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***Human Genome Editing***  
***Human Dignity in an Era of Genetic Nobility***

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**Abstract**

Genetic engineering brought to man what, until now, was only given to destiny, chance or to God and, in any case, all of them purely determined by *unhuman* purposes. The determination of the identity and historicity of man, unique to each being, can be engineered. Man's *creator* can be, now, a *peer*, that takes into his hands, especially at the level of the biotechnology promises of human *enhancement*, the genetic programming of others, altering their genetic heritage and, at the extreme limit, their own identity leading to a manipulative process of their future by altering their genomic legacy. The possibilities of the *breeding* of the species is seductive, and even considering the *good intentions* argument, truth is that, immediately, historical lessons of improvement of the species come to mind. Although we evidently do not compare them, the atrocities of World War II and the eugenic justification of the *hygienization* of the species ended in a genocide. We are confronted to a new evolution road and decisions need to be taken in a broad consensus. Considering the consequences, either in the individuals and in society in general, singular options does not fulfil a responsible compromise in the conflicting rights. We stand before two extreme limits. In one hand, the (moral) *duty* to use genetic engineering and the multiple scientific solutions to give the *best* opportunities to our children, improving their characteristics and help them to adapt. *Natural selection* can be seen in a deficit considering the overwhelming and escalating mutations we are facing in many levels of our life. However, at the very opposite, the absolute refusal to use the biotechnologies and let nature take its course. In between we can have all shades of *grey solutions*. An imperative ethical and legal debate imposes itself, in which human dignity will, in our view, be the ultimate criteria of legitimacy because at the end the main question we need to be prepared is how establish the difference between creating humans or creating *pedigree* things. It is at this historical moment we stand for.

Keywords: Genetic Engineering; Human Enhancement; Human Dignity; Eugenics; Bioethics; Biolaw.

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## Introduction

Displaying moral character is essential in an era where biotechnology is part of our life and it can influence the *creation* of the being of our children. This is a new challenge, like no other humankind as ever faced, and, what we have to compromise, is the content of the principles governing genetic engineering, especially at the level of human reproduction and to enhance the natural characteristics of the future generations.

Modern biotechnology can generate and provide a true human “*quality control*” through the composition of the genome, selecting genes *à la carte*. We can now compose and take an active part into human evolution. The *creature* is in jeopardy of being a *mere* object and a new form of *commodities* can arise, generating the devaluation and disqualification of the human being.

Such ethical and legal questions, and the frontier between reproduction or *breeding* of a (*pedigree*) thing, in a Kantian postulate, is what is to be establish in CRISPR/Cas9<sup>1</sup> (or similar technologies), mainly when used to genetic enhance natural characteristics of the future generations reshaping their genetic heritage. A regulation is needed in this universal problem that does not compromise with *mere* local positions and asymmetric solutions that can generate inequities between and within societies.

Our question is if human dignity can establish the universalist ethical principle around homogeneous consensus in this new era of *genetics à la carte*.

## Playing with destiny

The President's Commission for the Study of Ethical Problems in Medicine, Biomedical and Behavioural Research, recognized that “*genes are perhaps the most tangible correlates of who a person is as an individual and as a member of a family, race, and species*” (p. 10). The CRISPR/Cas9 (or similar technologies) is an important tool to genetic engineering, including human subjects, and it placed into our hands human evolution, either in therapy use or, even, as an enhancement tool<sup>2</sup>.

The technology is beyond attractive and Mr. He Jiankui didn't resisted it. In fact, the palpable possibilities and the fascination of these technologies made Mr. He open a door that, for now at least, should have been closed. He created the first gene-edited babies in China claiming that he edited the twins' DNA, making them resistant to HIV. Many, around the world, claimed that the experience was unethical, and exposed embryos to unnecessary risks. Mr. Jiankui was furiously criticized for conducting an experience with no purpose at all except as a mere narcissist practice, apparently placing himself in the podium to a “new race to the moon” where, hopefully, he is alone.

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<sup>1</sup> “Clustered regulatory-interspaced short palindromic repeats”.

<sup>2</sup> We are considering the definition of the President's Council on Bioethics. We use “therapy” “(...) as in common understanding, is the use of biotechnical power to treat individuals with known diseases, disabilities, or impairments, in an attempt to restore them to a normal state of health and fitness. “Enhancement,” by contrast, is the directed use of biotechnical power to alter, by direct intervention, not disease processes but the “normal” workings of the human body and psyche, to augment or improve their native capacities and performances” (The President's Council on Bioethics, 2003).

Even research in human embryos is problematic, although, as we can conclude from the 2015 International Summit co-hosted by the US National Academy of Sciences and US National Academy of Medicine, the UK Royal Society, and the Chinese Academy of Sciences were against a completely ban on GGE (Gyngell, Douglas, & Savulescu, 2017, p. 499) although, the geneticist George Church, in a recent interview to Science, stated that “(...) *there’s a moratorium on germline editing (...), but a moratorium is not a permanent ban forever*”.

We can establish a common ground of ethical concerns surrounding GGE and, according to Professor Savulescu we can identify two main principles to genome research:

*“1. Risk should be reasonable (Savulescu & Hope, The Ethics of Research). This includes that risks are minimized and that there are proportionate benefits. There would have been less expected harm if embryos with lethal disorders were used. Any child produced would stand to derive a very significant benefit: having their life saved. Lulu and Nana derive no direct benefit: HIV can be prevented in numerous ways, including by protected sexual intercourse. Yet they were exposed to significant risk of off target mutations and cancer. The benefits to them are not proportionate to the risk.*

*2. Consent should be obtained. Clearly embryos cannot consent. Research on incompetent participants can be ethical if it is minimal risk or the benefits are proportional to the risks. This would only be the case if the embryo had a lethal disorder, and not when the embryo and future child only stands to be harmed with no direct benefit” (Savulescu, 2018).*

The power of today in tomorrow’s generation, in the determinism of their life projects, collides with their freedom and self-determination, with no way to reverse the process we need to compromise in a balanced composition of all interests in conflict. The *vexatio* question is in what grounds we should build a fruitfully debate to achieve (a minimal) homogenous ethical recommendations and an internationally recognized legal framework to legitimate, or not, or in what density, the CRISPR technologies either to therapy or even to enhance our genetic heritage in, *in extremis*, a consumer-based relationship.

### **Breeding Humans**

Respect for private life demands that all humans are free to establish their life project, assuming their identity, integrity and autonomy, without any form of manipulation, including their genetic heritage as a key element of their identity. However, on the other side, the reproductive autonomy claims for the ambition to guarantee the *better* characteristics science can provide our offspring. Asked in a simple way “*what father or mother does not dream of a good life for his or her child? What parents would not wish to enhance the life of their children, to make them better people, to help them live better lives? Such wishes and intentions guide much of what all parents do for and to their children. To help our children on their way and to make them strong in body and in mind, we feed and clothe them, see that they get rest, fresh air, and exercise, and take great pains regarding their education. Beyond ordinary schooling, we give them swimming and piano lessons, enroll them in Scouts or Little League, and help them acquire a variety of skills-artistic, intellectual, and social. In addition,*

*we try to develop their character, educate their tastes and sensibilities, and nurture their spiritual growth. In all of these efforts we are guided, whether consciously or not, by some notion or other of what it means to improve our children, of what it means to make them better.”* (The President's Council on Bioethics, 2003).

To illustrate the conflicting positions, “*essentially, the more two options are equally attractive/ unattractive, the more time we spend agonizing over the decision. Ethical hard case, such as whether or not to provide life sustaining treatment to an extremely unwell child, might be difficult precisely because we don’t know how to choose between different outcomes*” (Brown, 2018). The same paradox presents itself in GGE.

In any case, and no matter the option we make, the responsibility becomes ours and, in any case, there are no neutral positions, but it must not stop us. The concern is universal and does not compromise with local and asymmetric positions; ethical principles should be built around universal consensus. For us this value is human dignity.

Despite the multi-layered origins of human dignity the UDHR gave it a universal dimension and we can conclude, following Carozza that “*dignity serves both to indicate the foundation of rights in the Universal Declaration (the status of equal and inherent human worth) and also to highlight some of the normative implications of that status*” (2013, p. 346). It serves as a bond today in the same way it served when the UDHR was being drafted. It is told that when discussing the content of the UDHR “*(...) the participants were able to agree on what they were against, but not on why they were against these violations. Human dignity, so the story goes, was inserted as a placeholder when those drafting the Declaration failed agree on any single foundation*” (McCrudden, 2013, p. 2).

This multi-layered concept has ancestries in different backgrounds (Dupré, 2013, p. 113). As an exemplificative exercise we can relate human dignity to “*the idea of human beings as imago Dei*” (Dellavalle, 2013, p. 435) and we have palpable contributions of the Roman Catholic Church for the moral conception of human dignity. For instance, Pope Leo’s XIII encyclical on capital and labour establishes, in the relation between the owner and employer: “*(...) not to look upon their work people as their bondsmen, but to respect in every man his dignity as a person ennobled by Christian character*” (Rerum Novarum, 1891).

We can also consider, amongst others, the important role of Pope John XXIII. In his encyclical *Pacem in Terris*, from 1963, establishing Universal Peace in Truth, Justice, Charity, and Liberty, reinforces the *Imago Dei*, “*God created man "in His own image and likeness”, and reinforces man’s rights “We must speak of man’s rights. Man has the right to live. He has the right to bodily integrity and to the means necessary for the proper development of life (...)*” (Pacem in Terris, 1963). The Second Vatican Council *Gaudium et Spes* and *Dignitatis Humanae* influenced the doctrine of the Catholic Church maintaining the heritage of that religious influence in the development of the concept.

In a philosophical view we cannot erase “*Kant’s contribution to our current understanding of human dignity (...), as he helped to articulate the notion in nontheological language*” (Pullman, 2014, p. 21).

Despite the multi-origins that human dignity has associated it gained a statute of “*(...) universal truth that, to the UDHR, was (is) an essential value which served as a foundation for the legitimacy of human rights*” (Nichols, 2013). It was then, it is now.

### **Is Human Dignity a mere slogan?**

Can we say human dignity is a valid argument? Or just a mere rhetorical statement? Carozza points out that “*(...) the answer undoubtedly lies in dignity’s capacity to evoke an ideal that could have a broad and enduring application and appeal (...)*” (2013, p. 348). Since the preamble of the UDHR, that states the human “*recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world*” (Caulfield & Chapman, 2005), there are numerous examples of documents that evoke human dignity as a background and a limit to deal with controversial science issues. For instance, the Universal Declaration on the Human Genome and Human Rights, the 2005 UNESCO Declaration on Bioethics and Human Rights, the Oviedo Convention, the Helsinki Declaration.

But, some, didn’t inserted it. The main example is the ECHR. Following Jean-Paul Costa, Buyse concludes that the absence of any mention was “*(t)o make sure that the ideals of the Universal Declaration would not be lost in space, or, more specifically, in the trenches of the Cold War, the European drafters created practical instruments such as a human rights court and binding obligations for states by way of a treaty. Pragmatics rather than dreams*” (Buyse, 2016). However, later Protocol No. 13 on the abolition of the death penalty, ended up mentioning the term “dignity” and, since then, other documents followed.

However, we can conclude that “human dignity” is a judicial argument. As Jean-Paul Costa identifies the Tyrer v. United Kingdom, from 1978, as the pioneer judgement (2013, p. 395), since the ECtHR addressed the human dignity directly and has done it in different decisions since then.

In Europe, the human dignity value gained a new strength and “*dignity also features prominently in the European Union Charter of Fundamental Rights*” (McCrudden, 2008, pp. 671-672). The principle “*(...) in the EU Charter dignity comes before life, and this arguably going to change the understanding and protection of the right to life, with the consequence that the concept of life in dignity might complement, and perhaps challenge, the principle of sanctity of life in ways that have yet to be explored and discussed*” (Dupré, 2013, p. 115).

Considering the compromise to human dignity that all of the documents make, directly or not, we can say that the value is a widely shared and serves as the foundation for our understanding of human rights. For us, essential is, in the first place, a debate. Not only at a scientific level but a broader one including all stakeholders. And, in the words of Adorno, “*(...) the reality is that it reflects a real concern about the need to ensure respect for the inherent value of every human being*

*and of humanity*” (2009, p. 93) so, because of that, the solution does not compromise with authority positions but a democratic decision. Besides the limits that needs to be established in genetic engineering, what we grant today is to be our responsibility tomorrow, the responsibility to our children, the responsibility of their genetic programmes and responsibility to the society we are building for them and to them.

So we ask. Why human dignity? and Why now? Our conceptions of the role of human dignity is a structural one. A value that points an evolutionary path to new biotechnological solutions. We can all agree that “(...) *there is a danger that we lose sight of the simple virtue of doing the right thing*” (Brownsword, 2013, p. 358) so not losing the sight of dignity imposes obligations upon us. Biomedical regulations refer “(...) *to a certain quality or characteristics that links them to the human species*” (Beers, Corrias, & Werner, 2014, p. 11) and, at the end, the heritage of human dignity reapers with a present and renewed importance.

As stated by the French Philosopher Maritain “*no declaration of the rights of man can ever be exhaustive and final. It must always be expressed in terms of the state of the moral conscience and of civilization at any given moment of history*” (1947). This evolution of the human rights and the new challenges posed has, at the end, human dignity as a value to fulfil.

The genetic programming of the next generations is assuming itself as a new form of *generational* responsibility. These concepts “(...) *have been remolded and reconstructed to fit the purposes and values of biomedical regulation*” (Beers, Corrias, & Werner, 2014, p. 9). The foundation is, in our view, in human dignity as a standard for moral status and, “*to have moral status is to be an object of moral concern, and moral agents owe duties and obligations to an entity with moral status*” (Holland, 2017, p. 9).

Considering that foundation given by human dignity the concept gives an understanding and a path to the needed discussion surrounding human genetic engineering and “*ultimately, without such principle, we have no basis on which to sustain the ongoing conversation that defines and articulates our common humanity*” (Pullman, 2014, p. 25).

In another perspective, biotechnology has a direct influence in our private lives but also in the community and the society we are building. Since the “(...) *use of biotechnical powers to pursue "improvements" or "perfections," whether of body, mind, performance, or sense of well-being, is at once both the most seductive and the most disquieting temptation. It reflects humankind's deep dissatisfaction with natural limits and its ardent desire to overcome them*” (The President's Council on Bioethics, 2003), one's genetic inheritance, personal integrity and identity are rights that we need to maintain and assure. Albeit the seductive laboratorial *breeding* of the specie, or concrete specimen, which the human enhancement promises in a palpable creation of *genetic supremacy*, takes the issue to a frontier debate, of positive eugenics and human nature itself.

Human dignity is the foundation and the ultimate goal to be sought in all circumstances. Genetic engineering can be a new form of control and manipulation so is essential a balanced composition of the conflicting fundamental rights. What we compromise today in new biomedical options will reshape not only the future



generations but also society and will transform humankind leading it into a new evolutionary path for the *homo sapiens sapiens*. As Marco says “*finding out when such changes mitigate (or fully undermine) responsibility for some actions can help to guide how (or whether) we hold responsible those who have undergone such changes as the result of treatment (...). It may also help to illuminate some of the moral factors involved in deciding whether to perform certain types of treatments*” (Marco, 2018).

Considering He’s experiment the real problem, was that the egoist decision taken by the Chinese scientist is to be plural and, at the end, belongs to all of us (Hurlbut, 2019) since it means to determine the new path of human evolution.

Human dignity constitutes the portal through which the egalitarian and universalist content of moral is imported into law and legitimates its solutions, the minimal ethical is to be determined. In the actual moment of science, the choice for the gene enhancement has the possibility to improve each person’s characteristics to better adapt, ensuring a better and improved quality of life, enhancing the opportunities that may reasonably aspire. CRISPR solutions not having a patient but, also, a consumer as is, the principle of welfare is based in a life-saving purpose or more than that?

The evolution of man is not, now, only a natural one. We can interfere, with our genomic heritage and program our offspring to something more or less different that their heritage would provide. As we said, this possibility, and the position we make towards it, will determine the *new* substance of human rights but the value human dignity must stay untouchable.

In any case, there are no neutral decisions, and we will have to live with the consequences and, most importantly, in a non-alterity relation, make our children and their descendants live with the consequences of our programming choices.

## Conclusions

The many understandings human dignity can have, in a more or less liberal position, with a religious or secular connotation, with a concrete philosophical interpretation that each and every one of us might have about it is just a sign of pluralism. The (apparent) weakness of dignity is its most strength.

The divergent understandings are a point of convergence. A value where each one, despite our differences, can feel, at some point, related to and, for that, related to the one that have a different understanding about it.

Creating the basis of a fertile plural and meaningful debate, building bridges amongst our differences, opened to all with increased self-awareness. “*(D)eeply contested problems of where human rights came from, and what their foundations are, in favour of reaching a consensus about what specific fundamental rights could find universal acceptance*” (McCrudden, 2013, p. 16). Quoting Réaume we can say “*dignity is bound up with our attribution of inherent worth to human beings. To ascribe dignity to human beings as a moral matter is to treat human beings as creatures of intrinsic, incomparable, and indelible worth, simply as human beings*” (2013, p. 540).

In the position of Ronald Dworkin, that we share, all humans share a single status and we all owe equal concern and respect (Dworkin, 1977) and “*human dignity is one of*

*the most pervasive and fundamental ideas in the entire corpus of international human rights law. From 1948 to the present, the formal instruments of international human rights make consistent reference to dignity”* (Carozza, Human Dignity, 2013, p. 345).

After seven million years of Human evolution the new stage in this path is now, the least we can say, different but what we need to compromise is to maintain human dignity as the value to fulfil in any circumstance.

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***Conceptual Reality: National Identity as Part of Ethical History***

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**Abstract**

This article explores the concept of national identity as ‘acceptable reality’ from three different perspectives: individuals, the society as a whole, and the international community. National identity and the process of its formation has been a hot topic in various fields of social science. However, most of the academic researches of national identity usually employ atomistic perspective of a nation-territory-sovereignty axis imposed by a long lasting dominance of rationalist theoretical approaches. In the quest to define what is identity of a nation and how it has been developed, the nation itself was omitted in all its complexity and taken as a self-explanatory notion. The process of admission of a nation in the pantheon of ethical sovereigns precedes the process of conceptualization and historical foundation of national identity. Thus, who, why and how is accepting and being accepted, rather than what is the identity of a nation which will be proudly exposed in the showcase of Oscar winning ethical nations, or dumped in the field of unethical (histories/identities) golden raspberries. The case study analysis of several European countries confirms the main assumption of this study, stated: the national identity is recognized as such only as part of ethical history, which again will determine the scope and concept of nation itself. This implies that national identity does not exist independently before the process of ethicalization.

Keywords: national identity, ethical history, Tabula Rogeriana, poststructuralism

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## Introduction

The social sector often blurs the straight lines drawn in the political domain. Once sovereign territory/state, citizens, laws and rights, enter the social jungle of imagined communities they become nation, people, customs and culture; once clear, precise, formal, and after that wide, contextual. Political reality is uniformed, and in the modern neoliberal world it does not differ much from country to country. Yet, as a tedious meal or a monotonous film, this is not something people would like to repeat in order to raise intrinsic awareness of their undeniable significance. Preferable cousin can be found in a local food market with abundance of traditional meals and connotations inherited unclear how and when, yet very delicious and usually full of 'national' flavor. As some food is good or bad so is the national identity as ethically conceptualized culture. In the abundance of different national identities at the international level, some are labeled as good and some as bad, hence some national identities are ethically acceptable or unacceptable.

The recent history witnesses the countless examples of the 'disfigurement' of national identities, where the double-headed eagle was plunged into a unicapitate, 'blondism' promulgated as a surrogate for Caucasian, books, documents and historical writings destroyed, languages re-coined, religions and customs imposed. Although it was previously considered that this was imposed by external factors, say colonial powers, it is now clear that even after the cessation of their influence, the process of exploitation of national identities has been continued by domestic elites, or paradoxically by the entire society, being completely irrational and self-destructive.

This study aims to explore some of the main factors of national identity and the reasons for approving a particular historical perspective as the core of national identity versus the inadequacy of others. Due to the nature and limitation of the text as a conference paper, the case study will include examples of only several European countries, from the Apennine and Balkan Peninsulas.

## Definition of National Identity and Factors That Influence Its Formation

Definition of national identity is already restricted by the notion of 'national'. In that sense it is a conceptual reality constrained by the boundaries of the concept of nation-state and a relatively short history of its impact on the structures of the modern state. Therefore, the Henri Tajfel's attempt to define the national identity was through the category of social identity. He states that "the nature and contents of the myths accepted as 'true' or 'valid' by people belonging, or seeing themselves as belonging, to different social categories are strongly affected by the individual's location ('objective' and 'perceived') within the wider social system" (Tajfel, 1984, p. 696).

The national identity of a country depends to a large extent on the way it is understood at the international level, at the level of the society itself and from each individual. According to Pasi Saukkonen "national identity can either refer to the state's political identity, the nation's identity, or the question of how the individual identifies with the nation and/or the state" (Saukkonen, as cited in Pellander, 2013, p. 86). Yet, in order to know how, it is necessary to first define the framework of this identification, that is, to determine the basic factors of national identity. Based on the way in which these factors are interpreted, which mainly depends on the complexity



of the moral codes at all three levels of social structuring, one interpretation of national identity is accepted as morally appropriate, or rejected as morally inadequate. Due to the presence of the ‘ethical moment’, Benedict Anderson noted that people are willing even to die for their nations, which “came to be imagined, and, once imagined, modelled, adapted and transformed” (Anderson, 2006, p. 141).

Although it is considered that language and history are those that primarily determine the affiliation of an individual or group to a wider community, this study highlights the importance of some other factors as key determinants of national identity, namely: common symbols, folklore, religion, and physical appearance. When the language of a particular ethnic group is accepted as the official language of the nation and a certain historical narrative as the official history of the nation, national identity is automatically placed in a wider historical and civilization context, although the other four determinants indicate that this can be wrong.

Nations, together with their national identities, belong to a certain historical epoch; they “are not something eternal. They had their beginnings and they will end” (Renan 1990, p. 20), in the same way in which the legacy of their common symbols, folklore, religion, language, history, even physical appearance is born and disappears. The selection of one interpretation of national identity does not imply the disappearance of others. Different interpretations of national identity are elements that give dynamics to a particular nation, its constantly present friction and as such a basis of development, whether it is progressive or regressive.

The next section will explore certain historical perspectives regarding the nations of the Apennine and the Balkan Peninsula and the reasons for their acceptance or rejection. The following analysis is limited to only a few nations from these regions and to one of the basic factors of national identity, in this case the name of the nation as a common symbol, and as such only a part of the extensive research that is already under way.

### **Tabula Rogeriana in the Context of National Identities of the Countries of the Apennine and Balkan Peninsulas**

The starting point of understanding the national identity of a country is undoubtedly its name as one of the common symbols shared by a certain social group. Surprisingly, that is precisely what is least known. Not knowing the correct denotation and connotation of the subject, the meaning of the sentence becomes ambiguous similar to the cry of Polyphemus, saying ‘Nobody hurt me’. Today, following the latest research in the field of genetic genealogy, it is obvious that every nation, as an ethnic category, contains several elements. However, in most countries no one can say with certainty what ethnic element constitutionally stands behind the name of the country and why.

One of the most important old maps dating from the twelfth century is Mohammed al-Idrisi’s *Tabula Rogeriana* (Idrisi & Miller, 1928). Its romanized version had been created in the 1920s by the German naturalist, historian and cartographer Konrad Miller (Miller, 1926-27). The Miller’s edition was published before the first romanization of Arabic by Deutsche Morgenländische Gesellschaft in 1936. His style of romanization is very similar to the one used by Spanish Arabists School of the nineteenth-century. The way in which Miller converts Arabic characters into Latin,

using some letters that are not typical or do not exist in romanized Arabic [e.g. *š*, *e*], was very similar to the romanized Akkadian. Additionally, some of the toponyms look like a mix of Arabic and Akkadian [e.g. *ard al bab ua* (ak. – *babu* ~ gate) *al abuab* (ar. – *abwab* ~ door/gate)]. The geographers of the Muslim caliphates, and later those who followed the Balkhi school, drew on the works of their Greek and Roman predecessors, but incorporated, Persian, Akkadian (Rattenborg, 2018, p. 153; Karamustafa, 1992), Ugaritic, and perhaps direct source material as well. This is an important remark which together with historical assertion on the migration of Cimmerians and Goths (Jordanes, 1908, para. 47-48, p. 14; Herodotus, 2007, book 1, 4) emphasizes the importance of Akkadian as a necessary linguistic reference for the interpretation of this map.

The map dates back to the twelfth century, but it is indisputable that what it shows is not in line with the assumptions of modern historiography. However, al-Idrisi designated the southernmost Lombard territory – the duchy, and later principality, of Benevento (which existed during his life), as *bilad Ankbarda*. Accordingly, the inscriptions on the map, though perhaps not entirely, were still made on the basis of the geopolitical situation in the twelfth century.

Regarding this map and most of the ancient texts the two most common mistakes in romanization or translation into Latin and Greek, that somehow contribute to the present misperceptions and ethicization of languages / language groups, can be seen in the following examples:

First, the Greek and Latin words were not in any way related to the words of a similar or identical form from non-Greek / Latin sources, such as Latin *alba* / *albus* [genitive *alban*] ‘white’ (Lewis & Short, 1858, pp. 80-81), and Gothic *alþan*, ‘old / archaic / ancient’ (Gabelentz & Loebe, 1843, p. 10). Even there is no consensus on the translation of the letter *þ*, still it is generally considered that it is similar to the Greek letter *φ* and its romanized form *ph*, which again in Greek and Latin texts could easily converge to *b*.

Second, Greek and Latin names were often derived from non-Greek / Latin sources, having same or similar form but different meaning due to the linguistic omission reflected in phonetic discrepancy between the alphabets, where letters were replaced with their closest match, and in that way the original meaning completely changed. This was the case with the word *got* / *goth* which is a Latin translation of the original word *zodъ* (the archaic Slavic form) ‘elder / ancient’ (“Book of Veles,” 1994, p. 171). In Latin, the closest match for *zъ* is *t* / *th*.

Here, the only problem is that *zodъ* being transcribed as ‘got / goth’ links the meaning behind the of that word directly to Jordanes’ ‘Scandza’ – a great island in the north from which his tale of Goths took its beginning, that “even to-day it is said to be called Gothiscandza” (Jordanes, 1908, para. 9, 25, pp. 3-8), and to the Swedish island of Gotland. At present, any alternative etiological analysis of the word ‘got / goth’ is at its very beginning averted by its widely accepted denotative meaning. This is exactly what constitutes the essence of ethicized history, i.e. the misconception and moral dogmatism based on false premises, in this case linguistic omissions.

## Apennines.

After the initial observation of the Apennine and Balkan peninsulas, one can immediately notice the absence of a larger geographical unit marked as *bilad* ‘country’ or *ard* ‘land, region, area’ (Wehr, 1976, pp. 13, 72; Badawi et al., 2004) pointing to the existence of the Western, Eastern (Byzantine), or Holy Roman Empire. The reason why al-Idrisi omitted this information is completely unfathomable given that the map was made for Roger II, the King of Sicily, in the twelfth century when the Holy Roman Empire was already established and the Eastern Roman Empire still existed. From the entire Roman Empire, only Rome is designated as *Ruma* (how it was actually called), and Constantinople as *al Kostantina*; Bosphorus is named as *halig al Kostantinia* [the Bay of Constantinople – *halig/kalig* in Arabic means ‘bay’ (Wolf, 1990, p. 27)].

When it comes to the name of Italy, the standard interpretation of its meaning as *vitellus*, *vitulus*, *vitlu* (Lewis & Short, 1858, pp. 1999-2000; Buck, 1904, p. 351) ‘the land of young cattle’, is simply implausible given that the country with one of the most important historical legacies would rather choose a name that is related to the tradition of the Romans, Etruscan, or even Trojans (related to Aeneas). On the map the southern part of Italy (today’s Calabria), where the name of Italy as ‘the land of young cattle’ supposedly originated, is marked as *bilad Kalauria*. This name extends over the entire territory of the peninsula, and most probably is of the Akkadian origin due to the presence of word *uru* in ‘kalauria’. The literal translation of *kalauria* is *kala* ‘the whole, everyone of, all totally’ and *uru* ‘stallion’ (Black et al., 2000, pp. 143, 427); thus, ‘the land of stallion(s)’, and not of cattle. The horse was a frequent motive in the architecture of Goths and Lombards in Italy (e.g. Basilica of San Vitale in Ravenna, Basilica of Santa Giulia in Bonate Sotto, etc.). This symbol has a special place in the religion of ancient Germanic (Tacitus, 1914, para. 10, p. 279) and Slavic tribes, which was in the twelfth century on the Rugen Peninsula associated with the supreme deity *Vid* the god of light and war. The name of Italy as a derivation from the Umbrian word *vitlu* ‘calf’, could in fact be a coined word containing the name of the supreme deity *Vid* and Akkadian word *ilu* ‘god, deity’ (Black et al., 2000, p. 127); thus, *Vidlu*, with the letter *d* later converged into *t*. However, it is unlikely that the letter *v* had disappeared over time, which makes this explanation interesting, but as in the case of ‘the land of young cattle’, less plausible.

The name of Italy is indeed of Akkadian origin, derived from two words *ita* / *itu* ‘adjacent to, boundary, border, neighbor’ (Black et al., 2000, pp. 136, 137) and *ilu* ‘god, deity’; thus, *italu* ‘in the neighborhood of the gods’, which later Dionysius of Halicarnassus, Aristotle and Thucydides inweaved in the myth of legendary Oenotrian king Italus, after whom Italy was allegedly named. If in fact Italy means ‘in the neighborhood of the gods’, which territory is then called the land of the gods? Perhaps, the right answer is Illyria / Illyricum / Illyrium, named after Akkadian words *Illil* ‘of the supreme deity / of the gods’ and *re ' u / re ' ium* ‘shepherd’ [epitaph of goddesses/gods] (Black et al., 2000, pp. 70, 301); thus, ‘the God’s shepherds’, which is very similar, if not denotatively identical, to the name of the foreign rulers of Egypt *Hyksos* ‘shepherd kings’.

Which explanation would be ethically more appropriate / more acceptable as an integral part of the Italian national identity: the name with an irrelevant, or trivial

historical connotation; or the name that indirectly signifies the identity of this country, as a neighborhood of the God's shepherds, is difficult to say. Nevertheless, the latter directly diminishes the importance of the Apennines in relation to the Balkans, the Western Roman Empire in relation to the Eastern Roman Empire, and additionally confronts the current international position and perception of the Balkan countries and Italy – and through it the entire Western world. In the event that it is accepted and recognized as ethically appropriate, this interpretation can create an avalanche of claims about primacy and historical significance that have been intensified among the peoples of the Balkans in recent years.

### **Balkans.**

The territory of the Balkans is divided into only three parts designated as *ard Getulia*; *ard Makedunia* 'the pillar of power – the powerful stronghold' [*makku* / *maqu* / *makkutu* 'pole, post, pillar', *dunnu* 'power, strength' (Black et al., 2000, pp. 62, 192)]; *ard Labluna* (Acarmania or Aeolia) 'the land of the lion(s)' [*labu* 'lion', *unnatu* 'land' (Black et al., 2000, pp. 175, 426)]; *bilad Germania* [*geru* / *garu* 'opponent, enemy', *manu* / *mani* 'countless, many' (Black et al., 2000, pp. 92, 196)]; and *ard Brugan* [*wabrum* / *bru* 'stranger, foreign resident, immigrant', *gananu* 'to encircle' (Black et al., 2000, pp. 90, 432)].

The territory of the former Yugoslavia, Bulgaria, and partly Romani, i.e. Illyria, Thrace and Dacia (Getae), was designated as *Getulia*. These tribes were already identified by some ancient writers, such as Herodotus (2007) and Strabo (Strabo, as cited in Szulc, 1856, p. 16), as similar, or as members of the same genus; besides, Jordanes (1908) identified Goths with Getae. Later, some other sources, such as Mavro Orbini (1601), Vincentius Priboevius (1532), presbyter Diocleas ("Chronicle of the Priest of Dioclea," 1748), identified Slavs with Goths. Additionally, "The Chronicle of the Priest of Dioclea," identified both Slavs and Bulgarians with Goths. Therefore, if all of this is taken into account and link with the time when the map was created, that somehow coincided with the fall of the First Bulgarian Empire and the Serbian pre-Nemanjic medieval states, *ard Getulia* as 'the land of Getae / Goths', makes sense.

In order to fully understand the meaning of the above mentioned transitions, that is, from Illyrians, Thracians, and Dacians (Gethae) to Goths, and later to Slavs, we must first understand the very name of *Getulia*. The absence of the vowel *e* in the romanized Arabic ("Romanization of Arabic," 2018; "Romanization System," 2017), leads to the assumption that *getulia* is Akkadian name, or its Greek-Latin form. Accordingly, it is necessary to take into account the possible convergence of vowels *e*, *a*, *u*, and consonants *h*, *g*, *k*, *p*, *b*, *v*. Following these guidelines, it can be noticed that words with a similar form such as: *hatanu* / *hetennu* / *hutnu* 'to protect, shelter, guardian' (Black et al., 2000, pp. 112, 123) and *kata 'um* / *katu* / *kattu* 'slave, corroborator, security' (Black et al., 2000, pp. 153- 171), all have meanings that gravitate around two concepts, which are: The concept of protector – the guardian; and the concept of oppressed – the slave. In this way the significance of Herodotus' *Masagetai*, *Getai* (Herodotus, 2007, books 1, 4), and the Swedish *Geats* (known for their hero Beowulf), as guardians of the frontiers, becomes clearer. The name related to the concept of oppressed – the slave [Latin *sclavus* 'slave'], first appeared in the works of Jordanes (1908), Procopius (1919), Maurice (1984) as *Sclaveni* / *Sclavi* /

*Sklavenoi*. According to Jordanes the name refers to the people who lived in the territory that “extends from the city of Noviodunum and the lake called Mursianus to the Danaster, and northward as far as the Vistula” (Jordanes, 1908, para. 35, p. 10); a territory that was at the border of the German-Slavic and Scythian-Sarmatian worlds.

