. 32e).

(a) ‘Love others!’ is a nonterminating rule, whereas (b) ‘Love others until you die’ is a terminating one. Their functions in our lives are not the same, and thus our way of life for following (a) differs from that for following (b)—even though my practice of (a), like my practice of (b), will end when I pass away. To fulfill (a), my responsibility is not bounded by my death, not as if my death will absolve me. So the attitude and pattern of behaviour for (a) might not be the same as that for (b). From Mother Teresa’s dispositions and spirit, we would not describe her practice as governed by (b), for we believe she would act the same way should she be alive today.

‘To the extent that there is courage there is a link with life and death’ (CV, 39e). Here reasons and justifications are exhausted. Wittgenstein action model must be understood along with the dynamic character of life. Language-games (practices) are not everlasting but evolving. ‘[A] language-game [i.e. a practice] does change with time’ (OC, §256). At times, we experience crises: ‘Certain events would put me into a position in which I could not go on with the old language-game any further. In which I was torn away from the sureness of the game’ (ibid., §617). During the moments of transition or radical change, we are no longer able to respond in an accustomed way. New bioethical issues such as cloning, for instance, have caused us to update our concept of personhood, which lies at the core of our moral systems. Earthquakes and tsunamis have given impacts to some people and enabled them to develop a new view of life. Even the concept of mortality or immortality might undergo change for a person who has an opportunity, say, to learn a religious lesson.

Wittgenstein suggests: ‘*We decide spontaneously ... on a new language-game*’ (RFM, IV-23). Here the determination is more than a judgment based on past experience and learning. It is a commitment to a new practice. Such a move in a radically novel situation updates a rule or indicates that an old rule is abandoned while a new rule is adopted. Moreover, this leap reflects the agent’s commitment towards the *future*. It is not necessarily constrained by some terminating end.

### Concluding remarks

The normativeness of a practice, according to Wittgenstein, consists in the function of the relevant rule in the life of the rule-follower, which enables her ‘to hold by it and let it compel’ her.

The necessity of making a certain action in this practice is due to the fact that it is 'one of [her] foundations'. Unlike what Korsgaard conceives, no further necessity to be governed by some formal and universal rules is involved here. As shown by the case about the Moroccan girls, their lives are inconsistent and incoherent, but somehow united. They can be said to lead a life of self-constitution under Wittgenstein's pliable perspective. The dynamic character of life ('Life's infinite variations are essential to our life' [CV, 73e]) is not structured by humans' finitude, as Heidegger supposes. I, as other finite beings, follow idealized, nonterminating, rules. Such engagement is not always at stake. My trust is at issue only when 'I could not go on with the old language-game any further. In which I was torn away from the sureness of the game' (OC, §617).

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