The old territorial and administrative division of the Roman Empire lasted until the Late Antiquity. It disappeared after the fall of the Western Roman Empire and the introduction of new military-administrative divisions of the Byzantine Empire in the seventh century. The absence of Illyria and Thrace on the map is therefore transmitted to the presence of *Getulia*, as a marker of *plurimae gentes* (Springer, 2003, p. 26) of that part of the Balkans. The extent of the Ostrogothic influence in the sixth century during the time of the Ostrogothic kingdom, if the Gepids in Pannonia, and the remaining Visigoths in Moesia and Thrace are taken into account, in a way coincides with what is shown on the map and perhaps what remained of the Goths in this part of Europe after the fall of their kingdom.

In ancient texts there is no agreement on clear division into ethnic groups, at least not as we understand it today in the context of the nation-state. Often, for example, there is the identification of Celts and Germans (Appian, 1972; 1961); Illyrians and Celts (Strabo, 1923, book 4, para. 6. 9-10; as cited in Dzino, 2008, p. 374); Thracians and Scythians (Herodotus, 2007, book 4, para. 104); Germans and ‘Slavic’ Venedi (Tacitus, 1914, para. 46, p. 331), etc. The reason for this was the relative inaccessibility of a direct source of information, and perhaps the reliance on earlier Assyrian-Babylonian sources, once existed in the great libraries of the ancient world in Alexandria and Constantinople, that referred to the time of La Tène culture (450 – 1 BCE) when most of Europe expressed a certain cultural cohesion.

The inaccessibility of direct sources of information and the centralization of knowledge is something that still creates similar problems that contribute to the prejudices of the distant past being even more ingrained. Some historically significant regions, such as the Balkans, have been largely expunged from modern research, due to the legacy of communist isolationism, or as a “gray zone” that does not belong either to the West or the East. The Balkans is represented in modern scientific research as much as it is necessary. For the West it is still the territory of aggressive barbarians, a reservation of European “First Nations”. For the East, it is the cradle of proto Indo-Europeans, the true Aryans, but as long as the people of the Balkans are the true Slavs, i.e. Russians (Klyosov & Rozhanskii, 2012). Torn between two ethnically acceptable international models and in schizoid agony triggered by a multitude of domestic national identities, the Balkan nations usually find a solution in conflicts and wars.

The current situation in the Western Balkans is marked by a crisis over the status of Kosovo and the expansion of Albanian interests to all territories inhabited by the Albanian population – a piecemeal approach similar to that used by Germany before the Second World War. The Albanian claims to these territories are based on the primogeniture of their Illyrian / Dardanian origin. Nevertheless, Albania as a land *ard* or a country *bilad* is not present on the *Tabula Rogeriana* neither in the Balkans nor in the neighborhood of Armenia. Indeed, Albania at that time did not exist in the Caucasus, and based on the map in the Balkans as well. Therefore, Michael Attaleiates’ accounts in *The History* (1079) on the Albanian migration to the Balkans

from Sicily in the eleventh century as part of the defeated army of George Maniakes (Attaleiates, 2012) will surely gain in importance in the future.

The word *alban*, as previously stated, is found in both Latin and Gothic, with a completely different meaning. It is most likely that the appearance of this name in various regions of Europe and Asia Minor had been associated with people who are now classified into categories of Germans, Goths, Celts and Slavs. The editors of the Attaleiates' *History* agree with this, and state in the notes to the translation that the name 'Alban/Albanian' is "an antiquarian term referring probably to the Normans (from ancient Alba, near Rome), not modern Albanians" (Attaleiates, 2012, pp. 13, 595). Another confirmation that behind the name *alban* are the "Ancient Europeans" is the al-Idrisi's map that marks the central part of the former Ostrogothic kingdom around Ravenna as *bilad Albana*. Therefore, the appearance of the name of Albania in the Balkans was not related to the settlers from the Caucasus as stated in some recent historical reinterpretations, nor to indigenous people of the Balkans, but to the old/ancient Europeans, in this case Goths which is also indicated by the meaning of the word *alban* in their language.

In the light of the foregoing considerations, it seems that the two main symbols of Albanian national identity, the double-headed eagle and the name Alban / Albania belong to the historical heritage of the Serbs who were identified both as Suebi and Goths, which is by no means in line with the current aspirations the Albanians. Nevertheless, for Serbs, who are barely mentioned in the Russian chronicles ("Book of Veles," 1994; "Russian Primary Chronicle," 1990); whose name was directly identified by Jordanes with the German plurimae gentes 'Suebi' (Jordanes 1908, para. 274, p. 87), and indirectly by R. G. Latham (1851); whose kings married to the Frankish nobility and had German royal guards, identification with Germans, the people they fought in the First and Second World War, would be completely morally inappropriate. On the other hand, for Croats, who are quite present in Russian chronicles, and in comparison with Serbs linguistically and genetically closer to the East Slavs, identification with the 'Orthodox' Russians would be equally morally unacceptable. Yet, both of them together with the rest of the northern Balkans were designated on al-Idrisi's Tabula Rogeriana as *Getulia*, bearing the name of the Getae / Goths.

## Conclusion

Once upon a time fearless guardians, and then for ever after, due to the deceit of linguistic abuse, remembered as slaves. Unfortunately, similar deliberate or unintended linguistic oversights, has left a deep trace to the self-perception of many nations and their national identities. They are thorn between the superiority complex founded in the local folklore, and the inferiority complex created through centuries of pejorative labeling by the representatives of hegemonic structures.

The long-standing paradox in relation to what is claimed internationally and throughout history and what 'we have known' can create a bipolarized nation, inducing the self-destructiveness that comes out of being ethically unsuitable / inadequate. The level of destructive charge in society can reach such limits that it can cause autoimmune shutdown of the entire nation, regardless of the relations between the national majority and minorities. Therefore, it is necessary to continuously carry

out a historical revision of the firmly established factors of national identity which can lead to intellectual transparency and progress, otherwise to hatred and destruction.

However, the question is whether the interpretation of this study would contribute to illuminating the national identities of the nations from the Apennine and Balkan peninsulas, as it directly violates the ethics of the ‘modern appropriate’ resulting from the long struggle between East and West. In the expectation of further research on the subject of ethical history, we hope that the contribution of this paper, apart from clarifying some historical and linguistic concepts, will also enable a better understanding of the “old Europe” that once stretched along the vertical axis from Scandinavia and the Baltic to Peloponnese and Crete.

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***The Relationship Between Good Governance and Elite Ruling: A Comparative Study on Mencius and John Stuart Mill's Political Philosophy***

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**Abstract**

Political philosophy is a popular area in comparative philosophy research. This paper aims to analyse the relationship between good governance and elite ruling by comparing Mencius and John Stuart Mill. As the second Sage of Confucianism, Mencius proposes benevolent governance and ruling by virtues, while Mill, the influential figure in utilitarianism and liberalism, emphasises the importance of democracy in the form of representative government. In this paper, the author uses an analytic approach to review the history of the political development of the two philosophers concerning this topic. She first conceptualises important terms relevant to the topic and summarises the methods proposed by each of these philosophers for adopting a system of elite ruling. By introducing the two philosophers' understanding of good governance, she offers a conclusion on how elite ruling can realise good governance. Four strategies are suggested. The first is that elite ruling can contribute to an effective and efficient small size government; the second places the emphasis on education; third are the specific strategies of protecting people's interests and taking care of their needs; and the final strategy proposes the acceptance of a certain degree of reformation.

Keywords: good governance, elite ruling, Mencius, Mill

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## Introduction

How to realise good governance is a very important topic in political philosophy, both within Chinese philosophy and British philosophy. Democracy is undoubtedly a popular solution. Even though there is no exact counterpart in pre-Qin Chinese philosophy to refer to ‘democracy’, a similar term has appeared in pre-Qin texts, which is ‘people-orientated’ (民本). There is also a strong notion of respecting and taking care of the citizens in early Confucianism, particularly in the philosophies of Confucius and Mencius.

Why have I chosen specifically to compare the two philosophers, Mencius and Mill? Mencius was born almost 2000 years earlier than Mill, which explains the huge differences between the historical and cultural contexts in which they lived. However, they both made clear descriptions about their ideal theory of what a good government should be, and they both argued for the necessity of involving elites in the ruling class. In Mencius’s book, he asserts the goodness of human nature, and believes that the virtue of a good ruler will lead to good governance. A commonly found term, *Junzi*, or ‘noble people’, in Confucianism refers to a member of a virtuous class. They practise *Ren* and *Li*, and they collectively influence the society and offer suggestions to the ruling class in a state. Mencius therefore believes that benevolent governing is required for a state to remain powerful and for a ruler to gain the respect from their people. According to Mill, he trusts that selected elites can make reasonable decisions for their country and its government. He claims an effective government is ruled by chosen representatives who demonstrate a superior standard of morality and intelligence. In this sense, there are similarities and differences in terms of the exact relationship between good governance and elite ruling in both philosophers’ theories, which also justifies my motivation for comparing their philosophies.

## The Conceptualisation of Elites

It is necessary to investigate the origins of the term ‘elites’ in Chinese and Western traditions as it helps us to understand the political argument which encourage the engagement of elites.

In ancient Chinese language, the word ‘elites’ is written as ‘菁英’, which is pronounced ‘Jing Ying’. 菁 (Jing) refers to the essence of leek (Duan, 1815), while 英 (Ying) is regarded as a part of a plant as well. (Waley, 1996.) According to the English definition of ‘elites’, the word refers to ‘the richest, most powerful, best-educated, or best-trained group in a society’ (Cambridge Dictionary, 2019). The original Latin form of this word is ‘ēligere’, which also refers to the best item or thing. Generally speaking, we can say that both Chinese and English definitions of the word ‘elites’ convey the meaning of ‘being the best’.

## Mencius’s Design

In Mencius’s philosophy, he asserts the goodness in human nature. He has a famous argument about people instantly feeling sympathetic when they see unfortunate incidents happening to another person. He proposes four essential virtues, which are sympathy (恻隐之心), shame (羞恶之心), modesty (辞让之心), and right and

wrong(是非之心). These four virtues can develop into benevolence (仁), righteousness (义), courtesy (礼), and wisdom (智). His emphasis on ethical politics leads to his political argument of good governance. By maintaining the essences of these four virtues, one can be a noble man. The noble men can help the rulers to achieve a benevolent government, which is beneficial for all people in the society.

Mencius presents a systematic ‘people-orientated’ theory. He says that ‘The people are most important; the state altars to the spirits of earth and grain come next; the ruler is last of all.’ (Eno, 2016: 7B). However, this does not mean he believes in the common people are offered freedom to deliver their thoughts without limitations or boundaries. One significant difference between Mencius and Mill lies in the concept of *Li* (礼, ‘rituals’). *Li* refers to a social order that everyone should have their role in society. It also corresponds to the way of Heaven and guarantees the harmony of a society.

His specific design can be understood from two perspectives. The first one is the very high requirement for the monarch or the ruler. In Confucian philosophy, one’s internal perfect morality can be translated into one’s external virtuous ruling. Mencius shares Confucius’s understanding of ‘Dao’ or ‘Way’(道). Their argument is based on the further development of the intrinsic benevolence in the minds of human beings which can be attributed to the benevolent policy of a state. They honour the ancient sage kings to show their appreciation of the sage hood of a ruler. Mencius says, ‘the Three Dynasties gained the world by means of humanity; they lost the world through being inhumane. And so it is with the rise and fall of the states. When the Son of Heaven is inhumane, he cannot protect the four quarters; when the lords of states are inhumane, they cannot protect their altars of state...’ (Eno, 2016: 4A). Similar passages appear several times in *Mencius*. Mencius intends to borrow the story of kings in the Three Dynasties to explain the practise of benevolent governing is justified by the mandate of heaven. The second perspective of Mencius’ approach lies in the value of people. Mencius believes in the value of citizens’ opinions and therefore encourages the monarch to take citizens’ advice seriously. He suggests the monarch to select talented people to help him make decisions, and he also claims that people should respect intellectuals.

### Mill’s Choice

As a utilitarian, Mill admits that it is in human beings’ nature to pursue happiness or pleasure. Brink (1992) offers an explanation that utilitarian philosophers embrace the value of ‘the greatest happiness’ and holds that the actions are right in proportion as how much they promote happiness. Their happiness can be interpreted in a way to pursuing pleasure and avoiding pain. Mill’s adoption of measurement focuses on ‘happiness’ or ‘pleasure’, which is different from Mencius’s *Ren* (benevolence) or *Yi* (righteousness). However, Mill’s philosophy also reflects his optimism in human nature. He believes that an upper intellectual class should exert a disproportionate influence and they can act on basis of the greater good because of their noble characters and wise judgements. All of these thoughts can date back to Plato’s *The Republic* (Montgomery, 2011). In this sense, his optimism can be linked to Plato’s ideal society, just like Mencius’s optimism can be linked to Confucius’s faith in

constructing a society supported by *Li* and *Ren*. Both Mill and Mencius share a view on the possibility of the intellectual class playing a positive role in society.

Mill's argument specifically talks about the different influences imposed on society by different groups of people. Mill points out that before the large-scale establishment of democratic regimes, people were ruling in their own interests and taking care of their private needs (Wolff, 1996). Mill therefore argued against the assumption that a mass group can act as one while ignoring the individual needs of the minority group. The truth is, it is possible for the tyranny of the mass to appear in society. Without a fair way for both majority and minority groups to be represented, the decisions made can only represent the majority group's will, or more specifically, the will of the active members in the majority class. Mill believes that to achieve good governance, decisions should be made by the intellectual class voted by the people; otherwise, the society will become mediocre.

It is worth noting that a major difference setting Mill and Mencius apart is in their attitudes to individualism. Confucian philosophers believe that one learns for the sake of oneself. However, they embrace communism instead of individualism as the social order is more important than personal preferences in Confucianism. In Mill's account, he believes it is in human being's nature some part of the people to oppress another part of the people. Especially when a large group of people's opinion contradicts a small group of people, the larger group will win by abusing their power (Mill, 2015). In this sense, Mill is worried about the imbalance in society due to the absence of personal opinions and the lack of different voices. This argument can inform a broader understanding of the differences between Confucianism and liberalism.

### **What is good governance?**

The philosophy of good governance is associated with the definition of a good government. Before further analysing the relationship between good governance and elite ruling, it is necessary to understand the term 'good governance' from two perspectives: Confucian and Western.

As mentioned earlier, the expectation of a good monarch in Confucian philosophy is closely related to virtues. Confucianism claims the importance of family relationships. The way to maintain harmony in society is to respect one's ancestors and parents and to take care of one's siblings and children in a family context. The two core concepts of *Ren* and *Li* in Confucianism also complement each other. *Ren* can be translated as 'benevolence' or 'humanness'. It means showing love and care when interacting with others. *Li* can be translated as 'rituals' or 'rites'. Literally, it refers to appropriate events or etiquette in certain ceremonies. On a broader level, it can be understood as how one behaves in different situations and how to play one's role in a certain situation. For example, as a civil servant, one should always pay respect to the monarch. As a son or a daughter, one should always practice filial piety to one's parents. In Mencius's explanation, the kings in the first three dynasties are seen as great moral examples and political leaders because of their kindness to people. To realise good governance, Mencius believes that the monarch should show moral doctrines, be sympathetic to his people, and use *Ren* and *Li* to civilise his people. 'The Master said, "He who is not in any particular office, has nothing to do with plans for the administration of its duties"' (Legges, 2010: Book 8).

The Western definition can trace back to Aristotle's explanation. He claims it is one of the responsibilities of a ruler to help civilians to achieve goodness and practice moral doctrines. Mill also mentions that it is a valuable thing for a good government to prioritise kind behaviours and to raise awareness of moral standards among common people in everyday life (Mill, 2015).

Two components of good governance are mentioned by both philosophers: 'responsibility' and 'participation'. There is a Western tradition of suggesting that people with specialised political skills should be responsible for dealing with such matters. In both Mencius's and Mill's arguments, they encourage common people to engage in politics and take their corresponding responsibilities. However, they both admit the existence of different talents among people, so they accept different degrees of participation. Since allowing all people to play an equal role in political decision-making is impossible and unnecessary, Mill's ideal government is on a small scale and has a representative style. According to Mencius, his view includes a type of limited democracy. He not only advocates for the ruler to listen to opinions when offered, but also encourages the ruler to willingly collect advice from the people.

### **Conclusion: How can good governance be realised through elite ruling?**

Elites possess an advantageous position in society which means they are superior to the common people in terms of their knowledge, skills and moral characters. The big question raised here is how elite ruling can help to achieve good governance. In this section, four main methods will be discussed.

The first method is to adopt a small-sized government. In this way, political decisions can be made by a small number of people. This style of governance in this respect is highly efficient and effective. Even both philosophers admit the power of people of the necessity of taking care of people, they refuse to admit all people are equal in terms of making wise decisions. Confucian philosophers deny the value of the lower-class people as they are not well-educated and unable to understand *Dao* (the core principle in life). Mill, on the other hand, claims everyone's freedom to express their opinions. However, he does not believe the involvement of many people can lead to a fair and effective decision-making process. Mill and Mencius both believe in the fact that all people have their role to play in society, and we should trust the elites to represent common people's wills.

It is interesting that Mencius and Mill both include the significance of education and knowledge in elite cultivation and selection. They both argue for the necessity of involving talented people equipped with specialised skills in making political decisions. Offering adequate education and civilisation to common people is highly valued in Confucianism. In most time of Chinese history, rulers integrate the traditional and authentic Confucian thoughts in their elite selection process. For example, the three cardinal guides and the five constant virtues are often encouraged in its teaching content of Confucian Classics. Later in Chinese history, the Quota System in the Han Dynasty and the Imperial Examination System which began during the Sui Dynasty also built and developed on these ideas. The elite selection cycle thus serves as an important way for the ruling class to be supplemented with intellectuals who share the same values. Mill also explains that a good government should be

accountable for the moral and intellectual education of its citizens. He mentions that an ideal government will ensure a virtuous and intelligent performance of all the duties of a good government by eminent individuals (Mill, 2015). Mill and Mencius both argue that through education, not only the talented can be selected to join government, but also the common people can be more involved with policy-making.

The third method is elite ruling also includes the idea of protecting people and helping them to earn sufficient income and gain enough resources in society. People need private properties and resources to survive and to guarantee their quality of life. Mencius uses the story of people in rural areas who are unable to serve their parents and nurture their wives or children to introduce his benevolent policies, and he thinks such individuals should blame the rulers whose obligation it is to help their people escape starvation (Eno, 2016). In his detailed description of an ideal society, the underprivileged people can be taken care of. He uses the example of people in their seventies who can have meat as their main dish to suggest a good sign of good governance. In Mill's claim, he believes that the government should represent the will of the people, not just because they are the selected group, but because they are the intellectually and morally superior group and so are more capable of making decisions to help their citizens to achieve wellbeing.

The last explanation is that elite ruling is not opposed to a certain degree of reformation. Clearly, good governance requires stability. However, this does not mean changes are not welcomed. Elites should be open-minded, able to accept criticism and different opinions, and capable of adopting new policies if they can benefit the people. Mencius discusses the justification to murder a monarch if he fails to do his political duty. Mill also encourages people to actively take part in government matters instead of obeying all the policies without critical views.

Overall, good governance is based on the intention to help people achieve virtues with trust in a small group of talented individuals making political decisions. Mencius and Mill have offered well-established accounts from their respective Confucian and utilitarian perspectives. Therefore, the main differences between their approaches lie in the specific measurement of interests in terms of realising good governance. The practice of benevolence and the respect for social order is closely associated with the outcome of good governance in Mencius's argument, while the collective good, especially pleasure, is the most crucial indicator of Mill's measurement.



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***A Critique of Happiness: an Elusive Value as the Ground for Ethics in Aristotle's Nicomachean Ethics***

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**Abstract**

The philosopher in Ethics is concerned with providing the ground for morality; the fundamental reason why we should be who we should be or the fundamental reason why we should do or not do what we choose to do or not to do. This is because philosophy investigates the ultimate ground or the fundamental reason or cause of things. Aristotle, incontestably the first to create a systematic work in ethics, chose to provide us with a fundamental reason why we should be who we ought to be. In other words, he provides us with a virtue-ethics not a normative ethics. This work aims at a critical exposition of Happiness as the Ground for Ethics in Aristotle's Nicomachean Ethics. The writer's thesis, is that, Aristotle provides an obscure ground for his ethics and that Happiness is an elusive human value. To achieve this, the writer shall: expose Aristotle's conception of ethics; Give an exposition of happiness as the ground for the Nicomachean Ethics; Give a critique of Aristotle's ground for ethics by sustaining that happiness is an elusive human value and then finally give a conclusion.

Keywords: Aristotle, Nicomachean Ethics, Happiness, Virtue-ethics, Philosophy, human value.

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## 1. Introduction

Timothy Williamson, begins the introduction of his work entitled, “The Philosophy of Philosophy”, by asking the question: “What can be pursued in an armchair?” He immediately goes ahead to give a response to his own question, thus:

Every armchair pursuit raises the question whether its methods are adequate to its aims. The traditional methods of philosophy are armchair ones: they consist of thinking, without any special interaction with the world beyond the chair, such as measurement, observation or experiment would typically involve. (Timothy Williamson, 2007,1)

It is not contestable, to say that every serious philosophizing or to be a philosopher at all, demands spending quantitative and qualitative time in an “armchair.” For philosophy generally speaking, involves the love of wisdom via the contemplation of truth, the good and the beautiful. Philosophy, hence, demands serious critical thinking and speculation. Thus, to think seriously requires a still, quiet and reflective posture and position, which could metaphorically be called an “armchair.” The attraction towards the text of Timothy Williamson, above is to draw the attention of those who engage in philosophical thinking, to pay serious attention to the fundamental relationship that must exist between the methods and ends of philosophical thinking. Thus, it is not to indict the profound philosopher par excellence, Aristotle, as an armchair philosopher. However, today, it is pertinent to ask: Is the thesis of Happiness as the ground of ethics, a pursuit in an armchair?

Today, in order to balance the methods and ends of our engagements on ethical philosophizing, it is therefore necessary to raise the question: What is the philosophy of Ethics or Morality? In other words, what is the primary task of the philosopher in engaging in ethical or moral thinking? The writer contends that the task of the philosopher in Ethics is to provide the ground for morality; is to make clearly and distinctly the fundamental reason why we should be who we should be or the fundamental reason why we should do or not do what we choose to do or not to do. This is because philosophy investigates the ultimate ground or the fundamental reason or cause of things. Thus, philosophy of ethics, should investigate the ultimate ground or cause (reason, end) of ethics. It is not strictly speaking its task to define morals nor suggest good moral behaviours or values. While Socrates-Plato, dealt with ethical issues under the philosophical discourse of politics and epistemology, Aristotle, could be said to be the first who in its own right, endeavoured to investigate the philosophy of ethics. Hence, Aristotle, who is incontestably the first western philosophy, to create a systematic work in ethics, chose to provide us with a fundamental reason why we should be who we ought to be. In other words, he provides us with a virtue-ethics not a normative ethics. In executing this task, Aristotle posits, Happiness, as the ultimate ground of Ethics. In an age, where individuals seek happiness, to lead a happy life, in a totally solitary, free and subjective manner, the idea of happiness has become a human value under severe strain for a philosophical consideration. There is no better person to consider on the matter of happiness as its relates to ethics and morality, than Aristotle. This is because Aristotle in his *Nicomachean Ethics*, and by extension in his *Eudemian Ethics*, posits happiness as the ground for Ethics. At the current time, with a high level of depression and self-inflicted violence, it is pertinent to put Aristotle’s happiness-ethics thesis on a critical trial.

Thus, this work aims at a critical exposition of Happiness as the Ground for Ethics in Aristotle's *Nicomachean Ethics*. The writer's thesis is that Aristotle provides an obscure ground for his ethics and that Happiness is an elusive human value. To achieve this, the writer shall: expose Aristotle's Conception of Ethics; Give an Exposition of Happiness as the Ground for the *Nicomachean Ethics*; Give a Critique of Aristotle's Ground for Ethics by sustaining that Happiness is an elusive human value and then finally give a Conclusion.

## 2. Aristotle's Conception of Ethics

The primary objective of the *Nicomachean Ethics*, is to investigate the highest or ultimate good attainable to the human person. It is clear from Aristotle's *Nicomachean Ethics*<sup>1</sup> that his conception of Ethics is teleological, that is to say he posits an end, which is the good, of which human actions and life should be oriented. The first line of his *Nicomachean Ethics* read thus: "Every art and every inquiry, and similarly every action and pursuit, is thought to aim at some good; and for this reason the good has rightly been declared to be that at which all things aim." (NE, Bk 1, 1094d1, 1) In other words, to avoid the problem of infinite regress, Aristotle posits 'the good' (the *Summum Bonum*) as the end of human pursuit. He maintains thus:

If, then, there is some end of the things we do, which we desire for its own sake (everything else being desired for the sake of this), and if we do not choose everything for the sake of something else (for at that rate the process would go on to infinity, so that our desire would be empty and vain), clearly this must be the good and the chief good. (NE, Bk 1, 1094d1, 20)

For Aristotle, the good of every human pursuit categorically is "*Eudaimonia*" a Greek word translated as happiness or wellbeing, presently "human flourishing" is considered the most accurate translation of the word. We find similar teleological approach to Ethics in the Ethics of Thomas Aquinas, who unsurprisingly as a Theologian cum Philosopher posits 'the good' (the *Summum Bonum*) of human pursuit categorically as God, the Christian God revealed in the Judeo-Christian Scriptures. This approach to ethics is different from the Deontological approach purported by Immanuel Kant and the Utilitarian approach advocated by Jeremy Bentham and the Mills.

Aristotle conceives Ethics more as an art than as a science, for he agrees with his predecessor, Plato, that Ethics deals with the particulars. If Ethics deals with the particulars but not the universals, this proposition, conflicts with the essential character of the sciences which nature deals with universal and strictly necessary principles. He himself asserts that "Scientific knowledge is judgment about things that are universal and necessary, and the conclusions of demonstration, and all scientific knowledge, follow from first principles (for scientific knowledge involves apprehension of a rational ground)." (NE, Bk 6, 1140b1, 30) To this effect, Aristotle maintains that Ethics deals with practical wisdom not intellectual wisdom, for practical wisdom deals with things that are variable not things that are invariable as in

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<sup>1</sup> Michael Pakaluk, explains that, 'The Greek word which means "pertaining to traits of character" is *ethike*, then, in the historic and original sense of that term. (It is called "*Nicomachean*" after Aristotle's son, Nicomachus, but whether because it was dedicated to Nicomachus or because Nicomachus was the editor, we do not know.)' (Michael Pakaluk, 2005, 4)

science. Hence, practical wisdom deals with the ability to do deliberations. Thus, he asserts:

Practical wisdom, then, must be a reasoned and true state of capacity to act with regard to human goods. But further, while there is such a thing as excellence in art, there is no such thing as excellence in practical wisdom; and in art he who errs willingly is preferable, but in practical wisdom, as in the virtues, he is the reverse. (NE, Bk 1, 1140b1, 20)

Aristotle's Ethics is Virtue-Ethics, not Normative-Ethics as early mentioned. This means that Aristotle does not aim to provide us with principles of judging the right or wrong behaviour or action but he aims at forming a good person, a virtuous person. This motif in ethics is not exclusive to Aristotle or the ancient Greek nation; we find it present in other nations in the classical times. A good example is in the Ethics of Confucius of the classical Chinese nation, where words like 聖人 and 賢人, which means holy and virtuous person respectively, are prevalently used to name the ethical person. Being a virtue-ethics grounded on happiness, which is an activity of the rational part of the soul, Aristotle maintains:

it is natural, then, that we call neither ox nor horse nor any other of the animals happy; for none of them is capable of sharing in such activity. For this reason also a boy is not happy; for he is not yet capable of such acts, owing to his age; and boys who are called happy are being congratulated by reason of the hopes we have for them. (NE, Bk 1, 1100a1, 1)

Hence, Aristotle contends that complete virtue and a complete life, that is to say a mature and experienced life is *conditio sine qua non*, to be happy. He defines virtue as "a state of character concerned with choice, lying in a mean, i.e. the mean relative to us, this being determined by a rational principle, and by that principle by which the man of practical wisdom would determine it." (NE, Bk 2, 1106b, 35-1107a1) A mean for him is the relative middle point between two extremes. He admits that there are a lot of human behaviour where it is very difficult if not impossible to say with certitude where lays the mean. (Cf. NE, Bk 2, 1107a)

### 3. Exposition of Happiness as the Ground for Ethics

We have said above that Aristotle in his *Nicomachean Ethics* produced a teleological Ethical system, which maintains that ethics ought to be oriented towards an end, a *Summum bonum*, that is to say the chief or highest good. This *Summum bonum* becomes the ground for teleological ethical edifice. For Aristotle, the *Summum bonum* of the human person is Happiness.

In the *Nicomachean Ethics*, Aristotle did not undergo great stress in locating, *Eudaimonia*<sup>2</sup>, which in English has been generally translated as happiness, as the chief good of all rational persons, but he was under severe pain to define or ascertain what precisely happiness is. Using an analogy from inquiries like art, which action and pursuit is usually aimed at a certain good, he contends that the end of which every rational human pursues is happiness. The question is what is happiness? In his interlocation, while stating that many people agree that happiness or well being is that

<sup>2</sup> Claudia Barracchi, maintains that "The word *eudaimonia* evokes the benevolent and beneficial sway of the *daimon*, and, hence, the sense of harmonious connection with or attunement to the *daimonic*." (Claudia Baracchi, 2008, 81)

of which everyone seeks, he echoes the differing opinions of some people as to what happiness precisely is, saying thus:

Verbally there is very general agreement; for both the general run of men and people of superior refinement say that it is happiness, and identify living well and doing well with being happy; but with regard to what happiness is they differ, and the many do not give the same account as the wise. For the former it is some plain and obvious thing, like pleasure, wealth, or honour; they differ, however, from one another—and often even the same man identifies it with different things, with health when he is ill, with wealth when he is poor; but, conscious of their ignorance, they admire those who proclaim some great ideal that is above their comprehension. (NE, Bk 1, 1095a1, 15)

The above quotation clearly tells us how problematic defining happiness is. Even to this day people differ on what they think or feel happiness is. It, thus, seems that it is by a kind of democratic consensus<sup>3</sup> that ‘happiness’ is considered as the highest good of all men and women. Be that as it may, there is no consensus on what happiness is. Nevertheless, what is Aristotle’s own understanding or definition of happiness? He defines happiness thus: “happiness is an activity of soul in accordance with perfect virtue.” (NE, Bk 1, 1102a1, 5) To this effect, he asserts that “Happiness then is the best, noblest, and most pleasant thing in the world.” (NE, Bk 1, 1099a1, 20) Claudia Baracchi, explains this Aristotle’s understanding of happiness as: “the highest moment of human finality and projection.” (Claudia Baracchi, 2008, 79) This helps to understand, the reinterpretation of happiness as the beatific vision of or in God by the scholastics philosophers, especially, Aquinas. Aristotle himself in the *Nicomachean Ethics*, realizes the vagueness and elusiveness of his own definition of happiness. Thus, in an effort to make his definition clearer and concrete he added that happiness: Needs the external goods as well; for it is impossible, or not easy, to do noble acts without the proper equipment. In many actions we use friends and riches and political power as instruments; and there are some things the lack of which takes the lustre from happiness, as good birth, goodly children, beauty; for the man who is very ugly in appearance or ill-born or solitary and childless is not very likely to be happy, and perhaps a man would be still less likely if he had thoroughly bad children or friends or had lost good children or friends by death. (NE, Bk 1, 1099a30-1099b1)

The question to Aristotle is: if one needs all the above-mentioned qualities and privileges<sup>4</sup> and in addition to virtue who then can be happy? According to Aristotle’s

<sup>3</sup> Claudia Baracchi, put it thus: “It is thanks to the virtually unanimous agreement that happiness is established as the highest good.” (Claudia Baracchi, 2008, 79)

<sup>4</sup> It has always been a problem to know if Aristotle posits an activity or many activities as necessary to live a happy life or the ideal life. Gavin Lawrence, contends that “he is not primarily concerned with the question of what activities a human being should value, or be devoted to, or how to juggle them on particular occasions, but rather with the question of what activity, or weave of activities, makes up, or constitutes, the most ideal life for a human (under ideal circumstances). Thus the monism he advocates is one of activity, not of value. He is not crazily saying that the happiest human life is one where we value only one thing, theoretical activity. No, the happiest human life is one whose circumstances are such as to

allow us to engage in contemplation as much as a human ever can.” (Gavin Lawrence, 1999, 184-192)

standard one should ask, is being happy possible? Doesn't one need to be deified to become happy according to Aristotle's standard?

The above questions lead us to inquire how Aristotle thinks happiness could be acquired. Is it by learning? Is it by habituation? Is it by a sort of training? Is it by divine providence? Or is it by chance? Aristotle thinks that happiness is not god-sent and is not gotten by chance; but thinks rather that happiness "comes as a result of virtue and some process of learning or training, to be among the most godlike things; for that which is the prize and end of virtue seems to be the best thing in the world, and something godlike and blessed." (NE, Bk 1, 1099b1,15) Because happiness comes as a result of virtue, therefore we can praise the virtuous person. Aristotle does not equal happiness with pleasure as the Epicureans do, hence, for Aristotle happiness should not be understood as the opposite of pain. The happy person is the virtuous man or woman who has learnt how to deal with the ups and downs of life. As he maintains:

For neither will he be moved from his happy state easily or by any ordinary misadventures, but only by many great ones, nor, if he has had many great misadventures, will he recover his happiness in a short time, but if at all, only in a long and complete one in which he has attained many splendid successes. (NE, Bk 1, 1100b1,10)

It is clear that, Aristotle understands that his attempt to expound clearly what happiness is, is anything but satisfactory. Thus, he saw the need to write another work, entitle *Eudemian Ethics*. Aristotle commences the discourse in the book I, of the *Eudemian Ethics*, on the need to understand what happiness precisely is. Though, this work's focus is on the Nicomachean Ethics, but since Aristotle decided to make a second effort in readdressing the obscurity and elusiveness lurking in the definition of happiness in the *Eudemian Ethics*, it will be fair to accompany him. Book I and II, of the *Eudemian Ethics*, investigate the idea of happiness. We shall thus investigate these two books, with the hope for any possible clarity and precision.

Aristotle disagrees with the those who attempts to separate: the good, the beautiful and the pleasant. On the contrary, he maintains that "happiness is at once the most beautiful and best of all things and also the pleasantest." (EE, Bk 1, 1214a1,5) Already, here, Aristotle has started a discussion on happiness, by elevating it to a transcendental nature. Anyone, reading this claim of Aristotle on happiness, would quickly ask: What is this most beautiful? What is this best of all things? What is this most pleasant? Any attempt, Aristotle seems to make in clarifying what happiness is, the more obscure it becomes; any attempt to make us grasp the meaning of happiness, the more elusive it becomes. However, we shall be patient with him. Temporarily ignoring the problem inherent in defining happiness, Aristotle proceeds to propose ways by which happiness, in other words, "the good life" or "wellbeing", could be acquired. He raises the question if happiness is acquired by nature or through teaching. In other words, using the parlance of Chinese philosophy, is happiness 天賦予的 (Heaven given) or 後學的 (personal learned). Or is neither acquired by nature nor through teaching? For according to Aristotle, "or by some sort of discipline—for men acquire many qualities neither by nature nor by teaching but by habituation." (EE, Bk1, 1214a1, 15) Aristotle, contending that it is possible that happiness may not be acquired by nature, teaching and habituation, adjures that: "To be happy, to live blissfully and beautifully, must consist mainly in three things, which seem most



desirable; for some say practical wisdom is the greatest good, some excellence, and some pleasure.” (EE, Bk1, 1214a1, 30) Aristotle, while sustaining that all animals can enjoy pleasure, dismisses happiness as a property of plants and other animals and argues that only the human beings can be happy. He maintains that “we must regard happiness as the best of what is within the range of action for man.” (EE, Bk1, 1217a1, 35) Thus, Aristotle upholds happiness as the virtue of the human person. By virtue, Aristotle, following the Greek understanding, means *arête*, which is the Greek word for ‘excellence’, of which in English is usually translated as ‘virtue.’ (c.f., Noel Stewart, 2009, 59) This implies that the excellence of the human person is to live the life of virtue, which means the life of excellence. Aristotle, further argues, that since what distinguishes the human person from other animals is the activity of the soul, reason. It means happiness will imply a life of an excellent use of reason, the use of the rational part of the soul to it fullness. This excellence becomes the good of the human person. Aristotle following his disputations in his work, *Metaphysics*, also in the *Eudemian Ethics*, critique the idea of “a good *per se*.” Maintaining, that ‘good’ is ambiguous, he rather opted for the understanding of ‘good’ “as an object aimed at.” (EE, Bk1, 1218b1, 10) Hence, the good *per se*, the end of all human action, becomes happiness. Happiness, thus, becomes the excellence of the soul; the activity of a good soul. Hence, he holds that, happiness as the activity of a complete life in accordance with complete excellence or virtue.

Though, Aristotle, in *Eudemian Ethics*, made a serious effort to make the understanding of happiness a little clearer and more specific, the question of attempting to posit happiness as the ground for ethics, remains elusive and obscure. And this is obvious according to Aristotle’s own words:

We find confirmation also in the common opinion that we cannot ascribe happiness to an existence of a single day, or to a child, or to each of the ages of life; and therefore Solon’s advice holds good, never to call a man happy when living, but only when his life is ended. For nothing incomplete is happy, not being whole. (EE, Bk1, 1219b1, 5)

Solon’s advice as quoted in acceptance by Aristotle, simply implies that it will be elusive or deceptive to judge oneself or other persons to be happy while still existing in this mortal life.

#### 4. A Critique of Aristotle’s Ground for Ethics

First of all, Aristotle’s boldness to be the first to create a systematic work on Ethics needs a resounding praise. Socrates and Plato in an effort to make the day to day concept we use clear tried to help us see the difficulty in defining ethico-political concept like Justice. Furthermore, Plato in his discourse on the Universals proposes the idea of “the Good”. And Plato thinks that the noblest pursuit of a rational person is the contemplation of the Good. He opines that it is by this contemplation that we become happy. Notwithstanding the brilliant dialectics of Socrates-Plato on ethical ideas and concept it was with Aristotle that we have a systematic treatise on ethics. No doubt Aristotle is the Ethical Philosopher *par excellence*.

Like the contemporary Greek thinkers of his time, Aristotle developed a *Eudaimonia* Ethics, that is to say ethics that is orientated towards happiness as the chief good of the human person. Aristotle in his *Nicomachean Ethics* presents a sustained argument

for happiness as the ground for ethics. While it may sound plausible to posit happiness as the chief good of all humans, it is the view of this writer that Aristotle built his ethical system on an obscure, vague, relativized and unsystematic ground or foundation. To this effect, J.L. Ackrill maintains: “Like most great philosophical works Aristotle’s *Nicomachean Ethics* raises more questions than it answers. Two central issues as to which it is not even quite clear what Aristotle’s view really is are, first, what is the criterion of right action and of moral virtue? and, second, what is the best life for a man to lead?” (J. L. Ackrill, 1980, pp.15-34) Thomas Nagel put this obscurity thus: “The *Nicomachean Ethics* exhibits indecision between two accounts of *eudaimonia*—a comprehensive and an intellectualist account.” (Thomas Nagel, 1980, pp.7-14) The intellectualist account is elaborated in the chapter 7 of the book 10, while the comprehensive account is discussed in NE 1178a9. In the intellectualist account, *eudaimonia* is a rational activity of the soul, that is to say the contemplation of truth and the search for wisdom, in accordance with virtue. While in the comprehensive account, *eudaimonia*, is an activity to entails the entire life of a person, which includes good health and fortunes with some sorts of luck.

First of all, Aristotle in his *Nicomachean Ethics* not only used the analogy of the arts or craft to develop his ethics, he conceives Ethics as an art rather than as a science. Hence, Aquinas contends that though virtue takes the place of art but moral science (Ethics) cannot be said to be an art. (C.f. Thomas Aquinas, 1985, 19) While art deals with things that are variable, scientific knowledge deals with things that are universal and necessary. (c.f. NE, Bk 6, 1140b1, 30) A system cannot be built on variable factors, for variable factors give rise to relativity not objectivity. When an ethics is built on a variable not on necessary and a universal factor, the implication is that the ethical ground cannot be proposed for all. If Ethics should be philosophical it ought to deal with ultimate principle that is consistently necessary and universal in nature. The variable factor of which Aristotle built his Ethics is the Chief Good, which he calls happiness.

Secondly, Aristotle is in pain to establish a precise idea of what the chief good of all human beings is. He admits thus: “Our discussion will be adequate if it has as much clearness as the subject-matter admits of, for precision is not to be sought for alike in all discussions, any more than in all the products of the crafts.” (NE, Bk 1, 1094b1, 15) So it is obvious from Aristotle himself that he is building an Ethics on an unclear and imprecise concept—Happiness. Aristotle himself submits that there is no objective agreement on what happiness is. He says, “Verbally there is very general agreement; for both the general run of men and people of superior refinement say that it is happiness, and identify living well and doing well with being happy; but with regard to what happiness is they differ, and the many do not give the same account as the wise.” (NE, Bk 6, 1095a1,15) An Ethics of this kind that is built on probability and imprecision cannot be recommended for all. On Critiquing happiness as the ground of Ethics Immanuel Kant has this contention: “the precept of happiness is often so constituted as greatly to interfere with some inclinations, and yet men cannot form any definite and certain concept of the sum of satisfaction of all inclinations that is called happiness.” (Immanuel Kant, 1993, 399) If we cannot form any definite and certain concept of happiness according to Kant, which I certainly agree with, how can a philosophical Ethics be built on it?

Thirdly, based on the above argument it would be bold to contend that Aristotle rather built a religious Ethics rather than a philosophical Ethics. This contention would be sustained not only by looking at his Eudemian Ethics where he talks about the worship and contemplation of God, but more important by considering the analysis of the Greek word eudaimonia, which translation in English is given as happiness. The word eudaimonia has two main components: the prefix “eu” and the root word “daimon.” “eu”, in Greek language signifies that which is excellent, eminently good and harmoniously. On the other hand, “daimon”, has a sense of divinity, thus signifies the divine, strangely marvellous or awful, a kind of above human manifestation in a human realm. Thus, the combination of “eu” and “daimon”, will give us a sense of been excellently harmonious with divine. A sense which is similar to the “beatific vision of God” used by medieval theologians and philosophers. Little wonder that Aristotle’s eudaimonia ethics became appealing to religious thinkers, especially Thomas Aquinas who later in the middle Ages building on Aristotle’s Ethics brought Aristotle’s *Summum Bonum* to its most sublime conclusion, God, the Christian God.

## 5. Conclusion

Finally, as a way of conclusion it is to be noted that the objective of this paper, is not a critique of virtue ethics, or an attempt to replace virtue ethics with other forms of ethical theories. The writer strongly thinks that, virtue ethics, is still more comprehensive and appealing than any other modern ethical theories. However, the writer has a serious problem in understanding how, happiness, which is an elusive and obscure concept or idea will be established as the ground for philosophical ethics by Aristotle in his Ethics. The writer would rather suggest that the virtue ethics of Aristotle should be complemented with the virtue ethics of the Confucian philosophy which is grounded on relationship not on happiness. Chinese ethical and political philosophy is built on the concept of a five cardinal relationships, known as 五倫: relationships between ruler and subject (君臣), father and son(父子), husband and wife(夫婦), brothers(兄弟), and friends(朋友). While, appealing to the relationship model of virtue ethics in the Chinese philosophy, the writer does not exclude the level of relationships to the five mentioned above, which are clearly humanistic. For there are also transcendental levels of relationship, which includes the transcendental self-conscious experience of oneself as a subjective person and the transcendental relationship with the Ultimate reality of all things. It is thus, in the committed effort to live and maintain a life in the relationships we are engaged in, that can possible produced happiness, however, we subjectively conceive it. Happiness thus, is not the ultimate good but a by-product of committed relationship or union, which should be the ultimate good. Hence, one should not seek happiness, for one cannot find it, because one do not know what happiness is.

Thus far, this work aimed at a critical exposition of Happiness as the Ground for Ethics in Aristotle’s Nicomachean Ethics. The writer’s thesis was that Aristotle provides an elusive and obscure ground for his Ethics. To achieve this, the writer did the following: exposed Aristotle’s Conception of Ethics; Gave an Exposition of Happiness as the Ground for Ethics; Gave a Critique of Aristotle’s Ground for Ethics and then finally gave a conclusion.

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***Asian Philosophical Traditions and Their Importance in Conceptualization of a  
Universal, Borderless Philosophy***

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**Abstract**

In recent times there has been an increased focus on non-Western philosophical traditions and their place in the world. This shift is a consequence of socio-political, and economic changes that the world has witnessed lately. Each successive historical phenomenon whether colonialism, post-colonialism, or globalization has led to the reconceptualization and transformation of philosophy as a discipline. Post colonization has shifted focus from the Eurocentric ‘Self’ to the indigenous ‘Other’. Indian Intellectual history also followed its own course reflecting the developments in the West. In this paper, I would like to draw attention to the non-Vedic, atheist traditions of Buddhism, its various sects and the materialistic schools of Carvāka/Lokāyata of the classical period in Indian philosophy. I would like to argue that these early atheistic, rational traditions apart from offering alternative methods of reasoning and thinking, embody modern democratic values of justice, equality and liberty. Indian atheistic (*Śramaṇa/nāstika*) traditions were borne out of skepticism against the established, ritualistic, caste based dominant oppressive systems of premodern India. These schools did not just address everyday existential problems of man but also suggested alternate egalitarian, socialist form of government as opposed to monarchy where each individual could truly develop to his or her own capabilities. Finally, in conclusion, I argue how the study of debates of premodern India within and across diverse, disparate traditions offers vital insights into current issues plaguing modern India such as identity politics, social and religious freedom, economic inequity, and suggest ways of bringing these divergent, opposing groups and viewpoints into dialogue and conversation.

Keywords: Carvāka, Lokāyata, Śramaṇa, nāstika, skepticism

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## I

**Universal vs. Localized, culture specificity of Philosophy**

Typically, Philosophy is understood as dealing with problems which are universal by nature and perennial such as the nature of knowledge, mind, substance, time, causality, truth etc which are essentially acultural and ahistorical. But, the history of philosophy or intellectual history has shown how these problems which seem obvious to all of us are problems which have been shaped by particular events and theoretical developments over the course of time. Concepts develop within particular contexts, and in that sense they are historical products of their time (Tartaglia, 2014). Universalists claim that irrespective of its specific origins, philosophies subject matter, purpose, aspirations has always been universal. Historicist rejects the view that philosophy deals with “perennial, eternal problems – problems that arise as soon as one reflects” (Ibid., Rorty 1979, p.3) instead they propose the idea that philosophy is culture specific. An objective, unbiased look at non-Western intellect traditions shows how early thinkers within these traditions actually dealt with problems which are perennial, and eternal this can be seen through their contributions to fields such as astronomy, mathematics, medicine etc. The problem with universality or universal claims to truth is that its validity cannot be questioned. In the context of the binary between West and non-West, universalism would be nothing but Eurocentricism or cultural imperialism.

The idea of philosophy as a culture can be attributed to pragmatic thinkers like John Dewey, Wittgenstein, and Rorty who in their own ways were critical of Western philosophy. Dewey (1988) was critical of the way that Western philosophy draws distinction between ‘theory’ and ‘practice’, Wittgenstein (1953) in his *Investigations* was critical of the subject-object distinction that is central to Western philosophy, so also Rorty proposed philosophy as cultural politics, where he suggests Philosophers need to intervene in cultural politics, by drawing the ‘Other’ into the conversation by suggesting newer vocabulary and practices designed to make a pragmatic difference in the world. The foundation of culture or regional or race philosophy is based on the necessary relationship between culture and philosophy, because of which today we can speak of Asian philosophy, Indian Philosophy, African philosophy etc. Culture Philosophies or culture politics allows as Rorty argues to “expand the conversation of mankind” beyond the West to include the non-West, those that were previously excluded and marginalized. Another important critique of Western thought and their representation of the “Other” was given by Edward Said, who argued that one of the biggest problems of modernity was taking the “Other” seriously.

Underlying the tension between the Universalist and culture specific aspects of philosophy is the definition and conception of philosophy as a discipline. While it is not possible to let go of foundational universal concepts such as truth, justice, freedom etc, it is also important to recognize that truth and reality can be understood in multiple ways. The challenge is to find a balance between naïve universalism and resistant localism, the relationship between the one and the many, needs to be worked out. In this paper, I argue that while cross-cultural philosophy and comparative philosophy has broadened the scope of philosophy by taking the conversation beyond the West to include previously excluded, marginalized voices much needs to be done in terms of making non-western philosophies mainstream moving them from religious and theology departments across the world to philosophy departments. While in the

past for thousands of years Chinese, Indian, Japanese cultural and intellectual traditions etc have developed in relative isolation from the West in today's largely interconnected, interdependent, globalized world the voice of the 'Other/s' cannot be ignored, the artificial binaries and colonial asymmetries such as 'East'/'West', 'secular'/'religious' etc. do not hold anymore. Philosophy needs to have a vision for itself and for the world and in this context, I would like to extend the argument put forth by Jonardon Ganeri, Jay Garfield and others that on one hand, philosophy needs to go global and on the other that academic philosophy as taught in philosophy departments across the world needs to diversify. Also Indian philosophy as presented in Indian texts needs to diversify and move beyond the dominant Sanskrit traditions to include those philosophies which offer a counter perspective to Vedic or Brahminical philosophy, in this context, at the local level Indian philosophy needs to decolonize.

### **Postcolonialism, premodern thought and comparative philosophy:**

Asian Philosophical traditions whether Hinduism, Buddhism, Confucianism, Taoism are not just philosophies they are also practicing religions whose sequence of intellectual history is very different both within the various regions of Asia, and also distinct from Western history. Modernity in Asia is associated with colonialism, when the West discovered the non-West and the Orientalists began translating indigenous texts into English for a largely Western audience. Modernity in India is still a project in progress conditioned by colonialism, so postmodernity in India is not a critique of modernity but colonialism and hence called postcolonialism. Postcolonialism in India is a problematizing of premodern themes because the traditional religious and philosophical discourses are still very much alive. Similarly, modernity in China is said to have begun after it was discovered by the West through its various voyages and explorations to southern and eastern Asia (Clarke, 1997, p.39). It is important to keep in mind that the idea of 'modernity' itself is a Western concept which does not mean that it cannot be applied to non-western traditions or that does not imply that all non-Western societies are premodern but that they had a notion of modernity which was different from the West. In this paper, I limit my discussion to the study of Classical Indian philosophy instead of larger category of Asian philosophical traditions because of the vastness of the topic which is beyond the scope of this paper.

The first phase of Indian intellectual history following colonialism is characterized by The Orientalists and 2. The Nationalists both of whom in different ways were carrying out the colonial project. The rediscovery of India's past was their central purpose in order to forge a modern Hindu identity through the positing of Indian philosophy as a single, homogenous tradition. William Jones (1746-94), Thomas Colebrooke (1765-1837), Max Mueller (1823-1900) were some of the most influential Orientalists who were singularly responsible for creation of a monolithic, singular tradition whose attributes were that Indian philosophy originated from the Vedas, Vedanta is the culmination of all philosophy, it is a world negating philosophy, it is a philosophy that centered round schools and that moksha or liberation was its final goal. All these characterizations made Indian philosophy essentially not philosophy but a "wisdom" tradition. The Nationalists like Radhakrishnan, Aurobindo and others continued with the colonial portrayal of Indian tradition a spiritual, ahistorical. They sought recognition for their indigenous ways of thinking from the colonial powers by showing that they too had philosophy which was comparable to the West. This was done through comparative philosophy which is not a distinct form of philosophical

method or a new philosophy insight but a heuristic tool introduced to bring together disparate philosophies. It is based on the assumption that different philosophies are complementary to each other and hence a synthesis is possible. Comparative philosophy was the first tool towards decolonization.

The second generation of Indian thinkers, sought greater integration and philosophical recognition from the Western academia. These thinkers were involved with the reinterpretation of traditional concepts using Western methods. These attempts did not produce anything new in terms of philosophical insight, nor were they critical of the colonial structures, they largely retained or worked within those structures and hence, Western philosophy remained the dominant paradigm around which Indian philosophy revolved. While comparative philosophy did introduce newer ways of thinking and indigenous forms of knowledge, it did nothing in terms of understanding the 'Others' or to critically engage with the non-West.

The third generation of thinkers were involved with critical evaluation of Indian philosophy. These included 1. Marxist interpretation of Indian philosophy (reading of Indian philosophy from a critical perspective) which included the writings of thinkers like Rahul Sankrityayan, K. Damodharan, Debiprasad Chattopadhyaya 2. Periyar and Dravidian reading of Indian Philosophy 3. The Sikh readings of Indian Philosophy 4. The Islamic reading of Indian Philosophy and 5. Evaluating Indian Philosophy from Dalit Perspective – Mahatma Phule, Iyothee Das, and Dr. B. R. Ambedkar. These trends represents postmodern thinking in Indian philosophy.

Each phase of Indian Intellectual history led to a reconceptualization of Indian philosophy, the first generation colonial thinkers postulated Indian philosophy as essentially being spiritual, the second generation thinkers critiqued this notion and argued that Indian philosophy is essentially about schools or *darśanas*, a third description is of Indian philosophy as logic or reason (*ānvikṣiki*) and finally Indian philosophy as a method of reasoned debate and deliberation. So, broadly re-appropriation and interpretation, reinterpretation and integration seem to be main trends of comparative philosophy in the Indian context. However, today to make Indian Philosophy locally and globally relevant one needs to move beyond just comparative philosophy to exploring different ways of doing Indian philosophy.

Having laid out the background, and the context of the paper, the next section draws attention to the non-Vedic (*Śramaṇa*), atheistic (*nāstika*) traditions of classical Indian thought the materialist (*Cārvāka/Lokāyata*) and the realist schools of Buddhism which have been largely ignored by both mainstream Indian and Western academia. A study of the history of these traditions offers a completely different perspective contrary to the way Indian philosophy is presented in standard texts on Indian philosophy. History of Indian thought, is written from the perspective of the orthodox or *āstika* traditions such a representation leads to the misrepresentation of the heterodox (*nāstika*) traditions as being marginal, insignificant and non-existent while the contrary is true.

## II

### **Atheism, and rational materialism in ancient Indian thought:**

The current depictions of Indian philosophy as spiritual, pessimistic, dogmatic, unprogressive has roots in colonialism. These simplified representations resulted in



the complete neglect of the atheistic, rational traditions of early India which arose in opposition to the dominant Vedic traditions or Brahminical orthodoxy<sup>1</sup> and provide a counter to the standardized depiction of history of Indian philosophy. These traditions represent dissent and protest in early Indian also called counter traditions (Thapar 1981). The atheist schools (*nāstikas*) of Indian thought such as Cārvāka, Sāṃkhya, Buddhism and Jainism have roots in early Indian asceticism and proto-materialist schools. These schools did not believe in the idea of a creator God, they rejected Vedic authority, the performance of rituals and Brahmanical practices, they questioned the social status and power of the Brahmins within the caste (*varṇa*) system. These heretical traditions represented a move away from ritualism and mysticism of early Vedism and Brahmanism toward logic, rationality and ethics and hence, are representative of change in Indian thought.

### **Cārvāka/ Lokāyata: The philosophy of the common man**

If there has been any one school of thought that has been criticized by every other school whether orthodox or unorthodox, realist or idealist across traditions it is the Cārvāka philosophy, also called the Lokāyata. This system of thought flourished in the 8<sup>th</sup> century C.E and was influential until the 12<sup>th</sup> or the 13<sup>th</sup> century. The term Lokāyata can be broken down in to two terms “*Lokā*” meaning “world” and “*yata*” meaning “world-view” or “life-view” or “view prevalent among people” (Joshi, 1987). The term ‘Cārvāka’ is derived from the words ‘*Cāru*’ meaning ‘sweet’ and ‘*vāk*’ meaning ‘speech’ or ‘words’. The other terms used to refer to this philosophy is Lokāyata, Bārhaspatya, and *nāstika* (Hemachandra’s *Abhidhāna Cintāmaṇi*, 3.526-27). According to Debiprasad Chattopadhyaya (1956), the Cārvāka philosophy developed among the slaves, the trader community and the lower classes, so its origins were not elite. Ramakrishna Bhattacharya (2011) argues that materialism in India did not start with Cārvāka/ Lokāyata but has a longer history in older works where thinkers at that time argued about the primacy of matter over consciousness, the pointlessness of performance of rituals and the offering of gifts (*dāna*) to brahmins. Since the original texts of this philosophy are lost, references to its central tenets are found in texts (*sūtras*) of other traditions such as the Jain and Buddhists texts and in political texts like *Arthaśāstra* mostly as the opponent’s viewpoint or *pūrvapakṣa*<sup>2</sup>. But many of these texts present a one-sided, homogenous, narrow view of this school, which in fact is as diverse as the Vedānta or the various schools of Buddhism. They were not just materialists, they were also realists and skeptics. They were materialists because they privileged matter over spirit and consciousness, they were realists because they believed in perception (*pratyakṣa*) and in some instances they also allowed for inferences (*anumāna*) as a valid source of knowledge (*pramāṇa*) as long as it was obtained through the senses, they were agnostics (*ajñānavādīn*) because they refuted and rejected rituals, obscure concepts like karma, rebirth, eternity of soul, the caste system, and they were also skeptics (*saṃśayaavādīn*) who doubted that any kind of knowledge is possible like in the case of Jayarāśi Bhaṭṭa (770-830).

<sup>1</sup> S.Radhakrishnan describes Buddhism as an offshoot of Hinduism more specifically Brahmanism, and it is from this perspective that the history of Buddhism in India is constructed. This view was supported by Indologists like Jacobi (1884), Max Mueller (1879) and others who argue that the so-called heterodox traditions are but derivatives of Brahmanism. However, others such as T.W.Rhys Davis (1936), Paul Deussen and Richard Garbe (1903) have argued that the history of the atheistic or *Śramaṇa* traditions is not a continuation or development of the Vedic religion but a rather a reaction against it. The Kṣatriyas were the ones who reacted against the hegemony of the Brahmanical traditions and the originators of the counter traditions.

<sup>2</sup> The method of argumentation in the dominant Vedic tradition has the following structure *pūrvapakṣa* (prior view), *khandana* (refutation of the view) and *uttarapakṣa* or *siddhānta* (statement and proof of one’s own position or conclusion). All schools or *darśanas* emerged from this process, when particular *darśana* is enumerated all others are taken as the *pūrvapakṣa* which keeps the schools open and evolving in nature.

Here, we look at the ethics of the Cārvāka/ Lokāyata who are often criticized as lacking in morals and unethical because of their materialistic position. However, the Cārvākas did possess a moral perspective, they had a diversity of value perspective and believed in this worldly human goals (Gokhale 2015).

### The ‘this-worldly’, commonsensical ethics of Cārvāka/Lokāyata:

The *Sarvadarśanasamgraha* of Mādhava-Sayana, a 14<sup>th</sup> century Vedantin discusses the central tenets of the Cārvāka philosophy in the *Cārvākadarśanam*. The following passage from it speaks of the Cārvākas criticism of performance of elaborate, irrational rituals and using it as a means to earning livelihood was directed at the Brahmin priests. The Cārvākas declare,

The agnihotra practice, (recitation of) three Vedas, holding ascetic's three staves, smearing oneself with ashes, all these according to Bhartṛhari, the means of livelihood of those who lack intelligence and strength. That is they use such superstitious and deceptive means of livelihood because they lack enough power and intellect to use legitimate means.<sup>3</sup> (Trans. Cowell & Gough, 2007, 10)

They rejected the notion of an afterlife, and hence, they criticized the ceremonial rites performed for the dead by the Brahmins priests as just trickery by them and was nothing more than a means of earning for them. They say,

Moreover, all these ceremonies for the dead are the means to livelihood which the Brahmanas have created for themselves. There is no other (fruit) obtained elsewhere.<sup>4</sup> (Trans. Cowell & Gough, 2007, 10)

They believed that the idea of *afterlife* propagated by the Brahmanas and the other elites was untrue, everything ended with the death of the physical body and that consciousness disappears after death. So, performance of rites for the dead was a useless exercise which meant nothing except to serve the economic needs to the Brahmin priests.

The Cārvākas were critical of the value system advocated by the brahmanical texts which viewed human beings as governed by an unequal hierarchical system of caste or *varṇas*<sup>5</sup>. In a text, written by Kṛṣṇamiśra in the eleventh century called *Prabhodacandrodaya* translated as the rise of moon-like intellect, a materialist by the name of Mahāmoha declares:

If bodies are alike in their different parts, the mouth, etc.

How can there be a hierarchy of castes?<sup>6</sup>

Similarly, in the text *Naiṣadhacarita* by 12<sup>th</sup> century Vedantin Śrīharṣa, a materialist heretic criticizing the unequal division of people into castes based on notions of purity and pollution declares:

Since purity of caste is possible only in the case of purity on each side of both families of the grandparents, what caste is pure by the purity of limitless generations?

<sup>3</sup> agnihotraṁ trayo vedāstridaṇḍaṁ bhasmaguṇṭhanam/  
buddhiparūṣaḥnānām jīviketi brhaspatiḥ// (SDS, Cārvākadarśanam)

<sup>4</sup> tataśca jīvanopāyo brāhmaṇairvihatstviha/  
mṛtānām pretakāryāṇi na tvanyad vidyate kvacit// (SDS, Cārvākadarśanam)

<sup>5</sup> The chaturvarṇa system is a system of social stratification where people were divided into four social groups depending on their birth into the four castes. The monarchies often referred and strictly adhered to this system. This system elevated the Brahmanas to the top and all others below them, the Kṣatriyas were the next powerful group. This classification was not just social it was also economical, it denoted access to resources, wealth, authority, distribution of power etc (Thapar 1981). Another category which does not belong to the varṇa system were added, they were the untouchables or the caṇḍālas, who were kept out of access to resources, or power or wealth. These untouchables are the modern day Dalits, who still face discrimination and kept out of power and denied access of resources.

<sup>6</sup> tuḷyave vapuṣāṁ mukhādyaṇayavair varṇakramāḥ kīdrśo... [2.18 ab]

Fie on those who boast of family dignity! They hold women in check out of jealousy; but do not likewise restrain men, though the blindness of passion is common to both! Spurn all censorious statements about women as not worth a straw. Why dost thou constantly cheat people when thou, too, art as bad as women?<sup>7</sup>

Both Kṛṣṇamiśra and Śrīharṣa, through their translation depict the Cārvākas as heretics and non-believers. The defying of the caste order and speaking for gender equity was taken to be form of heresy and hence needed to be condemned therefore, they were declared as non-conformers or *nāstikas*.

Kautilya in his *Ārthaśāstra* speaks of only three systems Sāṃkhya, Yoga and Lokāyata that can be classified as logical<sup>8</sup>, rational system, the used the term *Ānviṣiki*. Kautilya argues that the Lokāyatas rationally regulate the scopes of religion, economy and polity. The Cārvākas believed that if the state was to be prevented by chaos and anarchy, then law and order had to be established which was achieved through legal sanctions (*daṇḍanīti*) by the state. Eli Franco (1991) sums what the Cārvākas were hoping to achieve perfectly, he says “[A]ll the Lokāyatas were fighting for ... was ultimately to found social and political institutions independently of religious dogma...”, in that sense they were secular and essentially democratic. Caste, Gender Inequity, inequity of rights and opportunities, religious dogma, social exclusion are still very much part of Indian society today as they were in those early times. The Cārvākas rejection of God, authority, karma, afterlife etc created a spiritual void which allowed the space for alternative forms of religious movements to develop such as Buddhism and Jainism.

### **From rational materialism and realism of the Cārvākas towards the secular democratic philosophy of the Buddhists**

We have previously seen how the skeptical, rational, commonsensical attitude of the Cārvākas allowed for other alternative religious movements to appear on the scene. One such religious movement was Buddhism. There is textual evidence of debates between the followers of Cārvāka and the Buddhists in the *Mūla-Sarvāsti-Vāda* of the Nikāya-Vinaya. Epistemologically, Cārvākas and Buddhists are much closer to each other than with others schools because both accept perception and inference as a valid source of knowledge (*pramāṇa*) and disregarded verbal testimony (*śabda*) as a valid source (Bhattacharya, 2011). Also metaphysically the concept of *Svabhāva* (self nature, inherent essence), which rejects causation theory and the notion that there are god and evil consequences of moral actions is attributed to the Cārvākas, which was later appropriated, incorporated and reinterpreted by the Buddhists, Vedantins and other major schools. The Buddhists incorporated the same notion of *Svabhāva*, into their teachings to provide justification for their ethical teachings. Earlier, we have seen how the philosophy of Cārvākas have a political dimension which is seen through their critique of social norms, Vedic authority and privileges. In Buddhism, we do see how this further develops into political theory.

<sup>7</sup> *śuddhir vaṃśa dvayī śuddhau pitrordekaśaḥ |  
tadanantakulāpādadoṣā jātirasti kā || 17.40*

*īṣṭayā rakṣato nārīrdhikulasthithidāmbhikān |  
smarāndhatvāviśeṣe'pi tathā naramarakṣataḥ || 17.42*

*trṇānīva ghrṇāvādān vidhūnaya vadhūranu |  
tavāpi tādṛśyaiva kā ciraṃ janavañcanā || 17.58*

<sup>8</sup> Ramakrishna Bhattacharya in his works on the *Cārvākasūtra* argues that Cārvāka was the first school to develop logic. He draws similarities with the Nyāya-Vaiśeṣika school, also suggests that Nyāyaivikas could have been earlier Cārvākas because both admitted perception and inference as valid source of knowledge provided inference in rooted in perception. Using logic and reason (*ānviṣiki*) the Lokāyata/Cārvakas attempted to regulate rationally the economy, religion and polity.

A study of the development of Buddhist political theory is significant because there are many regions today in Asia such as South East Asia, East Asia, and South Asia, where Buddhist legal theory is practiced and continues to dominate the everyday life of citizens in those countries. The underlying foundation for Buddhist political theory is the notion of the individual (*puruṣa*) and its relationship to society and the world at large, which is similar to the Western political theory. But the notion of the Individual in the Buddhist context is very different where the individual has an interdependent relation to nature unlike the western conception of an individual as independent of nature. While it's not possible to discuss in detail the various aspects of Buddhist political theory, in the next section I discuss one aspect of the Buddhist legal tradition, which is the procedure of majority voting and consensus for dispute resolution.

### Majority Voting, Consensus and Dispute Resolution:

The study of classical Buddhist texts shows how democracy is deeply rooted in Buddhist history. Buddhist political theory are some the oldest in the world, consisting of a large oeuvre of literature which speak about the importance of politics in an individual's life and of active engagement in politics. The Pāli canonical texts *Aggañña Sutta*, the *Cakkavatti-Sīhanāda Sutta*, the *Mahasudassana Sutta*, the beginning of the *Mahāparinibbāna Sutta* are texts which offer a normative commentary on politics and discusses issues related to social class, caste, and distribution of resources. Here, I look at the Vinaya texts which speak of the structure and the governing of the *Saṅgha*. The structure of the *Saṅgha* as first set up by Buddha himself was republican in character, there was no leader of the *saṅgha*, all decisions were made in open meetings, all monks had equal rights to make proposal and vote, the *saṅgha* is considered an the ideal model of social organization (Moore, 2015).

The Vinaya texts speak of a highly complex set of procedures to resolve conflicts or disputes arising between members of the monastic community (*saṅgha*). The procedure of majority vote (*yebhuyyāsika*) is a process in which disputing monks come together to settle a dispute within the framework of the Buddhist *Dhamma*. The procedure of majority voting is remarkably similar to the modern democratic process of voting and voting rights. The Buddha describes the will of the majority in the *Majjhimanikāya* (Collection of Middle length discourses) as:

And what, Ānanda, is the will of the majority (*yebhuyyasikā*)? If those monks, Ānanda, cannot settle that dispute in that dwelling, then they should go to a dwelling where there are many monks. There, they should assemble, all in concord. Having assembled, the guideline of *dharma* is to be threshed out. Having threshed out the guideline of dharma, that dispute is to be settled in accordance with it. Thus, Ānanda, is the will of the majority. And in this way, there is the stilling of various disputes, namely by the will of the majority.<sup>9</sup>

If the monks at a particular residence are unable to resolve disputes, they are asked to seek the assistance of the monks residing elsewhere where they are larger in number. The Will of the Majority was realized through the process of voting. Voting was a way in which the community settled disputes and litigation through the proper

<sup>9</sup> *Tehi ānanda bhikkhūhi sabbeheva samaggehi sannipatitabbam sannipativā dhammanetti samanumajjitabbā dhammanetti samanumajjitvā yathā tathā sameti tathā taṃ adhikaraṇaṃ vūpasametabbam. Evaṃ kho ānanda sammukhāvīnayo hoti (Majjhimanikāya II, 247)*

application of the norms specified in the Buddhist political texts. Steven Collins, elaborates on the purpose of the Voting procedures, he states that:

[T]exts from the Vinaya provide much evidence to suggest that it is appropriate to speak of the monastic community as in some sense a "democracy,"....The *Vinaya* rules contain provisions for deciding a disputed matter by majority vote (*Yebhuyyasikā*: votes were cast and counted by means of small pieces of wood *salākā*) and by referral to a sub-committee composed of one or more monks (*ubbāhikā*). Such procedural rules, along with the specific directives by the Buddha that there should no individual as his successor, no Buddhist "Pope," do perhaps justify using the term democracy. But the overriding value here is not that such procedures are important in themselves – as, say, a way of guaranteeing individual freedoms – but rather they are a means, resorted to only when necessary, of achieving the goal of harmony and unanimity between monks. [...] The ideal form of decision making in the Order is for an elder to propose a resolution three times, and for the members of the community present to indicate agreement by silence<sup>10</sup>. Any such proposal should be clearly in accordance with established rules, and in conformity with the Dhamma, and so able to be approved without discussion, unanimously.

A community organizing its affairs by uncoerced vote rather than authoritarian *fiat*, and achieving (in aspiration, at least) a state of unanimous harmony, represents a powerful ideal in modern times; and so it is not surprising to find it so used by modern Buddhists.<sup>11</sup>

From the above passage, it is evident the early Buddhist texts speak of procedural rules and their performative methods which were invoked to resolve disputes among monks and to maintain harmony within the community this was specifically done to prevent schisms within the monastic community. The settlement through majority vote (*Yebhuyyasikā*) is just one process, the others include *sammukhāvinaya* - settlement through presence, *sativinaya/ smrtivinaya* - settlement through memory, *amūlḥavinaya* - settlement by the procedure of regaining one's wits, *paṭiññātakaraṇa/pratijñākāraka* - settlement by the procedure of confession/acknowledgement, *tassapāpiyāsikā/tatsvabhāvaiṣīya* - settlement by the procedure of particular fault/seeking the nature of the issue, and *tiṇavatthāraka/tṇapraprastāraka* - settlement through the procedure of spreading over the grass<sup>12</sup>. In these early legal texts there is strict adherence to the sovereignty of Buddha and the conformity to the *Dhamma*, the general spirit of these procedural laws to resolve any kind of dispute among the monastic community is in the spirit of democracy and to maintain harmony within the *Saṅgha*. The conflicts were taken as opportunities for public enactment of hierarchical power on one hand, and on the other, of expressing dissent and protest. Buddhist legal procedures evolved in the context of constant tension between monastic centralized authority and the social context in which varied dissenting voices demanded expression. The concept of majority voting, consensus, dispute resolution is similar to the concept of representative democracy practiced today in democratic societies.

## Conclusions:

<sup>10</sup> There are two modes of authority in the early Buddhists texts 1. *Ekarāja* (sovereign authority/ monarchy) and 2. *gaṇarāja* (authority drawn from an assembly of people similar to a democracy). After the demise of the Buddha, a model of political and social organization was developed which was based on the hierarchical ordering of the assembly where the disputes which arose were settled at various levels in the absence of the Buddha, this assemblage is the *gaṇarāja*. Often there is a tension between these two modes of authority argues Stuart which is found in the early Buddhist texts and the vote of the majority (*Yebhuyyasikā*) was a way of resolving this tension. Refer to *Refer to Rules Of Engagement – Medieval Traditions of Buddhist Monastic Regulation*, Eds Susan Andrews, Jinhua Chen, Cuilan Liu

In summary, this paper can be divided into two parts the first part discusses the role of non-Western philosophical traditions within the larger context of Western philosophy. It argues that Asian traditions although deeply rooted in specific cultures have always addressed problems which are universal in nature. Each of these cultures have contributed towards the overall development of the philosophical thought. If philosophy is about reasoned debate, resolving conflicts, clarification of concepts and in general an expression of a uniquely lived human lives then there is no single origin of philosophy, philosophy developed simultaneously around the same time in different parts of the world. So one needs to move beyond constructed binaries such as East/West, rational/mystical, spiritual/scientific and look for newer ways of doing philosophy which is truly global. The second part of the paper attempts to briefly revisit the non-Vedic, atheist traditions of Indian thought which have been purposefully and consistently neglected by scholars because they defy stereotypical, standardized, homogenous, representation of Indian philosophy. The Śramaṇa traditions, which gave rise to schools like Cārvāka/Lokāyata, Buddhism and Jainism, represents a long history of dissent, rationality, atheism in Indian philosophy. Many of the issues discussed by these schools such as caste distinction, gender inequality, superstition, blind faith, questions of justice, right to vote, freedom etc. are valid even today, these issues still plague modern Indian society. In the contemporary period, many social movements, such as the Bhakti movement of the medieval period, the anti-caste movements of the modern period etc can be traced to these early heterodox, heretical traditions and hence, it is important to study Indian philosophy from the perspective of these traditions.

Finally, I would like to argue that globalization is challenging us to rethink the way philosophy is presented and practiced as a discipline. Philosophy is still largely dominated by the sensibilities and imaginations of a few communities whom we collectively refer to as the 'West' that needs to change. There is a need for philosophy to be more inclusive. Non-Western traditions offer alternate ways of thinking, reasoning, sorting out disputes, addressing inequalities, dealing with issues of gender, environmental degradation etc. Philosophy has since its beginnings been global and emancipatory but somewhere it seems to have forgotten its true purpose and restricted itself to the four walls of a philosophy department limited by linguistic, genre, geographic and bureaucratic boundaries. With globalization, the West and the world at large would benefit from the sheer diversity of perspectives, viewpoints and differing imaginations that non-Western intellectual traditions have to offer.

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***Chinese Buddhist Monk's Autobiography as Model of Living: Master Yin Shun's  
Active and Passive Following of the "Flow"***

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**Abstract**

Autobiography, a self-written narrative normally documenting one's own life, seems to work on a concept of self that is contradictory to one of the core Buddhist beliefs: the "self" is an illusion. It is therefore interesting to examine and review an example of a Buddhist monk's autobiography, to analyze how the concept of the self is represented, and further to explore the role such a narrative is made to play in the context of contemporary Buddhist teachings. Master Yin Shun (1906-2005) was a well-known Buddhist scholar-monk in the Mahayana tradition. Besides his contributions to modern interpretations of some key Buddhist doctrines, he also advocated "Humanistic" Buddhism, which inspired a number of prominent contemporary Buddhist monastics, such as Sheng-yen of Dharma Drum Mountain and Xing-yun of Fo Guang Shan, who are active in humanitarian aid, social work, environmentalism and academic research as well. His advocating of a socially engaged Buddhism also resulted in the establishment of a Tzu-Chi Buddhist Foundation, an important charity foundation based in Taiwan. Master Yin Shun's autobiography was written in three stages, marking three points of major illness in his life. His personal narrative was written in the form of a direct address to the readers, and sharing Buddhist teachings directly and indirectly using his own life as an example of the manifestation of the Dharma. The presentation will focus on how Master Yin Shun makes use of this "self-centred" genre to advocate his ideal of Humanistic Buddhism, to suit the practical needs of contemporary Buddhists.

Keywords: monastics autobiography; humanistic Buddhism; *yin-yuan*/causes and conditions; reader rapport

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## Introduction

### Master Yin Shun and Humanistic Buddhism

Master Yin Shun (1906-2005) was a well-known Chinese Buddhist scholar-monk in the Mahayana tradition. He has made important contributions to Buddhism in a modern Chinese context in terms of his advocating a “Humanistic Buddhism” (Ren Jian Fo Jiao), which is, very briefly a Buddhism that is situated at the human realm. His approach to Buddhism involves a modern interpretation of some key Buddhist doctrines for the ordinary people, as well as engagement in humanistic acts to practice Buddhism in daily life situations. This down-to-earth approach has inspired a number of prominent contemporary Chinese Buddhist monastics, such as Sheng-yen (1931-2009) of Dharma Drum Mountain and Xing-yun (1927- ) of Fo Guang Shan, both based in Taiwan, who have been active in humanitarian aid, social work, environmentalism and academic research as well. Master Yin Shun’s promotion of a socially engaged Buddhism also resulted in the establishment of a Tzu-Chi Buddhist Foundation, an important charity foundation based in Taiwan.

Humanistic Buddhism is an approach started by Master Taixu. Very briefly, it “emphasizes rationality, with less emphasis on the sacred. For the attainment of ultimate goal, it emphasizes rational ways, with a demotion of mystical religious experience and obscuring of divine power” (An, 23). Moreover, this approach “focuses on *this* life, the improvement of *this* imperfect world” (An, 24). Master Yin Shun has devoted his long life to the spreading of Buddhist teachings in various ways. He engaged followers in talks and seminars, he had a long list of publications, he facilitated the building and establishment of a number of Buddhist abode (a compound with lecture halls and residential area for Buddhist monks to study and to spread the teachings of Buddha), and he inspired the founding of socially engaged Buddhist organisations. In this presentation, I am referring to his autobiography, entitled *An Ordinary Life*, to discuss how this literary genre is used in his case as another tool to spread Buddhist teachings.

### Autobiography as a literary genre: a promise

Understood in a conventional way, an autobiography is a narrative with a continuous form, with a beginning, development and a conclusion. This narrative is usually delivered by the voice of a single narrator, namely the main “character” of the text, the person who is supposed to have lived through the experiences documented in the narrative. Because of this special content, readers will also expect to get the most reliable and firsthand information about this “person” from the narrator, as afterall the person himself or herself is expected to be the one with the most intimate and reliable information in this case. Therefore, an autobiography is conventionally expected to be an authentic narrative from the most reliable source. However, one must also remember that the autobiography is a literary genre, meaning that as a piece of writing, it has been traditionally used to serve a particular purpose, probably also following a particular structure, although any writer embarking on such a project may choose to have a dialogue with the tradition.

The autobiography/autobiographical is a well-established subject of study, with a rich body of literature about the numerous forms it takes and the interesting variations among these forms. I refer to Philippe Lejeune's concept of the autobiographical pact in my reading of Master Yin Shun's self-narrative, as authenticity and identity among the various "selves" of the autobiography is of particular importance in the reading of the text as a model of living. Very simply, Lejeune describes the autobiography as "the retrospective record in prose that a real person gives of his or her own being, emphasizing the personal life and in particular the 'story of life'". In characterizing this kind of writing, he writes "In order to create an autobiography, the author enters into a pact or contract with the readers, promising to give a detailed account of his or her life, and of nothing but that life." In other words, the distinguishing features of an autobiography, according to Lejeune, are introspection, and a claim for truth. Having said that, he also recognizes inevitable human factors (deficient memory, intention to exaggerate etc.) that will prevent the author from fully delivering such an authentic record of the past.

When I say the identity of the various "selves" in the autobiography, I am referring to the relationship among the multiple "selves" that are involved in the writing of the narrative. First of all there is the writing self, the one who is the mature person, usually at a later stage in life, and looking back on a series of events in his/her life. This person has all the information of the life to be recorded, and thus is making a choice about what to include and what not to include in this narrative. The criteria of choice depend on the intended purpose of the work. Then there is the subject (the person) who had actually lived the life through the decades, whose experiences are to be selected and recorded in the present narrative. There is also the "remembered self" and stories, which may not necessarily be the same as the "subject" who had lived through the experiences. (For that matter, one might even say that everyday the self is different, and in the duration of the writing of the autobiography, many selves have already arisen and died.) Here we can see the complex layering of "selves" in the autobiographical narrative. Are these three selves the same person? If we see the construction of an autobiography as entering into a pact with the readers, then we may say that Master Yin Shun, by calling this narrative his autobiography, has promised his readers that these three selves are the same person.

### **Master Yin Shun's promise as a model of living**

In my proposed reading of Master Yin Shun's autobiography as a tool to spread the teachings of Buddha, this promise is to be taken seriously, as identity among the various "selves" and the claim of truth of all that is recorded are both essential to this function. Master Yin Shun's promotion of Humanistic Buddhism (Human-Centred Buddhism) requires his demonstration of Buddhism as learnings that can be and should be realized in an average person's daily life. His own life story is the example that shows how these teachings have been realized. In the following, I will discuss selected chapters with the aim of showing how this Chinese monastic's autobiography is designed to promote Humanistic Buddhism in a number of ways; not only the content, but also the way the narrative voice interacts with the readers.

Bhiksu Changtzu clarifies the meaning of Humanistic Buddhism in the book *Introducing Venerable Yin Shun to the West* (2017) to show that this term, originally in Chinese, means "to practice Buddhism with humans as the core focus, while

encompassing all that relates to humans as well, such as family, friends, society and even the environment” (Bhiksu Changtzu, 21). The context of using this term was during the 1940s and 50s Chinese society, he was much concerned by the contrast between what he saw as the intention of Buddha’s teaching and the actual Buddhist practices in China then, which was mainly chanting at funeral services, and some forms of Pureland Practices. People pray for wellbeing and good fortune when they visit temples, but Buddhism had no place in their normal daily life. His intention of bringing Buddhism and Buddhist practices to the daily life of ordinary people was much encouraged when he came across a text in the *Ekottaragama* in Chinese which reads “All Buddhas appear in the human realm, never has one become a Buddha in a heaven” (24). This became his approach to revitalize Buddhism in the Human Realm.

Bhiksu Changtzu further elaborates on the three purposes of Humanistic Buddhism, or Renjian Fojiao. They are:

1. To bring Buddhism to the people;
2. To encourage people to perfect the three unique human qualities of recollection, diligence, and morality which will enable them to practice dharma and be on the way to Buddhahood; and
3. To promote the cultivation of self-purification by continually acting to benefit others

In the following, we shall see how Master Yin Shun’s autobiography has attempted to achieve these purposes.

### **Title and Tone of the Text**

The title of the autobiography sets the tone of this textual communication with the readers – *An Ordinary Life* – as an interaction with equals. Most of the published autobiographies are written by people who do not lead an ordinary life – successful businessmen, sports celebrities, politicians, someone who has a great impact on the life of many people. Here, although the life being recorded is nothing ordinary, the choice of this title is much in line with his advocacy of humanistic Buddhism, encouraging lay readers to adopt Buddhist teachings as principles of life in their own daily practices.

This “approachable” and “easy-going” tone is well explained in the first chapter of the autobiography: “the most memorable in this life is yin-yuan” (causes and conditions). The opening sentence of this edition is voiced by the mature writer (93-year-old master Yin Shun), looking back on his long life, and also at his dedication to Buddhism for more than 6 decades. He defines his “ordinariness” as having no impact on political and state affairs, no impact on Buddhism’s popularity, nor any impact in saving or destroying human lives. He even goes so far as to claim that his life is so ordinary that it is a blank page. A blank page it certainly is not, for the narrative then continues for more than 200 pages.

In this first chapter, the overriding theme that links the 200 pages of events in his life is introduced, that of “yin-yuan” (causes and conditions). His eventful and long life is ordinary because it is the normal result of the complex operation of causes and conditions. Causes and conditions – or the law of dependent origination – is considered in Buddhism as the basic law of all phenomena in the world. Seen this way, no matter how dramatic or extraordinary things and events are, there is no need

to be shocked, because it is only the natural result of things happening under the influence of causes and conditions. To understand the changeability of all phenomena is one of the most essential lessons to learn in Buddhism, this will nurture in us the correct attitude to face the various situations in life when they arise and cease.

### **Yin-Yuan /Causes and Conditions creating Ordinarity**

Throughout the narrative, the overarching theme of yin-yuan is recalled repeatedly in the description of the content of his life. Of the 35 chapters which refer to different episodes of his life, for example, 7 chapter headings contain the term yin-yuan, or simply yuan. The following will be a simple discussion of these chapters.

1. Chapter 7: The unended karmic conditions and the difficulty of dying [業緣未了 死何難]

This chapter contains a list of 6 experiences of near-deaths from illnesses throughout his life, up to the time when he was 62 years old. The point of the list is, first of all, to describe his weak health since a young age, but also more importantly the mental quality he has nurtured as a result of this physical condition. At the end of the chapter, he noted that he used to say that “with such a weak health, even a small push of a condition will cause death” (P. 34). But at the point of writing, looking at the long list of near-death illnesses, he suddenly realized that with the karmic conditions still active and on-going, it is not really that easy to see the end of life. The “lesson” that he has learned from a recounting of his poor health and the big illnesses he had suffered, was that “yin-yuan is unimaginable” (P. 35), if the karmic conditions is still on-going, death is almost impossible; whereas if the karmic conditions have come to an end, death will be inescapable.

2. Chapter 12: Hong Kong does not have a karmic connection with me [香港與我無緣]

This chapter refers specially to his plan of raising money to build a Buddhist abode [精舍] in Hong Kong when he arrived in 1949 June. He subsequently raised enough money, even bought a piece of land, but the plan never materialized because of unexpected circumstances. He was invited to represent the Chinese Buddhist society to attend a conference in Japan, which he did, and on his return to Taiwan he discovered that he had not applied for a visa to leave Taiwan. He was told that if he wanted to leave, he had to apply for residency in Taiwan in the first place. So he followed people’s advice, and still ended up waiting for the permit that did not come. With no prospect of going to Hong Kong, he had to spend the money collected for the purpose of building a place for the monastics to live and study together. Finally someone introduced him to a nice place in Xinzhu [新竹], and the Buddhist abode [精舍] was built in Xinzhu with the money collected from Hong Kong followers. He concluded this chapter by saying that in this life, he always followed the flow of the causes and conditions without complaint, and in this case, the causes and conditions seemed to work together to make him stay in Taiwan and not Hong Kong, which he accepted although it was not his original plan.

3. Chapter 18: Yin-yuan related to constructions/buildings [有關建築的因緣]

After a few chapters about his experience of being misunderstood by different people, and being accused of allying with Japanese power groups and even Mainland Communist groups, in chapter 18 he moved on to further discuss his experience with building Buddhist establishments in his life. On reflection, he had been involved in the construction of 5 Buddhist establishments. When he referred to the repeated process of finding a location, raising the money, supervising the construction, he realized that in these events, yin-yuan always has a part. He talked about the pleasant surprises when things happened coincidentally in the way that favoured his building plans, the chances of meeting good people who supported his plans, and meeting good construction supervisors and so on. On the success of these 5 establishments, he commented that although some people congratulated him on his plentiful merits, he personally thought that his life was full of struggles, and could not be regarded as having merits. Instead, the success of building these Buddhist establishments merely meant that in his previous lives, he must have accumulated some good karma from good relationships with people, and that he had been inspired by the Dharma in his previous lives (P. 106).

4. Chapter 24: Good karmic connections with good women [有緣的善女人]

In this chapter he named and told the stories of a number of good women that he had encountered, who were devoted to and supportive of Buddhism. The personal stories of these good women were different, some started with great devotion right at the beginning, and some started lukewarm with a will only to learn some Buddhist knowledge. Despite the differences of their route to Buddhism, in each of their cases something very special (both positive and negative) had happened to them, to give them the confidence in following the Dharma, and spending time and money to help other people follow the Dharma as well. Master Yin Shun devoted a chapter simply to talk about these 3 good women to show that yin-yuan is a law that applies to all, despite differences among people.

5. Chapter 27: The privileged yin-yuan with publications [出版的殊勝因緣]

This chapter is almost like a bibliography list of Master Yin Shun's main publications. This chapter also marks the beginning of the second edition of the autobiography, published when he was 88 years old, adding 6 more chapters to the first edition which was published in 1971 when he was 66 years old.<sup>1</sup> Theoretically, the narrative voice at this point is not exactly the same as the one which had guided the readers through the first 26 chapters. The point of this chapter, as suggested at the beginning, is to acknowledge the help he had been given throughout his life by others in getting his writings published. At the end of this long chapter (P. 171-186), he wrote: "I wish to present the publication of these books to repay the great blessings bestowed [on me] by the three jewels" (P. 186). He thanked the people who helped him, because ultimately it is the Buddhist teachings that is being publicized by these books.

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<sup>1</sup> These were the times when the master was 66 years old (1971, 26 chapters, 68000 words), 88 years old (1993, 32 chapters, 90000 words), and when the master was 93 years old (1998, 35 chapters).

This chapter is rather unusual in the sense that the information can be much better presented in the form of a list or a table, to be attached at the end for the readers' reference, had the intention been simply to share the list. It also did not make sense to say that it was Master Yin Shun's pride which drove him to include a list of his writings in the narrative of his autobiography. He wrote these books to spread Buddhist teachings to ordinary people, and the autobiography is just another of these tools to achieve the same purpose. Interestingly this personal narrative is an attempt to achieve a most impersonal goal.

#### 6. Chapter 28: The yin-yuan with spreading the Precepts [傳戒因緣]

This chapter continues with a similar structure as the previous one, presenting the main content of the chapter in the form of a list. Here it is a list of ceremonies that he had either hosted or assisted in order to teach the precepts. Although the list of ceremonies he had attended was not particularly impressive, it seems to serve the same purpose as the previous chapter about his own writing. Here it is yet another channel of learning about Buddhism and its practices. Master Yin Shun in different chapters had described himself to be a pliable person, without very strong feelings about anything, and had learned the importance of following the flow of causes and conditions. The very last sentence of this chapter, "in my life, participating in ceremonies of the precepts is merely a matter of rejoicing their presence" (P. 192). Again the person and his actions are not driven by the "self" (or ego), it is simply following the natural flow, or being part of the natural flow of causes and conditions.

### Conclusion

Bhiksu Changtzu described Master Yin Shun as a quiet and unassertive person, he wrote "his motto was to just flow with the current of causes and conditions. Rarely did he actively pursue something, apart from his studies" (Bhiksu Changtzu, p. 55). These seven chapters in his autobiography with a title that contains the words yin-yuan or yuan, meaning the causes and conditions that lead to all the physical and mental phenomena in our world, have adequately demonstrated his tendency to flow with the causes and conditions throughout his life. I would like to suggest that although Master Yin Shun's "flow" with the causes and conditions sound like a passive following of the circumstances, in fact his following the flow embodies an active endeavor to maximize the conditions for the sake of spreading the Buddhist teachings.

This autobiography goes through a life of three phases. Master Yin Shun mentioned to his followers that he wanted the book to be published only after his death, probably as a replacement of his active engagement in doing work to spread Buddhist teachings. He was so actively mindful of the function of the book that he wrote it three times, 1971 (26 chapters), 1993 (32 chapters), 1998 (35 chapters), each time after a major illness when he was prepared to die.

In terms of its content, although it is arranged more or less chronologically to reflect episodes of his long life, the overarching theme of yin-yuan is present among all these episodes. The chapters I have discussed in this presentation are chosen because of their explicitly bearing the words yin-yuan, but these chapters are not only illustrations of how causes and conditions manifest in our life; they are also excellent

examples to support the ideals of a Humanistic Buddhism among us. By leaving us *An Ordinary Life*, Master Yin Shun has actively tried to bring Buddhism to readers through speaking to them as an equal, encouraged us to perfect our unique human qualities of recollection, diligence and morality and promote the cultivation of self-purification by continually acting to benefit others, as seen in the stories of the good people he encountered along his life of practicing the dharma.



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### ***Problem of Intentionality in Modern Epistemology***

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#### **Abstract**

The author considers Edmund Husserl's intentionality as a basis of forming ideas that concern the interaction of subject's consciousness and object cognized by subject. Objective interpretation of subjective feelings is revealed in the flow of phenomenological being. This approach considers inter-subject relations in connection with formal and transcendental logic substantiation of cognition. The idea of subject's dynamic attitude to the reality is rational in classical conceptions. According to non-classical epistemological paradigm, a result of subject's cognitive activity depends on the means and purposes of the cognition process. Modern epistemology says about inseparability of subject and object due to their "principal coordination". Further research of intentionality is directed to the development of all the complex of non-classical epistemological issues connected with overcoming the borders of subject-object opposition. Nowadays man's body and consciousness become an integral part both complex socio-cultural and socio-technical systems included in the permanent real or virtual exchange of ideas based on a sign system. It results in the relevant interpretation of information due to synchronization of consciousness flows by communication participants. The author concludes modern epistemology should be understood as a transition from the postulating mind, based on a stable content of ideologies and cognitive imperatives prevailing in the society, to the interpreting mind relying on plurality and openness of the cognition system. Intentionality of cognitive activity is considered as an idea of subject's dynamic attitude to the reality where this activity occurs.

Keywords: intentionality, cognition, subject, object, phenomenological being, non-classical epistemology.

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## Introduction

The necessity to continue the investigation of the modern stage in the development of epistemological concepts in the context of new approaches to science as the constructive practice stipulates the actuality of this article. The author is going to keep the analysis of intentionality affecting the current transformations of cognition process under the influence of new approaches to the understanding of subjectivity. The article attracts attention to the problem that the discussed issues require some analysis of their impact on science and society.

Nowadays there is no doubt that subject of cognition is a physical individual who has some motivation and sense structures, e.g., peculiarities of individual psychical, personal preferences, etc. He is involved in some socio-cultural environment that influences his communicative and other relations with people. Hence, “subject of cognition can exist only in the unity of ‘I’, intersubjective relations, cognitive and real activities” (*Hartmann 1940, p. 155*). As a result, the process of interaction between different subjective positions in the case of their originality and peculiarity occurs. Communicative practices that generate different forms of interaction among the participants of the cognition process get a special importance. That is why the author considers intentionality of cognitive activity as an idea of dynamic relations between subject and the reality, in which he acts.

## Phenomenological Approach

According to Edmund Husserl’s phenomenology, intentionality is taken as a basis of forming ideas. They concern the interaction of subject’s consciousness and the object cognized by the subject. Objective interpretation of subjective feelings is revealed in the flow of phenomenological being (*Husserl 1982*). This approach considers intersubject relations in connection with formal and transcendental logic substantiation of cognition. Phenomena are believed to exist. However, any speculations about their nature are not given. Nicolai Hartmann accepted such a position, but he did not completely reduce ‘being’ as a philosophical category to phenomena. He supposed we cannot cognize phenomena without simultaneous cognition of the matter heart that becomes apparent in them to some extent (*Hartmann 1940*). Hartmann was for the intentionality of a cognition act. He reckoned that there is no «empty» cognition in contrast to thinking. According to him, cognition is always transcendental. It always says about subject as it is, but not as it is conceived. All its tools have some meaning to understand object (*Hartmann 1958*). Hence, he understood some overcoming the borders of human consciousness and emergence of a connection with an object independent on it under the transcendental of subject’s cognition act. It is necessary to note that such a conclusion seems to be rather doubtful nowadays. According to Hartmann, human consciousness would have been immanent and exclusive without transcendental acts. It would have known only its own products like thoughts and ideas (*Gornshtejn 1969, 63*).

Under such an approach, an epistemological object can be material stuff, processes, and ideal formations that are independent on subject. Hartmann is against the opposition of considering the subject’s “inside” and “outside” in the epistemological process. He thinks it is appropriate only in the ideal being which does not have time and space.

## Non-Classical Paradigm

The idea of subject's dynamic attitude to the reality, which subject's activity takes place in, seems to be rational in Hartmann's conception. However, according to non-classical epistemological paradigm, a result of subject's cognitive activity depends on the means and purposes of the cognition process. Modern epistemology says about the inseparability of subject and object due to their "principal coordination".

Further research of intentionality is eventually directed to the development of all the complex of non-classical epistemological issues connected with overcoming the borders of subject-object opposition. It becomes obvious that researches widen theoretical and cognitive basis while solving the issues offered by this thought direction. Special meaning is acquired by such categories as sense, context, life world, etc. with the purpose of getting more perfect knowledge. There arises a question of limits of subject's cognitive activity, its involvement and correspondence to the real world.

Nowadays man's body and consciousness become an integral part both complex socio-cultural and socio-technical systems, included in the permanent real or virtual exchange of ideas which is based on a sign system. It results in the relevant interpretation of information due to synchronization of consciousness flows by communication participants. Interacting through networks, "man turns into a message generator" (*Kelly 1970, p. 69*). That leads to turning a message into a fundamental unit of the society instead of a man. The role of intentionality under such conditions is coming out in its reduction to some rational choice of interpretation to achieve consensus in the course of communication. However, as during Sokrates's lifetime, a lack of complete understanding among communication participants is deepening. This phenomenon would make further communication senseless in the near future.

It is necessary to remember that communication means provide the clearness of communication participants' intentions. "Mutual understanding comes due to a number of reasons. Success of a communication act is defined by various facts such as, e.g., psychological, linguistic, cultural, historical, etc." (*Shulga 2014, p. 303*). The emerging unity of understanding and motivation in the communication process realizes the function of an 'intermediary' clarifying the bilateral connection. Thus, the process of purposeful-rational cognition, which is aimed at understanding the meaning put by 'the Other' into the message transmitted, takes place. Hence, there is some synthesis of various cognitive practices: philosophical, epistemological, social, psychological and others. They set "cultural and anthropogenic dimensions of human cognitive activity" (*Stepin 2009, p. 13*).

According to the above analysis, it is possible to conclude that Husserl and Hartmann's works laid the foundation of modern epistemology that considers the basis of any cognitive act as subject's intention.

## Conclusion

Modern epistemology is being understood as a transition from the postulating mind, based on a stable content of ideologies and cognitive imperatives prevailing in the

society, to the interpreting mind relying on plurality and openness of the cognition system. Subject is eventually responsible for the choice of some range of opportunities from a number of possible alternatives that turns into a basis of subject's further process of cognition. The basis of any cognition act is laid by subject's intentions.

Such new orientations as non-linearity, irreversibility, non-equilibrium and others are used while studying object and its nature. Nowadays, everything that really exists and does not join subject, can be regarded as object of cognition. It can be not only an item, but a whole complex or a system, both natural and ideal one. The spectrum of the objects studied has significantly widened due to a new system of ideals and norms of the cognition process. It has allowed discovering the ways to research and master complex, self-regulating systems.

The object sphere is expanded due to including such systems in it as 'artificial intellect', 'virtual reality', 'cyborg-relations' which are the results of the scientific and technical progress. Radical extension of the object sphere takes place in parallel with its 'humanization'. Hence, a person is included in the picture of the world both as its active participant and as its constituent principle.

Human thinking with its aims and value orientations brings such characteristics in itself, which join the subject content of object. Social and cultural content also penetrates here. Subject and object categories form the system with elements dependent on each other and on the system in general. The idea of spiritual unity of man and the world that has been proclaimed since antique times can be noticed in this system at present with the intentionality playing a leading part in it.

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***Rumblings From the Past: Old Chinese New Religions Echo Down to the Present***

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**Abstract**

Religious movements are not new in Chinese history. Chinese history is full of organized religious groups of all varieties, from Daoist quasi-states to intellectual currents that took root in popular culture. Although they are often overshadowed by the Big Three traditions, the constant presence of these movements in Chinese history are a constant reminder of the power of religious fervor. This paper considers three movements that had important impact on Chinese society. The first, the Way of the Celestial Masters, was one of the first organized Daoist religious groups. The second, the Teachings of Patriarch Luo, is a strain of religious thought that left a powerful mark on later popular religions. And the Taiping Heavenly Kingdom was a militant uprising based on Christianity that nearly toppled the imperial regime in the mid-1800s.

Keywords: new religions, NRM, China, lineage, teachings, movements

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## Introduction

This essay surveys three significant and well-known new religious movements from different periods of Chinese history. The purpose is two-fold: First, to illustrate the variety and significance of new religious formations in China, and second, to propel questions about the study of new religions as a discipline. My interest is in applying the perspective of new religious movement (NRM) studies, to see what we can find.

## The Study of New Religious Movements

What is meant by the NRM perspective? It means first of all studying religious organizations that are new, from the moment they form into a discreet religious unit. In that sense all religions were at one point new religions, just as all living people were at one point infants. The point is to study every example, even those from the past, as newly formed religious entities. The NRM scholar then follows the group's development as far as it can be traced. From start to finish the group is studied *in toto*; the perspective is holistic. Thus a number of academic disciplines come into play, including, for contemporary groups, ethnographic observation.

## The Celestial Masters 天師道

The Celestial Masters are one of the earliest religious institution to appear in rounded form in Chinese history. They were not the first. In the waning years of the Han empire (206BCE-220CE), and the 400 years of disunity that followed, dozens of movements rose up, each similarly centered around a charismatic leader. The most prominent of these was the Yellow Turbans, or the Way of Great Peace 太平道 (*taiping dao*). This was a revolutionary and religious movement seeking to overthrow the Han dynasty. The Yellow Turbans shared several traits with the Celestial Masters, including a reverence for the Sutra of Heavenly Peace 太平經 (*taipingjing*), an apocalyptic work that dates from the early Han. Both groups similarly saw disease as a reflection of immoral conduct. And both focused on the confession of sins.<sup>1</sup>

## The Historical Narrative

Based solely on internal evidence from Celestial Master writings, the Celestial Masters were founded by Zhang Daoling. Originally from Jiangsu, Zhang Daoling moved to the Sichuan region in the first half of the second century. Speaking through a revealed text, Zhang Daoling states that he had received his first revelation from the spirit of Qin Shihuang 秦始皇, first emperor of the Qin dynasty, in the year 142. He was later given a covenant 盟威 (*mengwei*) by Laozi, and instructed to start the Celestial Masters.

There is no corroborating evidence of Zhang Daoling's existence anywhere except in Celestial Master and later Daoist sources. In contrast, we have multiple confirmations

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<sup>1</sup> Terry F. Kleeman, *Celestial Masters: History and Ritual in Early Daoist Communities* (Cambridge and London: Harvard University Press, 2016), 13.

for the existence of his grandson, Zhang Lu 張魯. In Chen Shou's 陳壽 *Book of Wei* 魏書, part of the *Records of the Three Kingdoms* 三國志 (*sanguozhi*, c. 280), Lu is described as a marshal 司馬 (*sima*) and eventual ruler of a territory in the southwest. In 191 the regional governor of the southwest dispatched Lu and another Marshal, Zhang Xiu 張脩, to attack Hanzhong 漢中. Hanzhong was a strategically important city straddling the pass between Sichuan and the northern China plains. After Hanzhong was taken Lu ambushed and killed Xiu, then made himself sole ruler of Hanzhong. The weakened Han court, instead of attacking Zhang Lu, treated it as a *fait accompli*. With the imminent disintegration of the Han state Lu became, in effect, a warlord.

One intriguing theory is that Zhang Xiu was the true religious leader, and that the armed forces he led were all religious believers. He is introduced in one source as “the wicked spirit medium... of Ba commanderie 巴郡妖巫 (*bajun yaowu*).” He was also called the master of the five pecks of rice 五斗米師 (*wudoumishi*), a clear reference to the Celestial Master practice of requiring all follower to donate five pecks of rice annually. In this version of events, when Zhang Lu merged his forces with those of Zhang Xiu; he inherited the religious organization of Zhang Xiu's movement wholesale. The same source further states that Zhang Xiu may even have been a Yellow Turban leader.<sup>2</sup>

What we know for certain is that between 191 and 215 Zhang Lu established his rule over the region around Hanzhong. The two most powerful military powers of the time, Cao Cao 曹操 and Liu Bei 劉備, both had designs on Hanzhong. In 215 Cao Cao's forces attacked. Instead of resisting, Zhang Lu came to an expedient political arrangement with Cao. For this reason, Zhang Lu has been criticized by later historians. Whether or not Zhang Lu was traitorous, Terry Kleeman confirms that the deal was highly attractive for Zhang Lu. He was enfeoffed with the title of Marquis. His daughter was given in marriage to Cao's son. Overall, these were lenient terms and amounted to no less than the intermeshing of the Zhang household into the Wei empire's ruling family.<sup>3</sup>

At the same time Cao Cao in 215 made the fateful decision to disperse the Celestial Master believers. His reasons are unknown, but it is reasonable to assume he feared the continued existence of a unified polity that had functioned as an independent state. While this forced relocation marked the end of the Celestial Masters state, it also meant Celestial Master practitioners were now spread over a large swath of northern China, where they continued their religious practices. Later, when non-Chinese invaders conquered the north during the chaotic period of the Sixteen Kingdoms (304-439), many Celestial Master believers moved south, to the Yangtze river valley and beyond, thus spreading Celestial Master beliefs into the south. The dispersal was, in Kleeman's words, “...a key development in its transformation into China's first national religion.”<sup>4</sup>

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<sup>2</sup> Kleeman, 31.

<sup>3</sup> Kleeman, 49.

<sup>4</sup> Kleeman, 111.

## An NRM Methodological Question

Celestial Masters followers continued to practice their teachings after the dispersal. Yet inevitably many regional practices and beliefs were absorbed on top of the original Celestial Master foundation. The dispersal thus serves as a clear marker of a historical new phase, one that would extend for over a thousand years as Daoism developed into a broad religious tradition.

This situation brings up a relevant question for new religion studies: Is it meaningful to speak of the movement's earliest stage as being *essentially the same* as the later religion itself? What makes up this essentialness? To mention one analogous situation, is Christianity as it became a world religion in the 100s and 200s the same as the small group that surrounded the Jewish prophet from Nazareth? The Christian tradition is based largely on many instructions and teachings believed to have been left by Jesus. But just as clearly Christianity became something utterly different, and it continues to evolve some 2000 years later. So where do we draw the line?

## Later Developments

Kleeman notes that unlike political uprisings like the Yellow Turbans, the Celestial Masters were never antagonistic to the state. The church sought "an accommodation of existing religious authority within a new framework," not something radically new. So the expulsion saw the Celestial Masters followers move on, continuing their practices. Over time, however, the system of appointing parish leaders broke down. Individuals began to claim direct revelations of their own, and to claim authority based on these statements from the deities.<sup>5</sup>

## Inferences: The Theocratic State

The picture we have of the Celestial Masters is of a clearly delineated civil-religious group, one founded on an original covenant received by the founder, Zhang Daoling. Members practiced common rites. Confession was key, and each family was expected to build a quiet room 靜室 (*jingshi*) for individual reflection on sins. All members made donations, the five pecks of rice. Finally, this same group spread throughout China, and became the foundation for Daoism.

As an NRM the group's holding civil power, however briefly, was unusual. Celestial Master doctrine and ritual no doubt helped in the process of spreading. Nevertheless, few religious groups in Chinese history established theocratic states.

## Non-Action Teachings 無為教

The second religious movement, the Non-Action Teaching, is less well-known than the Celestial Masters. Nevertheless, the Non-Action Teachings is an enduring example of Chinese religious creativity. The tradition is a form of lay Buddhism, and can fruitfully be analyzed alongside Buddhism's own long development in China. For by the Ming period (1368-1644) Buddhism had become well-integrated at all

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<sup>5</sup> Kleeman 138.

levels of Chinese society, resulting in a number of lay Buddhist organizations. Yet we cannot simply reduce Non-Action Teachings to a “branch” of Buddhism. In fact, one constant over the history of Non-Action Teachings has been persistent criticism and outright hostility from the Buddhist establishment. Hostility from different segments of civil society, be it the state, other religions, or “anti-cult” organizations, is a well-recognized phenomenon in the NRM literature.<sup>6</sup> For this and other reasons, Non-Action Teachings certainly belongs to be classed as an NRM, and it is certainly one of China’s most successful.

The Ming was a period of relative stability following the dramatic end of Mongol rule (1279-1368). Never strong militarily, the Ming empire nevertheless saw crucial social developments. Foremost of these was the spread of printing and reading. Ming society was increasingly urban, capitalist, and wealthy. It was in many ways a renaissance moment. Along with the flourishing of new ideas came new religious movements. With increased literacy the ideas of Buddhist sutras became increasingly familiar to many. Most importantly, a new religious sensibility arose, in both Buddhism and well as Daoism: the idea that it was possible to cultivate and interact with the supernatural directly.

This is the principle idea powering the Non-Action Movement. It’s putative founder, Luo Qing 羅清 (1443-1527), bequeathed to the world a written account of his own life intermixed with the an explication of Buddhist principles. This in English is he Five Books in Six Volumes 五部六冊 (*wubu liuce*). The Five Books play a unique role in Non-Action Teachings, for they are valued not simply for the ideas contained inside, but as a single object of worship. The bundle of communal practice, ritual, and doctrine that grew around the Five Books has made Non-Action Teachings a long-lasting tradition, one still practiced today, nearly 500 years after Luo’s age.

### The Historical Narrative

Non-Action sources emphasize a common line of succession covering Three Patriarchs. Luo Qing, the first patriarch, was the founder. He was followed by Patriarch Ying (Ying Ji’nan 應繼南 1527/1540-1582), who claimed to be the Luo Qing’s reincarnation. Patriarch Ying in turn incarnated as Patriarch Yao (Yao Wenyu 姚文宇 1578-1646). Thus the tradition has created a powerful discourse of unassailable descent covering its first 150+ years.

Berend ter Haar takes a nuanced approach to Non-Action historiography. He essentially sees Ying and Yao as influential founders of new religions in their own rights. For Luo Qing he leaves the question open. In fact we have nearly no material on Luo Qing’s life except the account contained in the Five Books. Thus we do not know if he actually founded a religious institution at all. Patriarch Ying, on the other hand, clearly led an organized group. Yet ter Haar does not conclude that Ying was the Non-Action Teachings founder. He states that Ying joined an *existing* group, one that was already active.<sup>7</sup> The actual founder of this group is unknown to us. What we

<sup>6</sup> Hubert Michael Seiwert, in Collaboration with Ma Xisha, *Popular Religious Movements and Heterodox Sects in Chinese History* (Leiden, Boston: Brill, 2003), 439-40.

<sup>7</sup> Ter Haar, 51.

do know is that there is no proof of a connection between Luo and Ying beyond use of Luo's books in Ying's group.

We have a wealth of information on Patriarch Ying. He was active in Chuzhou 滁州 prefecture, in today's eastern Anhui province. He later established a worship center in Wenzhou 温州, in south-eastern Zhejiang province. Ying's group spread and became prominent. However there were also competing Non-Action branches, or "lineages."

There is no evidence that Patriarch Yao was associated with any of these organized groups active during Ying's time. We are told Yao was a duck herder who later had a roadside stall. He was converted, and in 1613 had an enlightenment experience. But he was not successful in attracting adherents. It was only he moved to the Wuyi Mountains 武夷山 in western Fujian, in 1620, that he began to attract converts. Yao founded his own lineage, which he "imposed" on another existing movement. After his death in 1646 leadership passed to his biological son Yao Duo 姚鐸 (1645-1683). By this point his movement had spread to southern Zhejiang, northern Fujian, and Jiangxi province.<sup>8</sup>

Ter Haar calls this early time in Non-Action teaching the period of charismatic leaders. The second period, during the Qing (1644-1911), Republican (1911-1949), and Taiwan (1895-1945) eras, did not feature larger-than-life leaders with direct claims to legitimacy. However it was in this period that the ritual corpus was defined and transmission practices were routinized.

Activity continued through the Qing dynasty, a period of over 260 years. Non-Action groups were not free from persecution, since the Qing state became increasingly fearful of all such religious, "heterodox" groups practicing rituals and holding beliefs outside the mainstream. As ter Haar makes clear, though, Non-Action Teachings groups were usually arrested only as part of general prosecutions of such groups. During the Republican period (1911-1949) period it became well-established in Taiwan, under the generic label "vegetarian hall." By 1939, according to Japanese colonial data, there were some 233 vegetarian halls, many of which were Non-Action. In China, with the advent of the communist era (1949-), Non-Action Teachings were targets of the mass persecution unleashed in the new government's anti-superstition and heterodox movement of the early 1950s. This lasted well into the 1970s.<sup>9</sup>

### **NRM Methodological Questions**

Non-Action Teachings epitomize the tangle of networks and lineages that made up the late Ming-early Qing religious milieu. This very complexity makes it difficult to construct a coherent narrative of the evolution of one religious institution. Instead we see discontinuities, ellipses, competing lineages and spinoffs. The leaders, certainly to some extent gifted speakers and thinkers, seem to struggle mightily to maintain their visions. And against the odds, with the help of ritual practice and a fixed canon, a religious tradition forms. Viewing the Non-Action Teachings from the perspective

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<sup>8</sup> Ter Haar, 69.

<sup>9</sup> Ter Haar, 216-7.

of NRM studies reveals the vagaries of a long-lived religion that at many turns faced the danger of extinction.

### **Inferences: The Invention of Lineage**

We can conclude that the idea of a lineage is important for establishing legitimacy. But continuity does not *depend* on a lineage. This is relevant for a host of other Chinese NRM groups who have lost their founders or a direct link to them. Non-Action Teachings appears to be a series of NRMs connected by adherence to a common liturgy, as well as a founding lineage. We could call this common root the Non-Action *tradition*, in the same way the traditions of Buddhism and Christianity allow for the development of multiple NRMs within their broad streams.

The Non-Action example thus suggests a typology of religious entities, a hierarchy of organizational types: a *new religious movement* for a movement in its early phase of establishing its form, and rapid growth; a *new religion* for the fully formed religious entity; a *tradition* for the movement that has become a widely dispersed social factor, a symbol and meme; a *network* for the linked connections surrounding a leader; and a *hall* for the physical building and its congregation.

The Non-Action Teachings example, then, both illustrates the tendency to fragment into lineage networks, as well as the possibility of long-term survival.

### **The God Worshipping Society 拜上帝會**

The third NRM example is the God Worshipping Society. This movement rose up from the hinterlands of southeastern China in the 1840s and spread quickly over major sections of Central China, as far north as the Yangtze River valley. Like the Heavenly Masters, the group actually held political power for a brief period. And like the Non-Action teachings the God Worshippers recruited members from the marginal sectors of society. But unlike the first two NRMs, the God Worshipping Society's development has been meticulously traced, and like any other controversial topics, fresh approaches continue to appear.

I speak of the group more popularly known as the Taiping Heavenly Kingdom. This movement, starting off as a religious group, soon morphed into an armed rebellion with its own laws and a radical vision of an ideal society. Its effect was catastrophic. 20 million died, and the empire was traumatized. The Taiping movement was also the first to be based on Christian concepts, which were combined with elements taken from popular belief. Many other forms of Christianity would appear in our era, so in a sense the God Worshippers are a precursor.

### **The Mid-Qing Era**

The God Worshipping Society arose in the chaotic environment of the Pearl River Delta in China's southeast. First there was a massive population increase throughout the southeast, spurred on mainly by the introduction of such new world foods. This increase brought on famine and land shortages. Second was an increase in illegal groups such as secret societies and local forces. Smuggling in particular became a profitable occupation. Thirdly the existing Qing bureaucratic structures proved

unable to cope with the frequent civil unrest. Finally, there were economic strains. The 1820-1850 period is called the Daoguang Depression due to rising silver prices, which was exported in exchange for opium.<sup>10</sup>

On top of this came the European imperialists. The foreigners, most loudly the British, clamored for trading stations along China's coast, as well as a loosening of the restrictions placed on missionaries. When the tensions broke out in real fighting in 1840, British naval forces easily dominated the Chinese defenders.<sup>11</sup> As a result of the ensuing Treaty of Nanjing in 1842 the British were given significant concessions, including the right for missionaries to reside in Chinese cities.

Such a volatile mixture also created sparks in the religious realm. One of these involved a poor Hakka scholar from the hinterlands beyond Canton, Hong Xiuquan 洪秀全.

### The Historical Narrative

Ethnic Hakka migrants had been moving into the region around Canton in large numbers due to the demographic pressures already mentioned. Hong was born into destitution. He was a local school teacher studying to pass the regional licentiate examination. When he failed to pass he returned home to recuperate from the strain. All told Hong failed the examination four times. Hong was a failed scholar.

During his first breakdown, in 1837, he had a vision. In the vision he meets the Heavenly Father, who tells him:

How can the people of the world enjoy my blessings and yet have their original nature so obscured? Have they not the slightest thought of awe or respect for me? They have been greatly deluded and misled by evil demons, and they waste those things which I have bestowed upon them as offerings to these evil demons, as if the demons had given birth to them and nourished them.<sup>12</sup>

The Heavenly Father tells Hong to “do battle with the evil demons and drive them out.”

Before Hong returns to earth, the Heavenly Father makes an ambiguous statement:

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<sup>10</sup> Richard von Glahn, R. “Economic Depression and the Silver Question in Nineteenth-Century China.” In Perez Garcia M., De Sousa L., eds. *Global History and New Polycentric Approaches*. Palgrave Studies in Comparative Global History. (Singapore: Palgrave Macmillan, 2018). Available online [https://link.springer.com/chapter/10.1007/978-981-10-4053-5\\_5#citeas](https://link.springer.com/chapter/10.1007/978-981-10-4053-5_5#citeas).

<sup>11</sup> Wakeman, *Strangers at the Gate: Social Disorder in South China, 1839-1861*. (Berkeley, Los Angeles and London: University of California Press, 1966), 48; also see Immanuel C.Y. Hsü, *The Rise of Modern China*. Fifth Edition (New York and Oxford: Oxford University Press, 1995), 185-190.

<sup>12</sup> Franz Michael, in collaboration with Chung-li Chang, *The Taiping Rebellion, History and Documents. Volume II: documents and Comments* (Seattle and London: University of Washington Press, 1971), 55.



When you descend into the world there will still be several years before you awaken. But you need have no fear about not awakening. Later a book will be given to you which will explain to you all of these things.<sup>13</sup>

On his first trip to take the examination, in 1836, Hong had in fact picked up a Christian tract written by Liang Afa 梁發, “Good Words for Exhorting the Age” 勸世良言 (*quanshi liangyan*).

“Good Words,” a simple primer in essential Christianity, sat forgotten in Hong’s room until 1843 when a relative happened to notice it. Once Hong read it he felt a thousand mysteries had been resolved. Here was the explanation for the origin of evil. Here was the true identity of the Father he had met in his vision. This was the Yehuohua 爺火華 (Jehovah) mentioned in Good Words. And since it was his Father, he must be the son of God. He was God’s second son.

Hong and his friend Feng Yunshan 馮雲山 began preaching on this vision and its implications. They wandered throughout the impoverished, hilly eastern part of Guangxi province. They attracted a following. These were mainly people at the margins of society.<sup>14</sup> At some point between 1844 and 1847, when Feng Yunshan was preaching on his own, he and his followers decided to give their group a name: the God Worshipping Society.

The society grew in influence, generally in the area around Thistle Mountain 紫金山 in eastern Guangxi. Devotees were also attacked and criticized, first by the Confucian gentry establishment, but also by bandit and secret society groups rampant throughout the area. Eventually, in 1850, the God Worshipping Society decided to form armed forces of their own.

From this point on the story is no longer about how a new religion developed. It now takes the shape of a high-stakes revolutionary narrative. The Taiping Heavenly Realm movement is both religious and civil at the same time. And it wreaks havoc in the heartland of China.

In 1850 the Taiping forces broke out of their place of origin in Guangxi and moved north. Their forces surged to up to 500,000 soldiers. They found impressive success as well as failures along the way. Reaching the Yangtze River, the Taiping army quickly claimed a major prize, the city of Wuchang 武昌. They did not remain there long. Instead they moved east, towards their real prize, the richest city in China, Nanjing 南京. Against the odds, the Taiping Heavenly Army took Nanjing in 1853. Between that point and 1864 Nanjing would be their Heavenly Capital 天京 (*tianjing*).

The Taiping’s rapid success was a shock to the Qing dynasty. The regime responded by enlisting its most gifted leaders, Zeng Guofan 曾國藩 and Li Hongzhang 李鴻章. They methodically took back territory, and maintained a blockade around Nanjing.

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<sup>13</sup> Michael, 62.

<sup>14</sup> Jonathan D. Spence, *God’s Chinese Son: The Taiping Heavenly Kingdom of Hong Xiuquan* (New York, London: W.W. Norton, 1996), 80-1.

Hong Xiuquan, the Heavenly King, died there in May of 1864, and the Qing forces broke through the city walls not long after.

### **NRM Methodological Question: The Religious and the Political**

The Taiping story is a dramatic narrative, one that continues to fascinate scholars. From the perspective of new religion studies, three points stand out, for which I will borrow the Buddhist term “turning.”<sup>15</sup> The first turning is the point in 1843 when Hong Xiuquan unites the Biblical stories he reads about in Leung Afa with his own vision of meeting the Father. Through this Hong gains a powerful explanatory framework which gives deep meaning to his own visionary experience. This meaning then propels him forward, with absolute conviction in his role as God’s son.

The second turning is the point sometime between 1844 and 1847 that the new group was named. Naming is a key step in NRM development. An identity is created, boundary lines are drawn. . Insiders and outsiders alike now have a social object around which associations of meaning begin to accrete. This step separates the religious group from what could be a broadly amorphous movement, one that no matter how powerful lacks identity as a social unit.

The third turning in the Taiping saga is the decision to militarize. Taken in 1849 or 1850, this decision is an act of organizational leadership. While Spence spells out some precipitating events, we know little of the process by which the decision was reached. By 1849 the God-worshippers identified the Manchus, and by extension the entire Qing governmental structure, as being identical with the demons they were sworn to exterminate.<sup>16</sup> And by February of 1850 the group’s missives start to mention an army.<sup>17</sup> Regardless of the reason, the decision set what had been a religious group on a new trajectory.

New religions can become political, and some can become violent.<sup>18</sup> The Taipings were both. This nexus between organized religion, political activity and violence is an evolving area of NRM study. It involves understand the NRM’s perception of threat and the degree of estrangement from society. As Catherine Wessinger notes, there is also the real possibility of a group consciously committing acts of terrorism to attract recruits and spark revolution. Similar mixing of the revolutionary with the religious is also a frequent trope in Chinese history, which again explains why so many imperial regimes monitored popular religions closely.<sup>19</sup>

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<sup>15</sup> By “turning of the wheel of the dharma” the Buddha established a framework for understanding the evolution of his sutra teachings. The first turning was his exposition of the four noble truths. The second was the development of Mahayana. And the third was exposition of Buddha Nature.

<sup>16</sup> Spence, 115.

<sup>17</sup> Spence, 116.

<sup>18</sup> The number of new religions involved in violence is most likely very low. See Catherine Wessinger. “New Religious Movements and Violence.” In *New and Alternative Religious Movements in America*, ed. Eugene V. Gallagher and W. Michael Ashcraft. Vol 1: History and Controversies (Westport, Conn.: Praeger, 2006), 165-205.

<sup>19</sup> Palmer, David and Vincent Goossaert, *The Religious Question in Modern China* (Chicago and London: University of Chicago Press, 2011), 28.

## Inferences: NRMs and Violence

The Taiping Rebellion is often assumed to be an exclusive specialization reserved for historians. Taiping Christianity has often been ignored, or dismissed as “warmed-over Protestantism....”<sup>20</sup> This is beginning to change, with numerous studies on liturgy, theology, and ideology appearing. Thomas Reilly sees the movement’s significance in its complete repudiation of the entire Qing system—governance, thought, practice, and worldview. This meant it rejected all other teachings, most importantly the Confucianism at the core of the imperial system. It was in this sense unforgivingly radical. It would not be the first such movement in China’s modern period.

## Conclusion

All three of these groups functioned in an environment dominated by the official ideology, on the one hand, and, at the street level, popular belief. And both of these cultural systems were essentially religious. Generally, the state did not see the popular system as a threat, since it rarely led to coordinated, intra-regional social action. The state system itself, in contrast, was a rigidly managed system of ritual offerings to specific deities. Maintenance of this system of offerings was necessary for the functioning of the entire empire, because atop this system sat the emperor, the linchpin joining Heaven and Earth.

Any new entry onto the religious scene in China—in other words, any new religion, whether indigenous or imported—had to come to an accommodation with this religious backdrop. The Celestial Masters chose to establish its own social and ideological system, yet did not challenge the ruling order. The various Non-Action lineages never, as far we know, took an *adversarial* stance to secular authority. At the popular level, however, Non-Action members did not use meat or alcohol. Nor did they worship images. This made them socially distinct. And the God Worshipping Society, as we have seen, quickly developed into a movement that was radically opposed to the very existence of both imperial and popular systems.

The three movements described here all used revealed texts, had unique ideologies, and developed attractive soteriologies. Yet their differences are stark. They stemmed from different core traditions—Laozi belief, Buddhism, and Protestant Christianity. And they had different ideas on political action. These resulted in vastly different fates. The Taipings flamed out in a true cataclysmic struggle. The Non-Action groups continued to exist for centuries, in a remarkable show of resilience. But the Celestial Masters, starting as a new religion, were dispersed over a vast area and in turn lay down layer after layer of meaning upon the Chinese religious imagination, creating in turn the foundation of a great world religion, Daoism.

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<sup>20</sup> Thomas Reilly, *The Taiping Heavenly Kingdom: Rebellion and Blasphemy of Empire* (Seattle and London: University of Washington Press, 2004), 12.

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***The Angami-Naga Perspective of Culture and Value in Nagaland of North-East India***

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**Abstract**

Every Naga community has its own dominant oral narratives that have passed on from one generation to the other talking histories, stories, identity and culture of its people. Naga culture is defined by its rich traditions, customs and cuisines and is also known as the 'Land of Festivals'. This place is marked by immense beauty of its rich cultural ethnicity. One among the community are the *Angami* (Naga) who lived with utmost fear for God. This had allowed people to live in harmony with a fearful relation to God. The moral code of conduct, they practiced is called "*Kenyu*" or its translation "prohibition". However, with modernity creeping into the culture, the people are forgetting the unique culture that defines the *Angami Nagas*. Does that mean their philosophy and way of life is affected? Why and how they practice "*Kenyu*" is dying out. This is an issue of concern that has affected the culture. Thus, in this paper, the researcher is trying to explore and analyze factors that are causing changes. How values that have been practiced through ages are maintained even in the seemingly changing *Naga* culture.

Keywords: Culture, Modernity, *Kenyu*, Angami-Naga

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## Introduction

Nature had been very generous to Nagaland and its people. Nature and people live in harmony and extreme poverty never had its presence. The Naga society is divided into several tribes and each of these tribes has its own cultural uniqueness. Each *Naga* village or tribe was independent of the other village. Thus, a *Naga* identifies with one's village and tribe that distinguish them from the others.

“Before the advent of the British, the world of the Naga revolved around his village, family, clan, *khel* and village largely represented the extent of his concern and involvement. It was said, He is passionately attached to his land, his system of land-tenure, the arrangements for the government of his village, the organization of cultivation, the administration of tribal justice through the village and tribal courts.” (Varrier Elwin, Nagaland, 1961).

A *khel* or clan territory is an autonomous unit within the village named after the apical or founding ancestor. In former times, each *khel* was surrounded by a wall to protect it from outsiders, including members of the *khels* in the village. Entry into a *khel* was only through the gates, which were guarded at all times and closed at night. In fact, the so called “village gates” of the *Angami* are really *khel* gates. (Marwah. I.S. and Srivastava Kumar Vinay 1992. *Khel Gate and Social Structure: A Study of their Relationship and a Note on the Place of Material Culture in Anthropology*. Pg.81).

“At a time when there was no unified system of administration, a village elder or *Gaonburas*<sup>1</sup> settle disputes and disagreements of the village. “Traditionally, the *Nagas* had no kind of internal government and they acknowledge no supreme authority.” (Hargovind Joshi, Nagaland: Past and Present 2001, pg.14-15). Thus, *Nagas* do not have a unified system of administration in the past. They were regulated by customary laws and the village chief was the head of the administration in the context of the *Nagas*. The customary laws implemented by every village stood for a form of governing the people and thus administration was indigenous and independent.

Dr. V. Elwin summed up the administrative practice in *Naga* society in the following way, “*Naga* society presents a varied pattern of near-dictatorship and extreme democracy. There is a system of hereditary chieftainship among the *Semas* and the *Changs*. The *Konyaks* have very powerful chiefs or *Angs* who are regarded as sacred and whose word is law. The greatest of *Angs* no commoner may stand upright. The *Aos*, however, have bodies of elders, who represent the main family groups in the village and the *Angamis*, *Lothas*, *Rengmas* and others are so democratic that Hutton remarks that in the case of the *Angami*, it is difficult to comprehend how in view of their particular independence of character, their village hold together at all before the coming of the British government.” (Varrier Elwin, Nagaland, 1961, pg. 6-7)

Therefore, in this paper an attempt has been made to explain how the *Nagas* in general and *Angami* society in particular are retaining the essence of their culture in the midst of rapidly changing modern world.

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<sup>1</sup> . Gaon-Village, Buras- elders or Old people.

## The Angami Tribe

*Angami-Naga* tribe is one among the many other Naga tribes and has its own cultural identity. J.H. Hutton also mentioned in his book “The *Angami Nagas*” that *Angamis* are known for their honesty. For *Angamis*, honesty is not just an aspect but it is their culture. “The village has been an important unit in *Angami* history because each village had a distinct identity and was self-sufficient in most things. Therefore, an *Angami* village has been described as a “Village state”. (Yonuo Asoso 1974. Pg.76. The Rising Nagas-A Historical and Political House Study).

“The *Angami* tribe was one of the first *Naga* tribes that came under the expansionist policies of the British colonial power.” (Ao Tajenyubam, British Occupation of Naga country, 1993. Pg.4). The *Angami* tribe is made up of different groups. Hutton (1921:15) identifies four distinct groups among them. They are i) the *Khonoma* group *Kohima* group iii) *Viswema* group iv) *Chakhroma* group.

These groups of people even at present are commonly identified based on their geographical distribution. The Northern *Angami* are the people living in and around *Kohima*, the Western *Angami* are those living in the West, the Southern *Angami* are towards the South and the *Chakhroma Angami* lives on the slopes of national highway from *Kohima* to Dimapur.

In a traditional *Angami* life, the feast of merit have come to be known and identified in which richness, splendor and extravagance is concentrated. A person who is able to finish the ritual of *sha*, *zha* and *leishü* will give feast to the entire village. “In the feasts of merit, in order to gain honor now and credits in the here-after, a wealthy man fed the village in a rising scale of ceremonies and festivity. Thus, it helped promote the notion of wealth for a purpose and accepted as a blessing. The rich did not look down on the poor and the poor did not hate the rich but tried to emulate them. Equally interesting is the importance given to the woman in a society often castigated latterly for being patrilineal, even patriarchal.” (Chasie Charles, Nagaland in Transition, 2005. Pg.254).

“The *Angami* have played an important and leading role in the Naga ethnic movement and conflict, especially under the leadership of A.Z.Phizo, himself an *Angami*. In this conflict, a large number of *Angami* men fell in the battles with the Indian army in the 1950’s and 1960’s.” (Iralu Kaka. D. 2000. Nagaland and India: The Blood and the Tears. *Kohima*: The Author. Pg.242).

## God in *Angami* Tradition

The traditional religion of the *Angami* was often described as Animism. According to Bareh 1970: Naga religion is described by sociologists to be animistic which lays emphasis on the existence of the deified manifestations of nature and propitiation of spirits both benevolent and malevolent. The causes of troubles and torments, which befall the family and the inhabitation are attributed to the action of the evil spirits. They hold commitments, omissions and occasional failures to appease them are the reasons for incurring the spirits’ displeasure. By divination, they trace such sufferings, ailments and ill luck to the influence of the evil spirits, and the spirits having been traced, appeasement to them follows. (Pg. 61)

The God in *Angami* tradition is believed to give everything when God is pleased. In the beginning, they believed that a creator exists. However, the name of the creator is not known. Therefore, they named the creator as '*terhuomia*'<sup>2</sup>, which means 'spirit'. The spirit created the heaven and the earth and everything that exists. Humans seek help and blessings from the spirit especially in times beyond their capacity. They however believe in the good and the bad spirit. To name a few and believed to be dangerously harmful are the bad spirits of *Kesüdei*, *terhuothie* and *temi*.

*Kesüdi- kesüdi* is full of wrath and anger. Therefore, this spirit is feared by all.

*Terhuothie* – *terhuothie* is believed to cause sickness or ill health. At a time where diseases were not diagnosed and people dies, they believe in the mysterious deaths of those people. They talk of the deceased as being touched by *terhuothie* taking away one's life.

*Temi- temi* creates nuisance among people. When one is believed to have come across *temi* on the way then there will be wind and storm like weather and trees will bang on the road creating fear to humans.

The good spirit on the other side brings joy and prosperity to many. *Miawenuo* and *Nhakuonharuo rhuopfü* are the gods of prosperity.

*Miawenuo* – is a female spirit with very long hair. Whoever comes her way can ask for anything rice, food, richness or whatever comes to their mind. She will bless people with the opposite of what one asks for e.g. if you ask rice, she will give you food and so on. She is in a human form but different from human as a God has her feet reverse. Therefore, when she walks ahead her footprint leaves a mark of heels walking front and her toes backwards.

*Nhakuonharuo rhuopfü* (God of seafood) – she is believed to bless specially women; so that the day they go looking for seafood gets extra. Whenever, a woman gets her share of seafood more than the others do, they say you are blessed by *Nhakuonharuo rhuopfü*.

## Pleasing God

How is god pleased and why God should not be displeased is the question that allowed the *Angamis* to live with utmost fear for God. God is pleased and obeyed by performing ceremonies. One of the most important ceremony and festival they observe is *Kipfhünyi*. Where the life of the people is dependent on agriculture, they celebrate *kipfhünyi* to offer food to the God. In praying that one will reap rice in abundance that will feed enough, they will offer food to the toad in a separate leaf asking blessings of richness in grains. Thus, when God is pleased in such a way, they will reap more and have prosperity that year.

## Culture of *Angami* People

The culture of *Angami* people can be defined in many ways such as dressing pattern, the food they eat, and the language they speak etc. However, the one unique and important factor, which can define the culture of *Angami* people is "honesty".

At a first glance *Angami* society appears as fragmented into many sub-groups. This is because *Angami* society is not confined to just one village or one small area but it spreads over many villages. Each of these villages maintains its own specific cultural

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*Terhuomia* is spirit as well as their God.



identity, which is not totally different from other *Angami* villages but slightly altered. However, if one dive deeper and look at these villages, one can understand that all these fragments are united and have something in common as a cultural identity that is the culture of honesty that stands tall and proudly contributes to the beauty of unity within the *Angami* society. The culture of honesty of *Angamis* does not only define their cultural identity but also defines their uniqueness from the rest of the Naga communities.

*Angamis* have been practicing honesty through the generations. In almost every aspect of their life, honesty is embedded. There is no clear historical data available as to how and why the practice of honesty has become a tradition of *Angamis*. However, one can observe and understand how it is practiced. If we carefully observe the people of *Angami*, we can understand how honesty is practiced in their everyday life in the following glimpses from everyday life of *Angami* people below.

Honesty among *Angamis* is a dominant force that not only unites them but also brings prosperity. This is the reason why absolute poverty is totally absent among these people. For example, houses of *Angami* people are usually kept unlocked, because it is commonly understood among the *Angami* people that stealing is not only considered as bad but they believe that it displeases God.

Another example is that while a person takes harvest from field to home and gets tired on the way then the person can leave it on the side of the road and can come and pick it up the next day without a fear of theft.

Further, *Angami* people love sports and games. They organize sports events time to time on certain occasions. Before going to play a game or a sport, the teams come together and pray to God that the event organized is fair and successful so that it brings glory to God. Praying to God is to make sure that every player is warned not to breach the rules of the game and maintain their honesty.

The above mentioned situations in everyday life of *Angami* people gives an impression that they maintain honesty in all the course of life. This culture of honesty among *Angami* people is actually nurtured by their moral conduct of taboo called *kenyü*. Anything that is *kenyü* is prohibited or taboo or considered as bad to practice. Therefore, anything that is *kenyü* displeases God. So, whoever displeases God, it is believed that he or she will never live a good life. *Angami* people take *kenyü* so serious that they have altered the patterns of their living accordingly so that they do not breach their moral conduct or *kenyü*. The following section gives a brief about *kenyü* and its role in the culture of *Angami* people.

### ***Kenyü***

The most important aspect in *Angami* culture is “*kenyü*” which means prohibition or taboo. What does it mean to say that something is *kenyü*? *Kenyü* prevents people from doing wrong. It is also the moral code of conduct they follow to live a good and harmonious life. *Kenyü* is the prohibition of an individual from doing wrong in the society. We say people in the society are bound by the rules and regulations of the state or the country. Here, the people are bind by taboo. The word *kenyü* itself has so

much weightage in the culture that hearing the word itself tells one that they should abstain from what is so called *kenyü*.

J.H. Hutton in his book “The *Angami Naga*” also writes that *kenyü* is used without any reference. He writes “so loose is the use of the word ‘*kenyü*’ that it may refer not only to the breach of the strict rule of a magico-religious observance or to the breach of a social law, theft for example, but to the most trivial matter of pure utility”. (The *Angami Naga* J.H.Hutton, page 190).

Hutton’s mention about *kenyü* is more of an outlook and less in detail. Hence, though Hutton’s writing about *Angami* culture is popular in academics, it is not adequate enough to draw parallel understanding of *kenyü*. Therefore, to understand the importance of *kenyü* in *Angami* culture one need to look in to its deeper meaning. The following section gives everyday practice of *kenyü* among *Angamis*.

How do they practice *kenyü*? To begin anything, it is *kenyü* to start without performing and offering ceremonies to God. When meals are served, a little bit of food is taken and offered to God. They pray and thank God for the food. To begin work, the eldest person prays and invoke blessings and perform rituals. *Kenyü* allows them to live with a fearful relation to God. They have the practice of *kenyü* for almost everything and some important practices of *kenyü* in their everyday lives are:

- i) It is forbidden to dis-respect elders even at sunset.
- ii) It is *kenyü* to raise hands on parents because that will allow danger and misfortunes in our lives.
- iii) It is *kenyü* to let elders serve our food unto our seat. This is because of the fear that it may cause paralysis to the person.
- iv) It is *kenyü* to accept bribes because it is wrong to accept what is not ours. It is believed whoever take bribes never had a good fortune and receives curse.
- v) It is *kenyü* to pay half the amount of wages to people who worked for us. This is because when they are half paid, the blessings that are meant for us will become theirs.
- vi) It is *kenyü* to eat cross-legged. This is because danger and emergencies in life often comes quick and they believe when one is cross-legged they usually meet accidents.
- vii) It is *kenyü* to re-locate boundaries. God had created the earth and our few days on earth cannot be celebrated by re-locating boundaries outside of our land. If one does that then they commits mistake in front of God and people and therefore punishment will definitely come. Therefore, there is *kenyü* of re-locating boundaries.

It is said there are more than 154 *kenyü* they observe and follow to live a good life. The ones just discussed are few to show how they live in accordance to following the rules of *kenyü*. It can also be seen that each *kenyü* is followed by a logical reason. An example as simple as this is, it is *kenyü* to eat chili leaves. Here, we can understand that there is nothing wrong in eating the leaf but when the leaves are eaten, the tree cannot bear fruit and it may not provide chili in abundance for the people. Therefore, its leaves are not eaten. However, all this has become prohibition and thus part of their daily life.

- viii) It is *kenyü* to marry in February, the month of darkness since such marriages will not be successful and they believe the couple often divorces because of marrying in a no moon month<sup>3</sup>.

The *Angamis* lived a simple yet a righteous life. They avoid whatever seemed wrong because of the fear that God will be displeased. Thus, they lived a morally good life and as mentioned above a fearful relation to god with *kenyü* as moral code of conduct.

### The Advent of Modernity

The *Angami* culture is also so called defined by festivals and ceremonies that becomes an inherent part of their everyday life. The biggest festival they celebrate is “*Sekrenyi*” in February also called “*Kezei*” (darkness) in *Tenyidie*<sup>4</sup>. *Sekrenyi* is the festival of “*Phousanyi*”(purification). This is a festival and also a rites of “*nanyü*” (ritual ceremonies) involved to ensure health, hunting and agriculture of the community during the coming year. The men folks take part and they eat separately and remain chaste at least for three days. *Sekrenyi* also has as its object the prevention of illness for the coming year.

*Sekrenyi* is one among the most important part of their culture that they give the highest value. *Sekrenyi* also associated with “ritual ceremonies” has each different ritual to be performed on each day of the three-day *nanyü* and seven-day celebration. The ceremonies are: i) *Kizie* – on *kizie*, the men folks should go and clean the well after which women will not be allowed to draw water from the well. From now on, the men will keep a watch in the night to prevent women from drawing water. ii) *Sekre* – on the second day of *sekre*, all the man will go to the well to draw the sinked water. They will draw water in a new mug and wash six *zowhenyü*<sup>5</sup> inside the mug. After washing, they will put the first leaf on the forehead, another one on the right arm, next on the chest, the next one on the left arm, the fifth on the right leg and lastly the sixth leaf on the left leg. The only thing they are doing here is break the *zowhenyü* on the body and says sicknesses and misfortunes are broken. After that they will draw fresh water and return home. iii) *Pruo* – on the third day after feasting at home all the men will get their shawl, dagger and spear in the afternoon and go beyond the village area and pray the “*sekresenuo*”<sup>6</sup> should come back soon. After observing this ceremony they will return home and by night cook and share food from the same pot as they do on other days. A man after completing *sekrenyi* believes his body is cleansed and will start everything securely.

However, with the advent of modernity the traditional culture has changed. Whatever they practiced was considered wrong now because it was their way of living. The practice of traditions are left behind and Christianity was embraced. “However, the acceptance of Christianity has not completely wiped out traditional animist belief and practice.” (Mathur. N, Religious Ethos of The *Angami Naga*. Pg.144). “When Christianity was introduced, the *Angami* received it rather slowly, and even at present,

<sup>3</sup>The Angamis have their own calendar counting and the month of February is supposed to be a no moon month. Therefore, it is called *kezei* (darkness).

<sup>4</sup>Tenyidie is the language they speak and *Angami* are the people.

<sup>5</sup>A plant that looks like a grass with sharp edges.

<sup>6</sup>Their prayer to the God that *sekrenyi* should return soon.

there is a sizeable number of *Angami* who practice traditional religion.” (Down Fredericks S, Christianity in North-East India, 1983. Pg.135-136).

Nevertheless, there is a new way of thinking that supposed the traditional way of living as old fashioned. The way of life, dressing and education has brought about change in the society.

According to Sanyü (1996): A history of Nagas and Nagaland-dynamics of tradition-village formation, among the many forces that came to penetrate north-eastern region along with the colonial rulers, introduction of Christianity was one which stood out in playing a major role in the process of modernization. He wrote if one responsible dynamic factor were to be singled out for an overall change in the life of the *Nagas*, it would undoubtedly be the introduction of Christianity among them. (Pg.115). He also said the introduction of education, the advent of Christianity and economic development had modernized the Naga society.

Though Christianity did not try to help preserve the traditional religion, it has helped the *Nagas* preserve their identity to function with the new society that modernization has brought about. According to Nuh (2002), Christianity had changed the outlook of the *Nagas*, which was limited to clans and villages. With its advent and introduction of education, the *Nagas* began to share a global view with the rest of the world. Pg.23. Singh (2008) observed that the Naga society, which was classless, has moved towards class-consciousness and undergone multifarious transformations on its way to modernization. (Pg.159-160).

Does that mean the old way of living was bad? It is not so. The deep rooted uniqueness of honesty defines them over the ages. However, culture is not constant and it changes according to time.

With a new way of life, the festival of *sekrenyi* is celebrated only on a day to commemorate the festivals but ceremonies and rituals are not practiced anymore. Thus, we can see that culture has changed. What remain unchanged is *kenyü*, taboo or prohibition that still allows them to refrain from doing what they believed was taboo to practice. For e.g. it is *kenyü* to cut hair after sunset, which is something people still find it wrong to practice hair cutting in the night. The practice of *kenyü* is still very much said to be prevalent because the elders and parents and even a religious leader would teach us not to do something because it is *kenyü*. Therefore, it can be understood that culture may change but the core practice of culture that defines its uniqueness may or may never change with change of time.

“The British paved the way for entry into Naga society by the Christian missionaries-with profound and far-reaching consequences. They brought a religion that was universal, to make the *Nagas* part of the larger human family. They brought education and introduced the roman script, and made communication easier between the *Naga* tribes as well as with the outside world. Tragically many of the early missionaries also treated Naga culture and traditional practices as ‘pagan’ and ‘evil’ and to be shunned. Although there are, signs of young, *nagas* wanting to revive their culture, for a long time it “simply linger(ed) on for exhibition to important visitors.” (Chasie Charles Nagaland in Transition, 2005. Pg.256).

## Conclusion

*Angamis* may be identified by their traditional dressing patterns or specific dishes that they prepare or their language *Tenyidie*. Many cultural identities are altered or modified due to advent of modernity and Christianity. However, they have been constantly maintaining their culture of honesty with the help of moral conduct *kenyü*. Therefore, modernity and Christianity may have affected many aspects of *Angami* culture adversely, but they have only acted as complementary to their culture of honesty. Therefore, the culture of *Angamis*, though look modern at the periphery but remains traditional (in maintaining *kenyü*) at heart.

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## ***Is the Death Penalty, Ethical?***

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### **Abstract**

Death Penalty (DP) becomes more controversial after Pope Francis revised the New Roman Catechism declaring that DP is 'inadmissible in all cases.' This disturbs the conscience of Catholic Justices, Senators, and Politicians. The Papal pronouncement is premised on DP's attack against human dignity—which is an Ethical issue. My paper focuses on: *Whether DP is an attack against human dignity?* Arguments FOR or AGAINST DP remain unsettled. For the Abolitionists, DP attacks human dignity by *infringing the inalienable right to life*, but they are uncertain in what way it *violates* such right. The Retentionists maintain that DP *defends* such right, but the explanation remains unclear. The controversy lies on the *inalienability* of the 'right to life' which '*no man can give up, and no one can take it away from him.*' Does DP take away the right to the life of the criminal? If so, how? Or in what manner it does not? My paper argues the key word is 'right to life' which combines two *distinct* orders: 'moral' and 'biological.' Thus, 'right to life' means the person has the moral claim (right) to biological existence (life). By his heinous crime, the criminal departs from the moral order—leaving behind his 'right' which *he lost* by his crime. The state *can now take away not his 'right'*—but *his life* as the penalty for defiling the right to the life of another.

Keywords: Death Penalty, Ethics, Church, Catechism, Right

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## Introduction

It started in Europe. There is a worldwide movement to abolish Death Penalty Law. States which terminate DP increase each year. As if to deliver the fatal blow for its total abolition, Pope Francis declared that DP is *inadmissible in all cases because it is an attack against human dignity*.

### ***Why is the new Papal teaching significant to the current debate on the Death Penalty?***

It disturbs the International politics. Papal teaching on faith and morals is binding in conscience which commands assent among the faithful. The revised new 2267 Catechism on Death Penalty disturbs the conscience of many Catholic theologians, laity, Justices, Senators, lawmakers who favor the Death Penalty.<sup>1</sup>

It disturbs me too. As a Catholic Educator in a Catholic University which supports Pope Francis' new 2267 on Death Penalty — can I dissent?

Is the Death Penalty, ethical? The word '**Ethical**' means a *reasonable act* that conforms to certain norms by which we say 'it is right' or 'it is wrong.' Rightness or wrongness implies norms, in case of human acts—law and right conscience. A right conscience is an ethical *conclusion* inferred from Law and facts. The Law regulates reason, and human reason interprets and applies it to a particular situation.

This paper assumes objective morality; it does not debate with relativism or subjective moral theories, and with those who think human *rights* are of social origin, reducing morality to social or cultural norms. If some human acts are deemed per se good and evil, then there is an objective morality which preserves society and transcends culture. Objective morality is enshrined in our rational nature—the source of human dignity.

The term '**Death Penalty**' refers to: (1) as a *penalty* and, (2) the *act* of the State to execute criminals to preserve social order (common good). This paper deals with the ethics of DP as 'penalty' which is the basis of the lawfulness of the act of the State to impose it.

**Question:** Is Death a *just* penalty for a grievous crime? Is there a crime so heinous to deserve Death— when per the Universal Declaration of Human Rights and the Church teaching— the *Right to life* is inalienable, thus inviolable? If it is inviolable, then DP appears unlawful, and its imposition is—inhuman. Does a criminal lose his human dignity by his crime?

This paper addresses **Two ISSUES:**

1. **Is the revised New 2267 of the New Catechism on the death penalty,— binding in Catholic Conscience?**
2. **Is the Death Penalty, an attack on the dignity of the human person?**

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<sup>1</sup> "New York Gov. Andrew Cuomo vowed to introduce legislation to remove the death penalty from New York state law... On the other hand, late Justice Antonin Scalia said he didn't find the death penalty immoral, and that any judge who did should resign." <http://www.ncregister.com/blog/edward-pentin/pope-francis-changes-catechism-to-declare-death-penalty-inadmissible>



## **First Issue: Is the new 2267 on Death Penalty binding in Conscience among Catholics?**

**Premise 1:** *if the new 2267 agrees with the traditional teaching of the Church, then it is binding in Conscience.* The Papal teaching is binding in conscience when it derives its authority from the traditional teachings of the Church. *Implicit in it is, if the Pope teaches a contrary doctrine—his pronouncement cannot claim to teaching authority much less infallibility— hence it does not bind.* This is so because there is a distinction between the man and his Office, the Pope and his Papal seat. The doctrine of Authoritative teaching belongs to the Office (Seat of Peter), not to the man in it. The Magisterium cannot err because of the promised Divine Assistance to the Papal Office—this is a Dogma.

**Premise 2:** The Catechism “is the compilation of official Catholic Teaching” on Faith and Morals. The Church is the ‘*Mater et Magistra*’ (Mother and Teacher); her teaching authority (Magisterium) is the source of Doctrinal unity which preserves the teachings of Christ handed to His Apostles down to the Fathers of the Church, and down to the Doctors of the Church, and the Popes to the Church—which must persist to the present.<sup>2</sup> There is no historical record of any papal pronouncement, decree or encyclicals— contrary to any traditional teaching even during the reign of some bad Popes. The Catholic Catechism summarizes such doctrinal unity.

### **Is the revised new 2267 in harmony with the traditional teaching?**

Does the new 2267 conform to the *Divine and Ecclesiastical laws* on the Death Penalty?

*Traditionally*, the Church holds the lawfulness of DP by recognizing the state’s duty and power to execute criminals found guilty with heinous crimes (this is explicit in the Church’s longstanding **Catechisms**:

### **The Catechism of the Council of Trent:**

*Another kind of slaying is also permitted, which applies to those civil magistrates, to whom is given the power of life and death, by the legal and judicial use of which they punish the guilty, and protect the innocent. Far from involving the crime of murder, the just exercise of this power is an act of paramount obedience to this divine law (thou shalt not kill), which prohibits murder. For since the end of this commandment is the preservation and security of human life, to the attainment of this end the punishments inflicted by the civil magistrates, who are the legitimate avengers of crime, naturally tend, giving security to human life by repressing audacity and outrage with punishments.<sup>3</sup>*

<sup>2</sup> “The witness of the tradition is important not only for the sagacity of its arguments. For the interpretation of *Evangelium vitae* must take account of a basic principle: as a magisterial document, its meaning is constituted with tradition. The claims for doctrinal development have, so far, seemed to ignore this fact.” Steven Long. “*Evangelium Vitae*, St. Thomas Aquinas, and the Death Penalty. The Thomist 63 (1999): 511-52

<sup>3</sup> The Catechism of the Council of Trent For Parish Priests. Translated by O.P. John A. McHugh, S.T.M., Litt. and Charles J. Callan, O.P., S.T.M., Litt. North Carolina: TAN Books, Question IV on the 5th Commandment.

**The Revised Catechism (Pope John Paul II) 1992/1997 n. 2267 on Death Penalty) reads:**

*Assuming that the guilty party's identify and responsibility have been fully determined, the traditional teaching of the Church does not exclude recourse to the death penalty[...].<sup>4</sup>*

On the contrary, **Pope Francis' Revised new 2267 (2018)** reads:

*Recourse to the death penalty by legitimate authority, following a fair trial, was long considered an appropriate response to the gravity of certain crimes and an acceptable, albeit extreme, means of safeguarding the common good.*

*Today, however, there is an increasing awareness that the dignity of the person is not lost even after the commission of very serious crimes. In addition, a new understanding has emerged of the significance of penal sanctions imposed by the state. Lastly, more effective systems of detention have been developed, which ensure the due protection of citizens but, do not deprive the guilty of the possibility of redemption.*

*Consequently, the Church teaches, in the light of the Gospel, that 'the death penalty is inadmissible because it is an attack on the inviolability and dignity of the person,' and she works with the determination for its abolition worldwide.<sup>5</sup>*

Whereas the traditional teaching recognizes its lawfulness, the revised new 2267—deems DP unlawful. Thus: the new 2267 of Pope Francis is not in accord with the Traditional Teaching on DP

Regarding this, **Catholic Theologians are divided.**

A. Some theologians who support Pope Francis' new 2267 on DP argue that it is in harmony with the traditional teaching<sup>6</sup> because *it is an 'authentic development of doctrine,' building on the teaching of Pope St. John Paul II and Benedict XVI,<sup>7</sup> which rests heavily on Pope St. John Paul II's Evangelium Vitae statement that 'Not even a murderer loses his personal dignity and God himself pledges to guarantee this.'*<sup>8</sup>

<sup>4</sup> "When St. John Paul II published the catechism in 1992 it still admitted the use of the death penalty (No. 2266). But strong reaction from bishops and the faithful in many countries led him to revise the text in 1997, with the help of then-Cardinal Joseph Ratzinger. The revised text (No. 2267), however, still did not exclude the death penalty on moral grounds as Pope Francis did today; it said that given the possibilities the modern state has of rendering the criminal incapable of doing harm again, then "the cases in which the execution of the offender is an absolute necessity 'are very rare, if not practically non-existent.'" <https://www.americamagazine.org/faith/2017/10/11/pope-francis-death-penalty-contrary-gospel>.

<sup>5</sup> The new revision of number 2267 of the Catechism of the Catholic Church on the death penalty.

<sup>6</sup> Capital Punishment: Francis & the Tradition Before Him Are both Right."

<http://www.patheos.com/blogs/throughcatholiclenses/2018/08/capital-punishment-francis-the-tradition-are-both-right/>. Also see <http://www.ncregister.com/blog/edward-pentin/pope-francis-changes-catechism-to-declare-death-penalty-inadmissible>

<sup>7</sup> Pope Francis Changes Catechism to Say Death Penalty 'Inadmissible'

<http://www.ncregister.com/blog/edward-pentin/pope-francis-changes-catechism-to-declare-death-penalty-inadmissible>

<sup>8</sup> The Letter of Cardinal Ladaria, SJ prefect of the Congregation of the Faith

**B.** Some dissenters argue that the traditional teaching admits the lawfulness of DP which the new 2267 one does not. The former speaks of its 'admissibility' while the latter speaks of its 'inadmissibility.' Betraying a substantial doctrinal Change, the new 2267 is not a development of Catholic doctrine but a disengagement from it—they claim. They likewise argue *Ad absurdum*: If the revised new 2267 is RIGHT, then the scriptures, previous Popes, the Fathers of the Church, the Doctors of the Church like St. Augustine and St. Thomas Aquinas, St. Thomas More, a Papal decree, an Apostolic Constitution, and St. Paul are in ERROR.<sup>9</sup> But it is absurd that the scriptures, in particular, St. Paul, the unanimous teachings of the Fathers of the Church, the Doctors of the Church, the Council of Trent—to be in ERROR.<sup>10</sup>

**More importantly, there is no scriptural basis against DP;** on the other hand, there are lots of Scriptural texts which support it. For instance, from the Old Testament: *"Wizards thou shalt not suffer to live" (Ex. 22:18); and: "In the morning I put to death all the wicked of the land" (Ps. 100:8).* From the New Testament:

**St. Paul:** *"If then I am a wrongdoer, and have committed anything for which I deserve to die, I do not seek to escape death." (Acts 25:11) "* Again, *"Let every soul be subject to higher powers. For there is no power but from God: and those that are ordained of God. Therefore, he that resisteth the power resisteth the ordinance of God. And they that resist purchase to themselves damnation. For princes are not a terror to the good work, but to the evil. Wilt thou then not be afraid of the power? Do that which is good: and thou shalt have praise from the same. For he is God's minister to thee, for good. But if thou do that which is evil, fear: for he beareth not the sword in vain. For he is God's minister: an avenger to execute wrath upon him that doth evil." (Romans 13:1-4).*

**One argues:** 'But Pope Francis as Pope has Infallible authority?' We reply, So did his predecessors who were unanimous recognizing the right of the state to execute criminals in accord with the Fathers and Doctors of the Church. To mention:

#### **The Popes:**

**Pope Innocent I:** *"It must be remembered that power was granted by God [to the magistrates], and to avenge crime by the sword was permitted. He who carries out this vengeance is God's minister (Rm 13:1-4). Why should we condemn a practice that all hold to be permitted by God? We uphold, therefore, what has been observed until now, in order not to alter the discipline and so that we may not appear to act*

<sup>9</sup> Steve Skojec <https://onepeterfive.com/category/1p5-blog/>. "It is the nearly unanimous opinion of the Fathers and Doctors of the Church(1) that the death penalty is morally licit, and the teaching of past popes (and numerous catechisms) that this penalty is essentially just (and even that its validity is not subject to cultural variation). Saint Augustine says, in The City of God:

'The same divine law which forbids the killing of a human being allows certain exceptions, as when God authorizes killing by a general law or when he gives an explicit commission to an individual for a limited time. Since the agent of authority is but a sword in the hand, and is not responsible for the killing, it is in no way contrary to the commandment, Thou shalt not kill, to wage war at God's bidding, or for the representatives of the State's authority to put criminals to death, according to law or the rule of rational justice.'" Steven A. Long. *"Evangelium Vitae, St. Thomas Aquinas and the Death Penalty."* The Thomist, 63 (1999):511-52

<sup>10</sup> "It is the nearly unanimous opinion of the Fathers and Doctors of the Church(1) that the death penalty is morally licit, and the teaching of past popes (and numerous catechisms) that this penalty is essentially just (and even that its validity is not subject to cultural variation)". Steven Long, The Thomist. *Evangelium Vitae, St. Thomas Aquinas...*p.511

*contrary to God's authority.*"<sup>11</sup>

**Pope Leo** *Condemned* as an error "That heretics be burned is against the will of the Spirit."<sup>12</sup>

**Pope Pius XII:** "Even in the case of the death penalty the State does not dispose of the individual's right to life. Rather public authority limits itself to depriving the offender of the good of life in expiation for his guilt, after he, through his crime, deprived himself of his own right to life."<sup>13</sup>

### **The Doctors of the Church:**

**St. Augustine:**

*"The same divine authority that forbids the killing of a human being establishes certain exceptions, as when God authorizes killing by a general law or when He gives an explicit commission to an individual for a limited time. The agent who executes the killing does not commit homicide; he is an instrument as is the sword with which he cuts. Therefore, it is in no way contrary to the commandment, 'Thou shalt not kill' to wage war at God's bidding, or for the representatives of public authority to put criminals to death, according to the law, that is, the will of the most just reason."*<sup>14</sup>

**St. Thomas Aquinas:**

*Every part is directed to the whole, as the imperfect to perfect, wherefore every part exists naturally for the sake of the whole. For this reason we see that if the health of the whole human body demands the excision of a member because it became putrid or infectious to the other members, it would be both praiseworthy and healthful to have it cut away. Now every individual person is related to the entire society as a part to the whole. Therefore, if a man be dangerous and infectious to the community, on account of some sin, it is praiseworthy and healthful that he be killed in order to safeguard the common good, since 'a little leaven corrupts the whole lump'(1 Cor. 5:6)"*<sup>15</sup>

**Thus,** Pope Francis's new 2267 departs from the Apostolic Tradition; thus, it does not carry infallible teaching authority granted to the Papal Office—hence it is not binding in conscience.

### **How about the Second Issue: Is the Death Penalty an attack against Human Dignity?**

Pope Francis may be right; he may be right that DP is an attack against human dignity which the Apostolic Tradition might have ignored. The traditional teaching ever since recognized the dignity of the innocent, however, it might have ignored the new insight

<sup>11</sup> (Pope Innocent 1, Epist. 6, C. 3. 8, ad Exsuperium, Episcopum Tolosanum, 20 February 405, PL 20,495)

<sup>12</sup> Pope Leo X, Exsurge Domine (1520)

<sup>13</sup> (Pope Pius XII, Address to the First International Congress of Histopathology of the Nervous System, 14 September 1952, XIV, 328)

<sup>14</sup> St. Augustine, The City of God, Book 1, chapter 21

<sup>15</sup> St. Thomas, Summa Theologiae, II, II, q. 64, art. 2.

regarding it which Pope John Paul II in his *Evangelium Vitae* emphasized that *HUMAN DIGNITY is never lost despite how serious the crime a person commits*.<sup>16</sup> With it as his premise, Pope Francis concludes that DP is unlawful because DP attacks human dignity.

### **But, is DP an attack against human dignity?**

For the abolitionists, it does because DP violates the right to the life of the person. Pope Francis confirmed the abolitionists' position by declaring with Pope John Paul II that the criminal does not lose his personal dignity even after committing grave crimes.<sup>17</sup> Moreover, it is not necessary to execute criminals because there are more effective systems of detention to prevent them from harming others, and *besides*, we must give criminals the chance to reform.

The reasoning goes this way:

*If a man does not lose his personal dignity by his crime, then he does not deserve the death penalty (Conditional Premise).*

*But, the criminal by his crime does not lose his personal dignity (Pope John Paul II E.V.).*

*Ergo, the criminal does not deserve the death penalty (Pope Francis, n.2267).*

The keyword is "personal dignity," or "human dignity."

**We take 'human dignity' in two senses:** 1) the *metaphysical* dignity which refers to human nature which is never lost, and 2) *moral* dignity which refers to moral innocence.

With this distinction, we agree with the *Conditional Premise* if it means the criminal does not lose his 'moral dignity' or innocence. Conversely, the same Conditional implies if the Criminal loses his moral dignity by his crime, then he deserves death.

However, we distinguish the **Minor premise**: "*the criminal by his crime does not lose his personal dignity*." (Pope John Paul II, EV):

If by *personal dignity* it means the '*metaphysical dignity*' of man—we agree. It is man's absolute nature which transcends any condition which he cannot lose even by his worst crime. But, if it means the criminal does not lose his moral dignity by his offense, we disagree because a man loses his moral innocence by his crime.

Pope John Paul II refers to the *metaphysical dignity* of man which is never lost<sup>18</sup> and not to the moral dignity which someone can lose by his crime. That a man loses his

<sup>16</sup> John Paul II, Encyclical Letter *Evangelium vitae* (25 March 1995), n. 9: AAS 87 (1995), 411.

<sup>17</sup> Pope Francis echoes PJP's *Evangelium Vitae*, however, he has another interpretation. For PJP Human dignity which is not lost is the Human nature itself (metaphysical) which could be the basis of one's guilt and deserving punishment which could also be the reason for mercy. Pope John Paul II does not contradict the traditional teaching but mellowed its imposition in his revised 2267 (1992/1997) stating that DP is appropriate in rare cases. For him, it 'can be imposed' but 'should' not be imposed in most cases.

<sup>18</sup> John J. Coughlin, "Pope John Paul II and the Dignity of the Human Being." Notre Dame Law School NDLS Scholarship.  
[https://scholarship.law.nd.edu/law\\_faculty\\_scholarship/?utm\\_source=scholarship.law.nd.edu%2Flaw\\_f](https://scholarship.law.nd.edu/law_faculty_scholarship/?utm_source=scholarship.law.nd.edu%2Flaw_f)

moral dignity by his offense is consistent with the Scriptural texts, with the magisterium, with the teachings of the Doctors of the Church—and Civil laws. Theologically, the crime deforms the image of God in the criminal by desecrating the image of God in the Innocent. If moral dignity is not lost by any offense, then any form of human punishment is unreasonable.

**Question:** *How can the criminal lose his moral dignity when the right to life is inalienable? An inalienable right is that which 'the individual cannot give up, and no one can take it away from him.' Now, it seems DP takes away such right to life. Ergo, DP violates the inviolable right to life. It seems.*

**Answer:** 'Right to life' is a compound of two distinct concepts 'right' and 'life.' Now, 'right' is of the moral order, while 'life' is of the biological order. Thus 'right to life' means a *moral claim to biological existence*. Animals have a natural claim to life but not a moral claim because they are not persons. Only persons have moral claims as rights—this is fundamental.

Now, when a man commits a grievous crime, he *strays* from the moral order where all his rights reside—including his 'right' to life. In the words of Aquinas, the criminal reduces himself to the level of the 'beast' losing his innocence. Losing his innocence, the criminal loses his moral dignity.<sup>19</sup>

It is at this instance that the state can take away his LIFE not his 'right' which he lost by his crime. Therefore, DP does not violate the RIGHT of the criminal but defends and preserves it including his right. In other words, the lawfulness of DP is derived from the RIGHT to Life itself. The more we affirm the sacredness and inviolability of human dignity, the more we must affirm the severe penalty violating it by taking away the criminal's life. Hence, ironic it may sound but DP is PRO-RIGHT to LIFE, and its abolition is not.

### ***Should it be imposed?***

DP is not an attack against human dignity and even defends it but *should* it be imposed? <sup>20</sup> DP *can* be imposed (lawful), but *should* it be imposed on this or that criminal? Is there a necessity, a grave reason to impose it? <sup>21</sup> Here lies the distinction between the law and its implementation. A law may be just but may be unjustly implemented, or the state may not find it necessary.

For *Pope John Paul II* DP is lawful but should be imposed only in *extreme* cases, and it belongs to the State to implement it justly.

It belongs to the State which is in charge of the Social Order to impose DP. It considers and determines whether or not it should be imposed on this or that criminal. Is it necessary to impose at all? Once we identify the lawfulness of DP, the question of its imposition follows by considering the following purposes of punishment:

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aculty\_scholarship%2F494&utm\_medium=PDF&utm\_campaign=PDFCoverPages 3-4.

<sup>19</sup> Catechism of the Council of Trent, Q. !V.

<sup>20</sup> The question of 'should' follows the question of 'can.'

<sup>21</sup> The Principle of double-effect applies to the question of 'should it be done?'. Assuming that DP is good per se or at least indifferent, one condition to justify it is if there is a grave reason to impose it.

**Retributive** that the crime is so heinous that retribution is necessary as the penalty for the crime required by justice. Dissenters argue that retribution is vengeance. But Retribution is not vengeance, i.e., to quench the anger against the criminal instead it is a punishment for the wrong done to restore the order of justice disturbed by the crime. The order is restored when the criminal is stripped of something good because of his offense. The punishment ought to be proportional to the gravity of the crime which is the condition of the punishment. DP's medicinal purpose is situated within its retributive aspect.

**Reformative** if it is the only way to reform the criminal from his evil ways. This is the medicinal aspect of DP, i.e., concerning the criminal. He deserves severe punishment, even death, for grave crimes. That it reforms or rehabilitates the criminal accepting the penalty is incidental. However, Capital punishment can help criminals reform by allowing them to prepare for death. As Samuel Johnson famously noted, "Depend upon it, sir, when a man knows he is to be hanged in a fortnight, it concentrates his mind wonderfully."<sup>22</sup>

**Deterrent** if its imposition shall deter potential crimes; if it does not deter then with the greater reason they should impose it. Steven Long regarding this says: *Even the punishment that is inflicted according to human laws is not always intended as a medicine for the one who is punished, but sometimes only for others: thus when a thief is hanged, this is not for his own amendment, but for the sake of others, that at least they may be deterred from crime through fear of the punishment, according to Prov. 19:25: "The wicked man being scourged, the fool shall be wiser." Accordingly, the eternal punishments inflicted by God on the reprobate, are medicinal punishments for those who refrain from sin through the thought of those punishments, according to Ps. 59:6: "Thou hast given a warning to them that fear Thee, that they may flee from before the bow, that Thy beloved may be delivered."*

**Defense** of the State if it is the only way to defend the common good. "Previously, the catechism said the church didn't exclude recourse to capital punishment if this is the only possible way of effectively defending human lives against the unjust aggressor."<sup>23</sup>

*Assuming, that it should be imposed,* Pope John Paul II pleads "Mercy to those on the death row." The criminal may deserve death for his crime but mercy may commute it to life imprisonment.

## Conclusions:

This paper has shown that:

1. The New Revised n. 2267 of the New Catholic Catechism regarding DP is not in accord with the Traditional Teaching of the Catholic Church, hence it is not binding in Catholic Conscience.

<sup>22</sup> Christopher Kaczor. "Did the Church Change its Teaching on the Death Penalty" The Rock, vol. 21, no. 4

<sup>23</sup> Nicole Winfield, Associated Press. <https://ph.yahoo.com/news/pope-shifts-church-death-penalty-103647335.html>

2. Death Penalty does not attack human dignity since it does not violate the right to life of the criminal. On the contrary, it is lawful and at times necessary because it defends and protects the right to life of the innocent, and prevents serious harm to the state.
3. However, though the criminal deserves death for serious crime, the State, to which belongs the power and duty to execute, may grant pardon to reform his ways using the principle of double effect in light of the four reasons of punishment: retributive, reformatory, deterrence, and defense of the common good.
4. This paper admits the possibility of judicial error in DP, thus recommends to the state to provide competent legal defense counsel to the convicted, and observe strictly fair litigation using technology available to prevent judicial errors. More importantly, to seek a more humane way of execution.



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***Commodifying Human Body for the Life Survival in Islamic Legal Perspective: The Case of Organ Purchase among Refugees***

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**Abstract**

The commodification of human body for the life survival matter has been evident among some refugees who, out of desperate and dire situations, engaged in selling body organs to have better life for themselves and for others. The research examines the discussion on human dignity and the dignity of body to respond to human body commodification. In this regard, the research refers to the authoritative Islamic sources; early jurisprudential schools and the contemporary scholars discussing on the value and dignity of human, human body, and body commodification. In general, the Muslim scholars of both classical and contemporary times negate the idea of body commodification. Whether the concept of survivability permits buying and sale of body organs, is not the matter of objection of majority scholars in holding the prohibitive justification on buying and sale while some scholars see that dire necessity may compel some people to do things that are in general prohibited.

Keywords: commodification, human body, organs, life survival, Islamic, refugees

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## Introduction

'I do exploit people', Abu Ja'far (a pen name) mentioned this to the BBC News journalist when asked about his activity. He regards himself as an organ broker of refugees working in the black market at Beirut in Lebanon. There are some refugees desperate to get money; they struggle for survival and thus, decide to sell their organs to earn a good sum of money. Abu Ja'far claims that he has already arranged 30 refugees within the last three years (Forsyth, 2017, BBC News). Confident in his action yet illegal, he views that his action is helping at least few refugees to find a way out of the extreme poverty in the crisis where there are no ways to get a job in Lebanon due to law restrictions. One of his clients, a 17 years old boy who left Syria to Lebanon after his brothers and father were killed in the war, sold his right kidney for \$8000 to survive and to cover the mounting debt of three years living with no work, and to provide for his mother and five sisters<sup>1</sup>(Forsyth, 2017, BBC News).

Mahmood, another Syrian refugee who suffered in Sanliurfa, a place just across the border in southern Turkey, agreed out of the desperate situation to sell one of his kidneys in the underworld that controls the illegal trade in human organs. He just hoped to be paid \$10 000, in order get a better treatment for his siblings who had been suffering from genetic disabilities. Mahmood said to the journalist, "I can survive with one kidney. They won't live without the care they can only get in Europe" (John, 2018, ITV News).

The above mentioned two situations indicate the miserable self-sacrifice of some refugees to make some money for the survival, who, compelled to the crisis, are even willing with the consent to give their own organs to continue life. Some others beg on the streets, particularly the children while some shine shoes, dodge between cars in traffic jams to sell chewing gum or tissues through the windows or end up exploited as child labor, or turn to prostitution. Based on these grief-stricken conditions, the questions that can be raised are: how is human dignity discussed philosophically? On what basis does Islam discuss the dignity of the human body? How far can the human body be commodified for the survival cause? How does Islam view the concept of selling own body organ in the severe necessity that may befall a person's life?

The moral justification on organ selling and buying has been discussed among the contemporary Muslim jurists and scholars. The main factor debated among the scholars prohibiting and/or permitting the organ selling and buying center around the idea of intrinsic value of human being. Human is believed to be inherently sacred and, therefore, any mutilation for transpassing the ownership of organs through any means of monetary transaction violates the sanctities of a human being <sup>2</sup>(Tantawi, 1987,

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<sup>1</sup> Most refugees are not allowed to work under Lebanese law, and many families barely get by. Among the most desperate are Palestinians who were already considered refugees in Syria, and so are not eligible to be registered by the United Nation refugee agency when they arrive in Lebanon. Thus, live in overcrowded camps and receive very little aid. Almost vulnerable are those who arrived from Syria after May 2015 when the Lebanese government asked the UN to stop registering new refugee.

<sup>2</sup> The discussion focuses on the trading or transaction of human organ between the donor (due to his poverty) and the capable person (who is in search of organs from poor). However, the concept of donating organ under self-consent because of sympathy, compassion and love has been extensively discussed in Islamic point of view. In brief, donating part of human body or organ is encouraged which

IOMS). However, when forced with the severe conditions, some rather sacrifice themselves, whether for the betterment of their own life or of the others. Thus, the writer thinks that it is important to answer the issue as it would clarify the readers on the Islamic perspective regarding the dignity and the human body and some implications. More importantly, the article would answer the question on whether the human body can be commodified due to survival reason in Islamic perspective.

### **Refugees and The Multiple Displacement of Refugees.**

Any refugee that meets the criteria of the UNHCR Statute, qualify for the protection of the United Nations provided by the High Commissioner, regardless of whether the refugee is in a country that is a party to the 1951 Convention Relating to the Status of Refugees, or the 1967 Protocol Relating to the Status of Refugees (UNHCR, Syria Emergency, 2018). Even, whether he or she has been recognized by the host country as a refugee under either of the instrument mentioned<sup>3</sup> (Article 1(A)(2), 1951, Convention Relating to the Status of Refugees (OHCHR). If it is evident that there is protection and reception of humanitarian aid from the relevant nationality and internationally recognized institutions, the decisions of selling organ raise questions; why would they risk their lives and sell parts of the body, since there are organizations that could help them with incentives and aids?

The amount of aid compared to the overwhelming numbers of refugees is very less and is probably of some relief for them for merely few days. The dire necessity compels some of the refugees to end up taking serious decisions. Other possible justifications may also be drawn. However, for the case of those who are banned from the documentation, they could not access the aid. Statistically, there are data showing the deficiency of aid given to the refugees in general and particularly Syrian refugees (Eichner, 2017, Ynet News; Hamill, 2015, Correspondence).

Regarding the Syrian refugees, only 8 percent of them are settled in the refugee camps as opposed to the vast majority taking shelter in the neighboring countries and living in the urban areas. Lebanon for example is a place for more than a million refugees having a little or no financial resources. Approximately 70 percent of refugees live under extreme poverty. Most of the refugees there are scattered in many urban and rural communities due to the absence of formal refugee camp (UNHCR, 2018, *Syria Emergency*). In addition, legal restrictions are imposed limiting the refugees rights, which includes prohibitions to work in 39 professions, to own property, as well as to access to state-provided services such as health and education (UNRWA, 2017, *Employment*).

Those desperate refugees mentioned above are probably among the refugees in transit, who are temporarily admitted in the territory of a state under the condition

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is Islamically altruistic, but most importantly, the treatment must not originally entail serious harm to the donor. The harm should not be eliminated by another harm, as claimed by Sheikh Gad al-Haq Ali Gad Al-Haq, the late of Sheikh Azhar.

<sup>3</sup> The refugee, among those who owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing such fear, is unwilling to avail himself of the protection of that country. Article 1(A)(2), 1951 Convention Relating to the Status of Refugees (OHCHR), Article 1A(2), as modified by the Protocol.

that they may be resettled elsewhere or maybe return back to their origin country (International Migration Law, 2011, p. 80). Meanwhile, their stay in the current territory prior to the destined country poses possibly a great challenge to continue their life and to survive. Some of the refugees may be among refugees in orbit<sup>4</sup> or refugees in transit.<sup>5</sup>

The restrictions are certainly a barrier for many of them to lead their daily lives and provide for them and their families. The vulnerable situation makes them run out of many options and thus, consequently, some decide to sell organs hoping to make some money that can be useful to lead a normal life with families.

### **The inviolability of human body discourse in Islam: Scriptural discussion.**

The first evidentiary source of sharia, the Quran mentions that all human beings irrespective of any race, creed, age are honored, as Allah says: “*And verily we have honored the children of Adam*” (al- Isrā’: 70). According to Hashim Kamali, this Quranic text recognizes comprehensively the dignity of human beings, without limitations or qualifications of any kind. He further clarifies that it is not the meritorious conducts that determine the dignity of the human but rather, it is God’s favor and grace bestowed on the human (2002, p. 1), since the moment of birth (Yusrī, 1993, p. 59). Moreover, such bestowed dignity on the human facilitates in recognizing a set of rights and obligations and assuring safe conduct by others including the society and the state (Kamali, 2007, p. 63-740). Therefore, any act of transgression on human such as killing without the legal right<sup>6</sup> is forbidden and poses serious implications both in this world (al-Baqarah: 178) and in the hereafter (al-Nisā’: 93)<sup>7</sup>.

This inviolability is linked to human not only after his/her birth but also before his/her birth and thus harming that being (fetus) before his/her coming into the worldly existence imposes blood money (*ghurra*)<sup>8</sup> on whoever is responsible for such action as mentioned in the hadith (Sahih Bukhārī, Hadith no. 5759; Ibn ‘Ābidīn, 2000, p. 227). This inviolability is also existent after his/her death as prophetic tradition mentions that breaking the bone of a dead human is breaking it when he/she is alive and hence, respecting human dead body is also of utmost importance put forward by Islam (Sunan Abū Dawūd, Hadith no. 3207; Sunan Ibn Mājah, Hadith no. 1616).<sup>9</sup>

<sup>4</sup> Refugees who, although not returned directly to a country where they may be persecuted, are denied asylum or unable to find a state willing to examine their request and move or are moved from one country to another in a search of asylum. International Migration Law, *Glossary on Migration*. 80.

<sup>5</sup> Refugees who are temporarily admitted in the territory of a state under the condition that they are resettled elsewhere.

<sup>6</sup> Death penalty is due to the transgression by Muslims for certain prohibitions in Sharia law such as the involvement of a married person in adultery or killing someone intentionally. Due to the universal ethical views, hudud’s application is not being applied in most of the Muslim nation-states today. Still some scholars define this kind of penalty due to its categorical nature.

<sup>7</sup> The Quran mentions “Whoever kills a believer intentionally – his recompense is Hell, wherein he will abide eternally, and Allah has become angry with him and has cursed him and has prepared for him a great punishment.”

<sup>8</sup> *Ghurra* is the monetary compensation valued for freeing a slave, male or female for the compensation of the fetus. The worth, which is conventionally set, is one-twentieth of the full blood money.

<sup>9</sup> It is narrated from A’isha, Rasul (sm) told: “Breaking the bone of a dead person is similar to breaking it when he is alive.”

All these Quranic texts and prophetic narrations certainly uphold the significance of the principle of inviolability of human during his/her lifetime, before birth and after death. However, the question that arises is whether the concept of inviolability restricts any use of human organs for others and whether that usage can involve any monetary transaction for the purpose of survival.

**Legal discussion: Classical schools and contemporary scholars of *Fiqh* on the commodification of the human body and organs.**

All the classical schools of juristic methodology have agreed on the prohibition of any use of human organs for others involving buying and selling. Different schools had different reasons in prohibiting this. For instance, the Hanafi school opines that benefitting from organs is not lawful due to the dignity of human (*karāmah*) (al-Marghīnānī, p. 46, Ibn ‘Ābidīn, 2000, p. 338; Nizām al-Dīn, p. 354).<sup>10</sup> The Mālikī school considers that such practice is prohibited because the life, the perfection of the intellect and the body are solely the right of Allah entrusted upon human, not human’s own right. Thus, cutting or omitting any organ of the body is not lawful for the human (al-Shātibī, 1997, p. 102; al-Qarāfī, p. 141). The Shāfi’ī<sup>11</sup> and the Hanbālī<sup>12</sup> schools also (in line with the Hanafi school) prohibit the proceedings on human body/organs due to the sanctity and dignity (al-Nawawī, 1991, 285; Ibn Qudāmā, 1968, p. 420).

Contemporary scholars also base their arguments on dignity and God’s ownership concepts. Among the opinions, the human body has intrinsic significance, not instrumental significance like other physical objects. Also, the human body is not a commodity that can be turned to commercial dealings or other advantages (Sachedina, 2009, p. 187). Additionally, one person cannot engage in the transaction of sale without first establishing one’s ownership in it. As pointed out earlier, there are jurists who maintain that human beings have no legitimate ownership over their body (Tantawī, 1987, IOMS).<sup>13</sup>

Therefore, it can be observed that the inviolability of the human body is given such emphasis that the usage of any human body or body parts (i.e. considering the human body as commodity) is prohibited and this is more reflected in the famous hadith narrated by Asmā’ bint Abī Bakr that the Messenger of Allah p.b.u.h. said: “Allah’s curse is on a woman who wears false hair (of humans) or arranges it for others,” (Sahīh Muslim, Hadith no. 2122). Imam al-Nawawī explains this hadith and says that: “If human hair is used, it is prohibited by consensus, irrespective of the hair of a man or woman, due to the general narrations that prohibit this. And also, it is prohibited to take benefit from the hair and all other organs of a human body due to

<sup>10</sup> Al-Marghinani, a Hanafi scholar states regarding the sanctity of a human: ‘It is prohibited to sell the hair of a human, as it is prohibited to incur any benefit out of it due to the honour and inviolability and it is not permissible to disgrace any part of a human’s body.

<sup>11</sup> It is not allowed for a person cut for him from someone who is *ma’sūm* or to cut from himself for someone who is in dire necessity.

<sup>12</sup> Ibn Qudāma says: “Even if a person found only a human whose blood was permitted, it is consensually agreed that killing him and destroying any of his organs would be unlawful as he is like him. So, it is not lawful to make him remain by mutilating other.

<sup>13</sup> Jurists refer to Chapter at-Tīn on the creation of man which implies that God owns His creation. “We have indeed created man in the best moulds” Quran 95:4. Moulding in the utmost just shape in creating man, perfecting his shape manifests a feature of divine providence, cared for man’s body and soul.

its sanctity. The hair and nails of a human, along with the rest body parts must be buried.” (1392, p. 103). Al-Nawawī means that any part of the human body cannot be used by another human.

### **Contemporary scholars who agree on the monetary value of organs to some extent.**

Buying and selling of organs are permissible only when there is no other way to save the patient, therefore, the existence of dire necessity (*tazāhum*)<sup>14</sup> would make the prohibited acts permissible (Muhammad, quoted from Sachedina, 2009, p.176). Sheikh Tantawi is apparently in favor of this position. For allowing the prohibitions, there must be objective and clear justification. Regarding the case of organ trading, jurists including the Sunni and the Shi'ite go back to the ruling of exceptional circumstances, which might necessitate overturning a prohibition (Sachedina, 2009, 185).<sup>15</sup> Under the balanced framework between the harm and the benefit, the single objective can be pointed to, for organ sale; that is the preservation of health and well-being of the two parties involved in the transplantation without the rise of any other issues.

Theoretically, the soundness of that opinion, according to the researcher, can only be checked through meticulous assessment of the situation, i.e. the context of a case, a clear examination of harm and benefit, whether physical or emotional. It is noticeable that Islamic Sharia does not limit its emphasis of wellbeing only to single individual but looks also at all the people involved in the case; donor, recipient and their families. Moreover, Sharia extends to think beyond physical harm, (including psychological and social harm) that might be experienced by the close family.

Furthermore, the monetary advantage against organ is supported by some jurists. They argue that, according to Sharia, an injured or destroyed part of the body due to criminal violence necessitates monetary compensation (*diyyah*), which, therefore, validates receiving money for an organ removed for the sake of inheritor.<sup>16</sup> However, cutting an organ in order to sell is still prohibited (Sachedina, 2009, p. 186). It can be perceived that monetary advantage against organ is allowed if the intention is not solely sale but helping others. Nonetheless, paying for donors became mundane practice, which is rapidly routinized (Hamdy, 2012, p. 210).

### **Legal discussion on the commodification of the human body for the life survival**

Islam looks at human interest (*Maslaḥa*) and thus, overturn the prohibitive laws in dire necessities. The concept of life survivability is emphasized and can be found in many verses of the Quran such as, Allah, the Almighty says: “But whoever is forced by severe hunger with no inclination to sin - then indeed, Allah is Forgiving

<sup>14</sup> *Tazāhum* concept could be applied if the transplanting of purchased organ is severely necessary.

<sup>15</sup> Among Sunni and Shi'ite scholars who permitted the practise when necessary are Muḥammad Na'im Yaṣīn and Sayyid Muḥsin Kharazzi, respectively.

<sup>16</sup> Some argued that the perfection of 'aql and the body is the right of Allah for human, not exactly the right of human himself. Based on the proof that human has not preferred oppression, thus getting monetary compensation of the destroyed part (*diyyah*) is due to the oppression of other towards the victim. It means, if the harm is caused by the others, then the victim has right to get *diyyah* or to forgive, not because he owns his body.



and Merciful” (al- Nahl: 115). Allah also says: “He has only forbidden to you dead animals, blood, the flesh of swine, and that which has been dedicated to other than Allah. But whoever is forced [by necessity], neither desiring [it] nor transgressing [its limit] - then indeed, Allah is Forgiving and Merciful” (al-Māidah: 3). He also mentions: “He has explained in detail to you what He has forbidden you, excepting that to which you are compelled (al-An’ām: 119).” All the verses indicate that human life is of great importance that must be preserved in a dire situation even if it requires eating the prohibited things to mitigate the hunger to the extent of life preservation.

There is no disagreement among the scholars that dire situation facilitates consuming the unlawful foods and drinks. Moreover, they have discussed whether the survivability concept can permit eating human flesh in a state of severe starvation. Ibn Abidin states that the flesh of human under all circumstances remains prohibited (Ibn ‘Ābidīn, 2000, p. 654). Al-Nawawī also mentions that it is not allowed for a person to cut for him from someone who is innocent (*ma’ṣūm*) or to cut from himself for someone who is in dire necessity (al-Nawawī, 1991, p. 1965; al- Sharibīnī, 1994). It indicates that any innocent human either Muslim or non-Muslim cannot be killed or cut parts of his body and consumed consensually.

However, if a human’s blood is lawful such as *ḥarbī* or apostate, killing and consuming him in dire necessity is permissible as there is no sanctity according to the Shāfi’ī school. Besides, eating from a dead human body is also permissible and rather preferred in the viewpoints of Shāfi’ī and some Ḥanāfi scholars as the sanctity of a living human is greater than a dead human (Ibn Qudāmā, 1968, 421). The Ḥanbālī school has two opinions in the case of dire necessity; the permission of consumption, according to the majority, if the dead person is an unbeliever *ḥarbī* or an adulterer and the prohibition of eating, to the majority, if the dead person is an innocent (al-Mardāwī, p. 376). Ibn Ḥazm, however, opines that all the things from foods and drinks that are prohibited by Allah are lawful in severe necessity except the flesh of the human body in all circumstances (p. 106).

From the above discussion, it can be concluded that human body is inherently sanctified and cannot be consumed in extreme situations according to the majority of scholars except if a particular human, according to some, is a *ḥarbī* or an adulterer whose blood is permitted to be shed. Therefore, if the consumption of human body part is not allowed in dire necessity leading human to expiry, can human body part be commodified for the life survival in dire necessity?

It has been already discussed that majority of the scholars opine that human body or body parts cannot be bought or sold due to the sanctity and dignity of human and Allah’s ownership. Another form of human body commodification that is evident in this era is a manifestation of women’s body. According to Dr. Sara Abdul Muhsin, the phenomenon of slavery market and trade is apparent nowadays but in contemporary fashion that is a manifestation of her body and turning it to the means of arousing lust and desire (al-Faqih, Musāwā). For marketing purpose, posing them with the inappropriate dress is unacceptable. While in the case of prostitution, commodifying human dignity for reason of survival is invalid in Islam due to the categorical ruling in Quran about adultery and the bad outcome of the practices to the preservation of the lineage. Is this ruling still applicable when a person wants to live

and survive by selling only what he has; one of his organs such as kidney in the case of refugee?

Dr Mokhtar puts forward a suitable context where he mentions that despite disliking the sale of human body as commodity, a person or his family member in dire need of kidney, for example, would not mind buying at any price from a donor and what if the donor is compelled to sell a part of the body to a non-relative due to the donor's son or any of the family members in deathbed, in severe urgency of money to afford the costs of the treatment. Both may have resort to the principle: "necessity knows no law". Mokhtar then comments that 'it goes without saying that there is no single case of transplant unless for dire necessity. Would such a principle be the exception or the general rule for those compelled to purchase kidneys?' (1987, IOMS).

### **Conclusion and Analysis: Can life survival be a cause for allowing refugees to commodify part of their body?**

- 1) The concept of necessity (*darūriyyāt*<sup>17</sup>) in Islam certainly encompasses the requirement of basic things such as food, shelter, clothing in a person's life. A refugee who is forced to severe situations whereby he needs to provide for his family members in an unknown territory with no opportunities to work and in the verge of starvation, if selling an organ of his body is the only alternative to survive (and get to start for small business for example), such individual case may be acceptable. However, this practice cannot be the standard or norm for the public as the consequences are more detrimental than beneficial.
- 2) 'No harm' that has been proposed (by the contemporary scholars and jurists) not only in the cases of organ sale but also in entire organ transplantation discourse, Muslim jurists choose the maxim such as "The necessities sidestep the prohibitions" or "The hardship brings ease" which entails that if the procedures can occur without harming both the donor and recipient can resist this Sharia requirement. This is what is viewed by Abdulaziz Sachedina (2009, p. 66).
- 3) Dr. Mokhtar's presentation of a dilemma is suitable to the refugee, Ahmad's case whose siblings are sick and need treatment together with the whole family's maintenance and provisions. The context where he mentions that despite disliking the sale of human body as commodity, a person or his family member in dire need of kidney, for example, would not mind buying at any price from a donor and similarly, the same donor compelled to sell a part of the body to a non-relative for donor's son in deathbed, in severe urgency of money to afford the costs of treatment. The only maxim or principle that may come to their thought to justify their action is: "Necessity knows no law". Mokhtar then comments that 'It goes without saying that there is no single case of transplant unless for dire necessity. Would such a principle be the exception or the general rule for those compelled to purchase kidneys?' (1987, IOMS).
- 4) The role of relevant international and national organizations that have been involved in dealing with refugees, should address the problems and solve the issues of refugees. Programs and ideas should be scrutinized more not mainly

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<sup>17</sup> The three levels/sequences of the objectives of Sharia are *Durūriyyat*, *Hajiyyāt*, *Tahsīniyyāt*.

by the responsible body but also by the private, personal and individual and nations as a whole.

- 5) The concept of efforts and dependence (*tawaqqal*) on Allah in Islam indicates that humans will be tested and tried with calamities but they have to be patient and make efforts in their lives. However, the confrontation of severe situations may seem to a particular refugee that after all efforts only that the refugee can do and decide is selling an organ and making an effort to live afterward with family members. This may be the justification of that particular refugee.

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***Analyzing the Modern Sex Selection with the Perspective of the Prohibition of Infanticide***

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**Abstract**

The emergence of modern biomedically assisted sex selection for non-medical reasons facilitates parents to desire the sex of a fetus. This practice raises many ethical questions that centers around human value and dignity. The notion and practice of infanticide are categorically prohibited in Islam. Whether the non-medical gender selection practice is a form of pre-Islamic paganistic (*jāhiliyyah*) infanticide and whether the reasons that persuade the parents to opt such practice resemble the causes that used to motivate the *jāhily* Arabs is the aim of this research. The research analyses the status of surplus embryos produced through the sex-selection process in order to mark the beginning of human life and consequently to determine whether fetuses not used, i.e. terminated in the sex selection process are infanticide. Some scholars and physicians opine that the surplus embryos in the process of sex selection, have life, thus killing them is as similar as killing life, i.e. a similarity to pre-Islamic infanticide in essence and in the factors.

Keywords: sex selection, infanticide, non-medical reasons, ethical, beginning of life, embryos.

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## Research Question

Is non-medical sex selection a modernized form of the ancient and ethically abhorrent infanticide?

## Introduction

Sex selection with the help of modern advanced biomedical technologies is a process that involves techniques such as In-vitro Fertilization (IVF) and Pre-implantation Genetic Diagnosis (PGD). IVF is a form of Assisted Reproductive Technology (ART), with which an egg is extracted from a woman's ovary and gets fertilized by a sperm. After the fertilized egg starts to divide, it gets transferred back into the woman's uterus (Zahraa & Shafie, 2006, p. 161; Ehrich, Williams & Farsides, 2008, p. 777). PGD is the genetic testing of embryos, which increases the chances of having a successful IVF process and decreases miscarriages, which may occur when the implanted embryo has (genetic) deformities (Tur-Kaspa & Jeelani, 2015, p. 116). These biomedical techniques considerably decrease the chance of having health-related diseases and are of great service for human wellbeing.

The main purpose of using advanced techniques such as IVF and PGD is to help infertile couples to get children that they otherwise would have never had in a natural way. That is why many Muslim religious scholars permitted the use of the ART in principle (Inhorn & Tremayne, 2016, p. 423), recalling for the formation of Standing Committee for Sharia Medical Ethics to observe the scientific development of ART and witness its religious and social implications (Seour & Dickens, 2001, p. 188-189).

Besides infertility treatment, the process of IVF and PGD can also be used for selecting the gender, in the embryo stage, where 1 to 3 embryos out of many intended with the specific gender are chosen to be implanted in the uterus and others are frozen or destroyed (Ghaly, 2012, p. 183; Basalamah, 1987). This form of sex selection denotes preferring one gender over another for many social and economic reasons, which remind the scenario of pre-Islamic age, *'Aṣr al-Jāhiliyyah*, when having girls used to be thought of source of shame, disgrace, and humiliation in the family. That is why they were sometimes buried alive, the phenomenon of female infanticide (*wa'd al-banāt*), which the Qur'ān referred to. The Quran reads, "And when one of them is informed of [the birth of] a female, his face becomes dark, and he suppresses grief. He hides himself from people because of the ill of which he has been informed. Should he keep it in humiliation or bury it in the ground? Unquestionably, evil is what they decide." (al-Nahl: 58-59).

The practice of sex selection, raises a number of questions, e.g., does this practice resemble the pre-Islamic notion of female infanticide? If not, would Islam allow gender selection for non-medical reasons? Is terminating the surplus male embryos in the process of selecting gender tantamount to killing or homicide?

## Female infanticide in the Quran

Several verses in the Quran speak about that the custom of infanticide, which seems to be widespread in the pre-Islamic Arab society for several reasons related to



the nature and structure of that society. Moreover, nearly all the verses related to infanticide were revealed in the Meccan context which indicates the wrongdoings of the pre-Islamic Arab society (Giladi, 1990, p. 186).

The Quran says: “And do not kill your children for fear of poverty. We provide for them and for you...” (al-Isrā’: 31). This verse indicates the occurrence of infanticide in case of both sexes for fear of poverty (al-Ṭabarī, 2000, vol. 17, p. 436) but the infanticide of girls was more predominant in the pre-Islamic age (al-Ṭabarī, 2000, vol. 17, p. 436; al-Rāzī 1999, vol. 3, p. 506; al-Bayḍāwī 1997, vol. 3, p. 254).

The Quran also states: “And likewise, to many of the polytheists, their partners have made [to seem] pleasing the killing of their children in order to bring about their destruction and to cover them with confusion in their religion...” (al-An‘ām: 137). This verse shows pagan Arabs’ ritualistic sacrifice of their children for partners (*shayāṭīn*) who they used to worship (al-Ṭabarī, 2000, vol. 12, p. 137). Another Quran exegete says that they (the partners, i.e. the mediators) are the ones who used to serve the idols (Al-Qurṭubī, 1985, vol. 7, p. 91) and ordain Arab pagans’ daughters to be slain (al-Ṭabarī, 2000, vol. 12, p. 137). Furthermore, Al-Qurṭubī (1985, vol. 7, p. 91) and Ibn Kathīr (1999, vol. 3, p. 345) state that it was made glorifying for them to make a share with God, their idols, and (for many of them) to kill their children. Besides, Al-Qurṭubī mentions that the killing of their daughters for fear of poverty was made attractive to them (1985, vol. 7, p. 91).

Burying daughters by the Arab pagans for social shame is more clearly mentioned in the Quranic chapter al-Takwīr that says: “And when the girl [who was] buried alive is asked for what sin she was killed.” (al-Takwīr: 8-9). This verse is a clear example of burying a baby girl alive by the pre-Islamic Arabs (al-Ṭabarī, 2000, vol. 24, p. 248), for various reasons, e.g., the assumption that the angels are the daughters of God and that is why they used to relate the daughters to God, fear of poverty, or fear of enslavement (Al-Qurṭubī, 1985, vol.19, p. 232). Moreover, the Quran describes attitudes of the pre-Islamic Arabs by mentioning; “And when one of them is informed of [the birth of] a female, his face becomes dark, and he suppresses grief. He hides himself from people because of the ill of which he has been informed. Should he keep it in humiliation or bury it in the ground? Unquestionably, evil is what they decide.” (al-Nahl: 58-59). This is actually what existed in pre-Islamic Arab society where if a girl was born in a man’s house, she would be buried alive (al-Ṭabarī, 2000, vol. 17, p. 228). The tribes such as *Khuzā‘ah*, *Muḍār* and especially *Tamīm* were known for this immoral practice (Al-Qurṭubī, 1985, vol. 10, p. 117).

From the above-mentioned Quranic verses on killing children (*awlād*) and the commentaries made by the exegetes (*mufasssirūn*), one can conclude the following. The term *awlād* was sometimes understood to mean both male and female children but sometimes the practice was specifically targeting female children (*banāt*), as mentioned in the chapters of al-Takwīr and al-Nahl. This clearly indicates that there was a dominant preference of a specific gender, viz. male children, which also took the form of putting the life of early-born female children to an end. Thus, in one way or another, one can speak of a primitive form of sex selection.

### **Non-medical gender selection as seen by contemporary Muslim religious scholars**

Majority Muslim scholars and physicians agree that sex selection for non-medical reasons is impermissible. A workshop organized by the International Islamic Centre for Population Studies and Research (IICPSR) at al-Azhar University opposed strongly the use of IVF and PGD for gender selection and argued that this practice would open the door to discrimination against female embryos and fetuses (Serour & Dickens, 2001, p. 190). Though selecting gender does not go against the will and power of Allah, it is still prohibited in principle excluding exceptional cases (Shubayr, 2001, p. 339), such as sex-related diseases (Zahraa & Shafie, 2006, p. 180). Moreover, this practice would create demographic imbalance in society and may eventually lead to same-sex relations. Besides, there is no basis for allowing this practice as sex is not a disease that we need to avoid it in advance (Rispler-Chaim, 2008, p. 67-68).

Some Muslim scholars and physicians who stick to the opinion of the majority, however, opined that social reasons may be considered to permit gender selection under certain circumstances. For instance, the general prohibition of gender selection may lead some women to vulnerable situations in societies where having sons remain central to women's well-being and status (Serour & Dickens, 2001, p. 190). Moreover, family balancing may be considered acceptable, for families where several girls have been delivered by the wife and there is no boy or vice versa (Serour, 2008, p. 36; Serour & Dickens, 2001, p. 190). However, those reasons may only be considered with the condition that there cannot be any prejudice against either sex and the process cannot involve third-party other than the married couple in sexual relationship and the resulting procreation (Chamsi-Pasha & Albar, 2015, p. 107).

On the other hand, some Muslim scholars found sex selection unproblematic, saying that selecting gender for non-medical reasons should be permissible since there is no scriptural prohibition. This opinion was expressed by the late *Azhārī* scholar Muḥammad Ra'fat 'Uthmān. He premised his opinion on the juristic principle that everything in the universe is available for human exploitation and can be used by humans as long as it is not harmful (Rispler-Chaim, 2008, p. 65-66). Moreover, the proponents of gender selection for non-medical reasons also say that if asking or praying to God for having a son or daughter is allowed, it is also permissible to pursue it through other means (Shubayr, 2001, p. 339; Rispler-Chaim, 2008, p. 66).

Possibly an additional argument for the proponent of sex selection are some writings in the Islamic tradition. Some classical commentaries on hadith literature and works written by Muslim physicians, like Ibn Sīnā (d. 1037) and al-Rāzī (d. 925), provided instructions on how to procreate boys in particular. For example, they said; boys are born from the right side of the body and girls from the left side. Moreover, a boy is conceived if the sperm is warm and enters the right side of the womb, which is also the warmer part as it is closer to the liver (Ibn Sīnā, 1994, vol. 2, p. 767-768; al-Rāzī, 2000, vol. 3, p. 167). A hadith explains that when the seed of the man meets the seed of the woman, the seed that dominates determines the sex of the fetus (Muslim, 1986, vol. 1, p. 252, Hadith no. 315).

Remarkably, both the opponents and proponents of sex selection focused on either the good or bad consequences of this practice, without touching upon the moral status of the embryo. The section below is meant to fill this gap.

### **The status of embryo in the religious scholars' discourse on the beginning of human life**

As mentioned earlier, selecting sex through modern biomedical techniques such as IVF and PGD involves creating more than one embryo. This procedure raises concerns about the fate of surplus embryos that maybe ultimately terminated. Whether the destruction of these embryos is an act of killing or not, can be better understood from the views of classical schools of *fiqh* and contemporary scholars. The core issue here is how to determine the exact beginning of human life. The scholars have varied in their opinions on the specific moment of the beginning of life.

#### **a. Classical scholars: Ensoulment is the beginning of human life**

The classical schools of *fiqh* agree that life starts from the moment of ensoulment, i.e. after 120 days of gestation (Ibn 'Ābidīn, 1992, vol. 1, p. 302; al-Qarāfī, 1994, vol. 2, p. 470; Shams al-Dīn, 1984, vol. 2, p. 496; al-Zarkashī, vol. 2, p. 334; Ibn Hazm n.d., vol. 8, p. 168). The basis of their claim is the famous hadith of Ibn Mas'ud who narrated that mentions Prophet of Islam said: "Verily, you are aggregated in your mother's womb for forty days, then blood clot for another forty days, then embryo for another forty days, then Allah sends angel ..." (al-Bukhārī, 2001, vol. 2, p. 2036, Hadith no. 2643). Based on the classical opinion, it seems that surplus embryos in the IVF process do not possess human life because ensoulment happens only with the moment ensoulment, i.e. before 120 days of gestation but these embryos are not even implanted in the uterus yet. Thus, one can conclude that destroying these surplus embryos is not an act of homicide because there is no human life which was put to an end.

#### **b. Contemporary Muslim scholars**

Contemporary Muslim scholars and physicians have three opinions regarding the specific beginning of human life. This difference can be credited to the modern biomedical advancements which contributed to shaping the opinions of these scholars.

##### **b.1 The first position: The emergence of humid liver as the beginning of human life**

Muslim physician, Ibrahīm al-Sayyad opined that the sign of being alive is having a humid and warm liver with a functioning blood circulation system (Ghaly, 2012, p. 179). Al-Sayyad's argument was based on the prophetic hadith speaking about taking care of every creature with the humid liver (al-Bukhārī, 2001, vol. 3, p. 111, Hadith no. 2363). This is a minority opinion.

If this view is accepted, it is certainly evident that the surplus embryos in the IVF stage do not even reach to the uterus of the woman, let alone the stage of blood circulation, which indicates that embryos do not have life according to this position.

## **b.2 The second position: Conception is the initial point of human life**

Many physicians and Muslim scholars opine that the beginning of life is marked when the ovum of woman gets fertilized by the sperm of man, i.e. the conception (al-Madhkur, 1985). Some of them said that life starts exactly at the very moment of conception whereas some others thought of a bit later moment, namely just when the fertilized ovum gets settled in the uterus (Ghaly, 2012, 180-181).

The Egyptian physician, Ḥassān Ḥathūt, objected to the permissibility of getting rid of the embryo before ensoulment as it is against the discovery of modern medical knowledge which demonstrates that embryogenesis is an entirely constant process, and thus identifying the exact beginning of life is impossible (Ghaly, 2012, p. 181-182). The proponents of this position say that if the scriptural texts in their apparent meanings are contradictory to modern science, they need to be reinterpreted metaphorically (Ghaly, 2012, p. 181). Moreover, they quoted the classical scholar al-Ghazālī saying that life should be respected from the beginning of pregnancy, and thus offense against this life is unethical (Ghaly, 2012, p. 185). The advocates of this position also say that the Quran (in Chapter al-Insān: 2) uses the term *insān* to describe the fetus in the *nutfā* stage, which is the earliest stage of pregnancy (Ghaly, 2012, p. 183). Another argument put forward is the practical ruling in Islamic law that considers pregnancy as a valid excuse to postpone death sentence, without any differentiation between the period before or after the soul-breathing (Ghaly, 2012, p. 185).

If this opinion is chosen, it can be said that embryos have life as life starts when the ovum of the woman gets fertilized by the sperm of the man which happens in the IVF process. Thus, all the surplus embryos will be considered having life and hence killing them would raise ethical concerns about possible homicide. However, some advocates of this position who delay the beginning of human life until the settlement of the fertilized ovum in the uterus, destroying the surplus embryos would not raise the concern of homicide.

## **b.3 The third position: Ensoulment is the initial point of human life**

In line with classical scholars, a great number of contemporary Muslim scholars and physicians advocate the thesis that ensoulment marks the beginning of human life. They argued that if death occurs when the soul leaves, life should start when the soul is breathed in the embryo (Ghaly, 2012, p. 192). The Jordanian religious scholar, ‘Umar al-Ashqār, said that embryo before ensoulment is dead. They mentioned also that the prophetic traditions and their differences demonstrate that the soul is not breathed before 40 days as the angel does not visit the embryo before 40 days (Ghaly, 2012, p. 193).

They said that the prophetic tradition of Ibn Mas‘ūd clearly describes the stages of embryonic development and refers to the moment of ensoulment. Some of the proponents of this position criticized resorting to the metaphorical interpretation of Quranic verses and prophetic traditions relevant to the question of ensoulment and the beginning of human life. They said that parts of these scriptural texts are definitive and thus are not open for various interpretations. However, they added, scientific

knowledge is speculative in nature and thus can change over time (Ghaly, 2012, p. 187).

They also mentioned that the advancement of modern medical knowledge made it easy to detect the development of nervous system and specifically the brain, which is a scientific sign that ushers the stage of ensoulment. However, there were disagreements among the physicians who advocated the second and third positions about the exact time of the formation of the brain and its completion (Ghaly, 2012, p. 187-191).

From the above discussion on the beginning of human life, it is clear that majority of Muslim scholars are of the opinion that surplus embryos do not have human life because they are not even implanted in the uterus.

### **Analytical Remarks**

From the above-mentioned discussion on the status of embryos not implanted in the uterus, it is apparent that different opinions on the beginning of human life will have different implications with regards to choosing the sex of an embryo while ignoring the surplus embryos through biomedical techniques. If the second opinion (life starts exactly when woman's egg gets fertilized by man's sperm) is chosen, it is then seen that embryos in the IVF process would be seen as human beings. Thus, all surplus embryos will be considered having human life and destroying these embryos will raise serious ethical questions about possible infanticide. Therefore, it implies that the termination of surplus embryos in the process of selecting the sex due to gender preference may be considered infanticide, i.e. the killing of living beings. Nevertheless, further discussions from different angles are necessary and important to claim the act as infanticide.

However, the majority contemporary Muslim scholars still support the view of classical Muslim jurists (*fuqahā*) which links the beginning of human life to the moment of ensoulment, which occurs after the lapse of 120 days of pregnancy. If accepted, this opinion will mean that surplus embryos in the IVF process have no human life. Thus, terminating those surplus embryos cannot be deemed infanticide.

If this is the case, why did the majority of Muslim scholars oppose choosing the sex of an embryo for even non-medical reasons? Before answering that, we can say that sex selection is not strictly infanticide because it does not involve terminating an already existing human life. However, the two practices still have some similarities. For instance, Sex selection obstructs potential human life to take the normal course of growth, by choosing not to implant the female embryo in the uterus, just because of its gender. And female infanticide was motivated by specific social customs which were strongly opposed by Islam (e.g. having a female child is a source of shame, etc.). Sex selection implies the same preference for a specific gender for more or less the same reasons. Thus, we can see that the scholars' opposition towards sex selection for non-medical reasons has to do with the arguments related to social shame, humiliation that may cross people's minds and due to the bad consequences of the practice such as, preferring one gender over another (as we mentioned), the fear of widespread misuses of these techniques. Moreover, such practice on the public level

can become an attempt to change the universal order of God (Rispler-Chaim 2008, p. 71).

### **Concluding thoughts**

The main question of the research was, Is non-medical sex selection a modernized form of the ancient and ethically abhorrent infanticide? This was addressed in this paper. From the discussion, we notice that the early Muslim exegetes demonstrated pre-Islamic Arab societies' involvement in predominantly female infanticide and the factors that used to influence them doing this varied. They were involved in infanticide due to the fear of poverty, ritualistic purposes, and especially social shame and humiliation.

Regarding the modern biomedical process of sex selection, which involves creating more than single embryo, and thus the surplus embryo are terminated, we can see that majority Muslim scholars relate the beginning of human life to the moment of ensoulment, and provide sanctity to the implanted embryos and so, they do not consider surplus embryos having life. In contrary, minority give sanctity to the non-implanted embryos considering the life to begin by the moment of conception (when woman's egg gets fertilized by man's sperm).

Taking the majority opinion implies that surplus embryos have no life, and thus there is no infanticide in the sex selection process. However, the similarities between infanticide and sex selection lie from another angle, i.e. in the prevention of a potential life from having a normal course of life due to sex selection by choosing not to implant the embryo of a specific gender, and in the reasons that motivate to do sex selection. That is why, the majority of Muslim scholars are against it, together, due to the bad consequences of this practice.

Islam encourages medical treatment. This is reflected in the hadith: 'There is no disease that Allah has created, except that He has also created its remedy (al-Bukhārī, 2001, vol. 7, p. 122, Hadith no. 5678). That is why, sex-selection for medical reasons, such as avoiding inherited diseases that would affect a specific gender, is not a controversial issue among contemporary Muslim scholars who permitted this practice. However, selecting gender for non-medical reasons such as feeling shame or humiliation due to the birth of specific gender is inherently wrong and nothing but the manifestation of pre-Islamic Arab societies where girls used to be buried alive due to the same reasons. Their practice was a form of gender selection. Islam ascertains categorical negation of such practice and ensures that no kind of discrimination and preference of a gender over another occurs. However, Islam acknowledges the asking and prayer of parents for a baby of a specific gender, but they must not give preference with regards to care and treatment that would indicate discrimination.

The classical accounts and some hadith narrations that describe how to try to procreate intended gender babies do not involve the current process of IVF and PGD which produce more than one embryo and the ultimate termination of embryos. Moreover, those accounts demonstrate for the parents to try those, rather than the feeling of shame, sorrow for the birth of a specific gender not to mention tolerating putting the life of born girls to death or obstructing their implantation in the uterus in the first instance. In addition, these also prove that social and cultural importance of

procreating boys may have led the scholars and the physicians inclined to respond. Also, the classical discussions on *du'ā* (seeking to God) make the person attached to God rather than technology?

Furthermore, selecting gender in IVF and PGD process somehow involves destroying surplus fertilized embryos that may be assumed as potential human being, which raises the question on the process of gender selection that is even for non-medical reasons. Basalamah (1987) along the same lines, advocates that they have a sanctity that must not be violated by killing or implantation into a surrogate mother's uterus, nor should they be exposed to laboratory experiments; for such experiments might be the beginning of a human disaster.

Such selection may mean misuse of biomedical techniques and creating imbalance in God's order of society if there is widespread practice. Moreover, entering to this process may also entail the notion of playing God as this involves creating intended gender not for the process of curing sex-related inherited diseases but rather for mere expectations, which violates God's intention and will. However, it is said that nothing done by human goes beyond the will of Allah. Selecting gender also does not go outside the scope of the will and power of Allah (Shubayr, 2001, p. 339). But human has been given freedom to do good and bad, if human wills bad, despite the action not going against the power of Allah, human has to face recompense for indulging in God's prohibitions.

Moreover, the widespread gender selection may lead to harmful consequences. For instance, human intervention will probably be the cause of determining specific gender of population. Countries like China and India are involved in the process of gender selection-plus-abortion which is resulting in the deficit of women and excess of man (Pence, 2014, p. 98).

The researcher agrees with the opinion of the scholars who advocate banning gender selection for non-medical reasons in principle, assuming this practice an entry to gender discrimination, a replica of somehow a modernized form of the *jāhili* infanticide, and the reason for the destruction of surplus embryos. However, the researcher thinks that the general ban can lead to some other negative consequences such as oppression against women in societies where women would be threatened, humiliated or sometimes divorced if sons cannot be delivered. Therefore, for the greater benefit of women, the general prohibition should not be strictly and unconditionally upheld. Hence, the particular case of sex selection for non-medical reasons should be permitted or forbidden based on the merit of each individual case. Moreover, this should be observed by such committee who are well informed of the Sharia medical ethics and understand the religious and social implications of medical practices (Serour, & Dickens, 2001, p. 188). Above all, it is important to have further research to look at the sex selection, resultant termination of surplus embryos, and infanticide under Islamic and medical perspectives.

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***The Values of Australian Foreign Policy and the 2019 Election:  
A Potential Contest of Political Philosophies?***

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**Abstract**

Australia's political system is dominated by its two main parliamentary parties: the conservative Liberal-National Party (LNP) Coalition, which has been in government since 2013; and the social-democratic Australian Labor Party (ALP). Australian politics is therefore typically a contest of the rival political philosophies and values commonly observed in modern liberal democracies, that of conservatism versus social democracy. While Australia's electoral competitions usually sharply debate economic and social policies, foreign policy is generally considered to be a bipartisan field. Both Labor and the Coalition traditionally express mutual commitment to the core values of Australian foreign policy: maintaining the American alliance, expressing support for the values of the 'rules-based international order', and promotion of the neoliberal free trade agenda. However, as a national federal election was scheduled for May 18<sup>th</sup> 2019, several foreign policy issues were possible points of contention to influence the campaign, even if only slightly. These include: relations with the Pacific region and the Overseas Development Assistance (ODA) program; participation in the US-led military campaigns in Afghanistan and Iraq; and diplomatic relations with important regional neighbours, especially China. Economic management policy issues were still expected to dominate the 2019 election; the leadership instability in both the Liberal and National Parties over the previous year was also exploited for political gain by the Labor opposition, which has consistently held an advantage over the Coalition government in opinion polling. At least partially differing visions for foreign policy were nevertheless important supplements to Australia's national electoral battle.

Keywords: Political Philosophy; Australian Politics; Foreign Policy

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## **The Australian 2019 Election and Foreign Policy**

Australia scheduled to hold its general national election to determine its 46<sup>th</sup> Parliament on May 18<sup>th</sup> 2019. The contest between its two major political parties, the Liberal-National Party Coalition, which has been in government since 2013, and the opposition Labor Party, reflects a rivalry between the two major wings of Western-origin liberal political philosophy they respectively represent; conservatism versus social democracy. After briefly reviewing the nature of the political philosophies of Australia's political parties, the theoretical basis and practice of contemporary Australian foreign policy will then be addressed.

Australian elections are typically fought over economic policy; foreign policy is rarely ever a major issue. The main reason for this is that Australian foreign policy is generally bipartisan, with the LNP and ALP typically holding similar positions on most foreign policy issues, in the name of the 'national interest', which is meant to be above domestic political dispute. This paper will examine the values underlying the foreign policy approaches of the Coalition and Labor. The remainder of the paper will then analyse some of the main foreign policy issues and potential differences which exist between the two major parties, specifically regarding relations with the Pacific, the United States (US) and the Middle East, and China.

## **The Philosophical Basis of Australian Political Parties**

The Liberal Party, founded in 1944, along with its Coalition partners the National Party (founded as the Country Party in 1920), represents its main philosophical basis of conservatism, through traditionally supporting values such as: support for large and small business, the US military alliance, neoliberal free trade, and 'traditional' family values and institutions, such as the churches (Miragliotta, 2010, 251). Founded in 1891, the Australian Labor Party, based in the trade union movement, has represented social democracy – sometimes also referred to as democratic socialism. This political philosophy promotes regulation and intervention in the economy, to protect wages and conditions of workers, and promote greater opportunity for women, migrants, and other disadvantaged groups in society (Singleton, 2009, 348-349).

Both parties attempt to magnify their differences during election campaigns in particular, in order to distinguish themselves from their opponents. There are some relative, and sometimes quite significant differences in difference areas of economic and social policy, such as tax rates, industrial relations, and mechanisms to address climate change (Garnett and Lewis, 2014). However, in the broad approach, both the Coalition and Labor essentially adhere to upholding a capitalist economy, with varying levels of government involvement (Fenna, 2010). Other minor political parties commonly end up holding the balance of power on the cross-benches of the Australian Senate, and therefore can have an important influence on the passage of legislation. They reflect respective ideologies which are more on the margins of Australian political philosophy.

For instance, the Australian Greens party is often considered 'socialist', particularly by its critics. An avowedly socialist-inclined faction does have a presence in the Greens (reflecting some serious internal divisions that have recently affected the party), but their policies are more properly a 'green' theory political philosophy,

which seeks to shift capitalism towards environmental protection, especially stronger action on climate change, as well as promote greater social justice. The Greens also advocate a more independent and pacifist stance on foreign policy, being often critical of Australia's reliance on and deference to its military alliance with the USA in particular (Ward & Stewart, 2010, 160-161). A tiny Communist Party still exists, but does not contest elections; so, Marxism has effectively almost disappeared from contemporary Australian political philosophy, at least as far as electoral contests are concerned (O'Lincoln, 2009, 224). At recent state elections in Victoria and NSW, the Socialist Alliance, the most outwardly Marxist party, garnered only miniscule support (0.32% of the vote in the 2019 NSW state election on March 23<sup>rd</sup>) (NSW Electoral Commission, 2019).

On the other end of the political spectrum, several far-right parties have emerged since the 1990s, and have managed to at least gain a small parliamentary presence. The One Nation Party, which recently managed to poll around 4% of the vote, and smaller ultranationalist parties such as the United Australia Party, the Liberal Democrats, and Australian Conservatives have also been present. However, this representation of anti-immigrant, economically protectionist populist political philosophy, which has substantially increased in other democratic systems, especially Europe and the USA, is relatively minor in Australia by comparison. On foreign policy, these xenophobic parties are openly hostile to Australia's participation in the global system, especially through trade treaties and provision of foreign aid, and are often critical of international institutions such as the United Nations (Packham, 2019). Recent attempts by extremist 'alt-right' groups to join or infiltrate conservative and ultranationalist parties, and thereby gain a presence in Parliament, have also emerged as a factor of concern for Australian politics (Mann, 2019).

### **Political Philosophy of Australian Foreign Policy**

Regarding foreign policy, a distinction has sometimes been made between the traditional approach of the Coalition and Labor. The ALP has generally been considered to be more supportive of multilateralism, particularly enthusiasm for international government organizations (IGOs), such as the United Nations and APEC (founded by the Hawke government in 1989). The LNP has by contrast tended to be more inclined towards a bilateral approach to diplomatic relations, preferring to pursue free trade deals and military cooperation with individual countries (especially the US, but also other important regional countries such as China and Japan). However, as with economic and social policy, differences between the major parties over foreign policy are largely matters of degree, rather than fundamental philosophical difference (Firth, 1999, 48-49).

Australian foreign policy has therefore generally been conducted in a largely bipartisan fashion; shared policies include maintaining the US alliance, promotion of free trade agreements, and upholding the 'rules-based' liberal international order, based around participation in IGOs and promotion of international law. Policy differences have typically emerged over specific issues and crises, most notably Labor's opposition to Australian participation in the Vietnam War and Iraq War (White, 2011, 246-248). Therefore, Australia's bipartisan foreign policy has generally upheld the cooperative, interdependent principles and practices generally in line with the 'Liberal' school of thought in International Relations (IR) Theory, particularly

free trade, international law and IGOs. Although, *realpolitik*, or ‘power politics’ is also often seen in the foreign policy actions of Australian governments, especially in the ‘band-wagoning’ behaviour of supporting the military actions of its key ally the US, reflecting the IR theory of Realism (Steans, 2010, 42-43, 57-59).

Tensions between the principles of Liberalism and Realism in Australian IR can often be seen in recent foreign policy positions of the major parties, as will be shown later on in the three case studies: ODA provision to the Pacific; the influence of the US alliance on Australia’s presence in the Middle East; and the dilemmas confronting Australia’s bilateral relations with China.

### **Foreign Policy Philosophy of the Morrison LNP Government**

The LNP returned to government in the September 7, 2013 election, when Tony Abbott defeated ALP leader Kevin Rudd, to become Prime Minister. Rudd himself had only just returned as Prime Minister, overthrowing Julia Gillard in a leadership contest, having been deposed by Gillard in a party room challenge in 2010. Rudd had defeated the LNP in the 2007 election, with then Prime Minister John Howard losing office. Despite Abbott’s 2013 victory, unpopular economic policies, particularly a harsh austerity budget in 2014, saw the LNP remain behind in opinion polls ever since the 2013 election; this led to former Communications Minister Malcolm Turnbull overthrowing Abbott in a party room challenge, on September 15, 2015. Turnbull almost lost the July 2, 2016 federal election, managing to retain only the narrowest one-seat majority. The politically weakened Turnbull was in turn later challenged, resulting in former Treasurer Scott Morrison becoming Prime Minister on August 24, 2018 (Crabb, 2019).

In his first major foreign policy speech as Prime Minister, Morrison outlined some of the core values which would guide his government’s foreign policy interests, including:

freedom of speech, thought, association and religion.....peaceful liberal democracy; the rule of law; separation of powers; racial and gender equality....We believe in standing by our mates, side by side with nations that believe the same things we do.....We believe in being good neighbours – regardless of whether there are differences in how we see the world and run our respective societies. We also believe this should be a two way street. We respect their sovereignty and their right to run their own show (Morrison, 2018).

Such rhetoric thus presumably allows Australia to pursue its foreign policy interests, including conducting relations with authoritarian states, particularly with ones where there are lucrative, mutually beneficial trade relations. Democracies like Australia have justified diplomatic and trade relations with authoritarian governments, particularly China, (but also other autocratically-inclined states, such as Cambodia, Thailand, and Saudi Arabia) by making the practical case that foreign policy can be conducted realistically, without compromising domestically-held liberal-democratic principles. The tension between principles of Liberalism and Realism, detectable in this formal foreign policy statement, become even more apparent in foreign policy practice.

## **Labor's Foreign Policy Philosophy**

Former union leader Bill Shorten led the ALP after its election defeat in 2013. More experienced in domestic portfolios, including having been Assistant Treasurer, Minister for Workplace Relations, and Minister for Education in the Rudd-Gillard governments, Shorten aimed to broaden his claim for wider expertise as Opposition Leader, in the lead-up to the expected 2019 election campaign, by delivering an address outlining Labor's foreign policy. The main values expressed in this speech included that:

Under a Labor Government I lead, Australian foreign policy will be independent, confident and ambitious. If I am elected Prime Minister, Australian foreign policy will speak with a clear Australian accent.....In a time of global disruption, much of the structure and content of Australian foreign policy will have to be new. But the principles that guide us are those which have always shaped my and Labor's view of the world.

1. We seek a peaceful world.
2. We seek a world in which power is tempered by justice.
3. We seek a fair world, where prosperity is shared.
4. We seek a sustainable world, where the environment is protected for future generations (Shorten, 2018).

Shorten's speech thus reiterated some of Labor's traditional core foreign policy principles, often aligned with Liberalism, particularly a commitment to multilateralism, and engagement with allies and neighbouring states; however, it also sought to project a partially nationalist image. At a time of flux and uncertainty in international relations, such a projection has the obvious intention of appealing to demands for greater security and stability among the electorate, which indicate an underlying Realist impulse. It will now be seen whether Labor's recent attitudes and policy stances towards important current issues in Australian foreign policy will match Shorten's rather idealist rhetoric, contrasted with the positions of the Morrison LNP government.

## **Case Studies: Relations with the Pacific and ODA**

One of the key shifts in the direction of Australian foreign policy that Morrison sought to make, distinguishing himself from his predecessors Abbott and Turnbull, was to pay more attention to the South Pacific region, which was termed the 'Pacific Step-up'. Some of the details announced in Morrison's foreign policy speech regarding the Pacific included: more Overseas Development Assistance (ODA) for the region overall; new embassies to be built, and a \$2 billion Australian Infrastructure Financing Facility (AIFF), to support infrastructure construction projects is to be set up. An Australian Pacific Security College to train military and security personnel from Pacific countries is also to be established, based in Australia. The naval base on Manus Island in Papua New Guinea (where asylum seekers have also been detained on behalf of the Australian government) will be upgraded, in cooperation with participation from the US. To emphasise the importance of this new emphasis in foreign policy, Morrison conducted his first official overseas visits as Prime Minister to Fiji and Vanuatu – the first such visits by an Australian Prime

Minister to those Pacific Island countries. This personal attention to Pacific diplomacy, outside of the annual Pacific Island Forum leaders' summits will remain one of the unique achievements of Morrison's foreign policy. Australia will also push for PACER Plus – a Free Trade Agreement (FTA) for the Pacific region, to be led by Australia and New Zealand (Dziedzic, 2019).

The Pacific Step-up continued with following visits to the region by Minister for the Pacific Anne Ruston, followed by Foreign Minister Marise Payne. The Chiefs of the Australian Defence Force (ADF) and the Australian Federal Police (AFP) also accompanied these visits. The large component of the Pacific Step-up devoted to military and security areas is therefore an implicit message to Australia's traditional Pacific partners against moving too diplomatically close to China, which has outstripped Australia in its ODA provision and investment in the region, although the Morrison government has been careful not to make any explicit criticism of China's greater regional presence (Whiting, 2019). China has so far appeared undeterred, as Chinese scientific research vessels are already carrying out oceanographic surveys in the waters approaching the Manus Island naval base (Greene, 2019).

In its 2019 budget, the Morrison government announced increases in ODA of 6.6%, for the next financial year, before projected decreases of 11.8% by 2022-23. Aid is being redirected from Asia to the Pacific, which gains 35% of the ODA budget, its highest ever proportion, worth \$1.4 billion. The \$2 billion for the AIFP will also be taken out of the ODA budget. The ODA cuts to Asian countries such as Pakistan, Nepal, Indonesia and Cambodia have been criticised by aid groups and charities, as the proportion of ODA to GDP will fall to 0.19%, well below the UN recommended target of 0.7%, making Australia the 19<sup>th</sup> lowest ODA contributor among developing countries (Davidson, 2019).

Critics of the Morrison government's Pacific policy also maintain that the AIFP risks repeating the mistakes of the previous South Pacific loans scheme under the 1983-1996 Hawke-Keating Labor governments, where little direct benefit reaches the Pacific recipients, as most funding eventually flows back to tenders awarded to Australian-based companies and contractors (Martin, 2019).

In response to the 2019 budget, Labor's Foreign Affairs spokesperson (and likely Foreign Minister, should the ALP win government), Senator Penny Wong pledged that Labor would attempt to restore ODA funding, with even more being directed to the Pacific region than present. However, she warned that a future Labor government could not realistically catch up in the short term with the around \$11 billion that has been cut from the ODA program over the term of the LNP government (Wong, 2019).

### **The US Alliance and Wars in the Greater Middle East**

Under the Morrison government, Australia has continued to strongly defend and promote its military alliance with the USA, arguably the core diplomatic relationship around which Australian foreign policy has been structured since 1942. The importance of this relationship was reiterated in Morrison's first official meeting as Prime Minister with President Donald Trump, on the sidelines of the 2018 G20 leaders' summit in Buenos Aires (White House, 2018).



Labor has also long maintained the key importance of the US alliance, despite past disagreements over the Vietnam and Iraq Wars. However, should Bill Shorten become Prime Minister, he will have to awkwardly attempt some reconciliation with President Trump, given the unflattering remarks Shorten made during the US 2016 election campaign. Obviously not expecting him to win, Shorten considered Trump was “entirely unsuitable to be leader of the free world”, going so far as to say Trump’s views were “barking mad” (Grattan, 2016).

Should a Shorten-Trump meeting ever transpire, the President may be mollified by Labor’s bipartisan support for the ongoing participation of the ADF in the ongoing US-led wars in the greater Middle East. Following the September 11 terrorist attacks on the USA in 2001, the ADF has participated in the US-led coalition fighting the Taliban in Afghanistan since October 2001, reflecting the commitment to the war by successive Coalition and Labor governments. Following deployment of Special Forces, the ADF sent combat and supporting units in *Operation Slipper*, peaking at over 1,500 personnel by 2011. After combat troops were withdrawn in December 2013, around 300-400 personnel have been involved in training Afghan military forces ever since (Department of Defence, 2019a).

Despite Australia’s long-running participation, at one stage as the largest non-NATO contributor, Australia has not played any real role in the diplomatic attempt to resolve the conflict. This process remains incredibly fraught, with the latest round of Doha-based talks between representatives of the Taliban and Afghan government breaking down (although covert negotiations between the US and the Taliban are continuing) (Telegraph, 2019). Despite the reluctance of the Trump Administration to pursue the war, the scale of violence rising yet again may see the ADF personnel in Afghanistan placed at greater risk. Shorten visited the troops in Afghanistan in April 2018 to demonstrate his support, so a future Labor government is thus likely to continue the ADF’s training mission in this seemingly intractable conflict (Brown, 2018).

Labor opposed Australia’s participation in the US invasion of Iraq in 2003, with the Rudd government withdrawing ADF forces after 2007. However, the Shorten-led Labor Opposition has consistently supported *Operation Okra*, the ADF’s contribution to the US-led campaign against the Islamic State terrorist organization (also referred to as Daesh) in Iraq and Syria, since military operations commenced under the Obama Administration from August 2014. The Royal Australian Air Force (RAAF) carried out airstrikes, as part of the military coalition, until the end of 2017. Military advisers, including Special Forces, returned to Iraq to train its armed forces in an ongoing mission as the Islamic State insurgency continues, despite the recent recapture of the territory in Iraq and Syria that it claimed as its self-styled caliphate (Department of Defence, 2019b).

Despite the overall bipartisan approach towards the Middle East, there remain a couple of points of contention which could result in policy changes if there is a change in government. One dilemma resulting from the fall of the Islamic State ‘caliphate’ is the fate of Australians who joined the extremist movement. Up to 200 Australians are estimated to have joined Daesh, with many killed in the ground counteroffensive mostly led by the Kurdish Syrian Democratic Forces, supported by US-led airstrikes. Morrison is determined that no Australian former members of

Islamic State will be allowed to return, even to be dealt with by criminal prosecution. Shorten has raised the issue though of how Australia should deal humanely with family members, particularly the children of former Australian Daesh fighters, who were brought to (or were born into) the war zone through no fault or intention of their own, yet legally remain Australian citizens (McCullough, 2019a).

Another point of disagreement regarding the Middle East is the decision of the Morrison government in December 2018 to follow the Trump Administration's recognition of West Jerusalem as Israel's capital, raising the prospect of eventually shifting Australia's embassy from Tel Aviv (although there are no plans to commence the move at present). While both Labor and the Coalition avowedly support a 'two-state solution', Morrison's unilateral decision (made during the by-election for Malcolm Turnbull's seat, which was lost by the Liberal Party for the first time, to an independent) was quickly opposed by Penny Wong, claiming the decision further undermined the already largely moribund peace process (Keinon, 2019).

## China

The greatest foreign policy challenge of contemporary times that must be faced by any Australian government is the hegemonic rise of China, the second-largest economy in the world, and possessor of the second-most powerful military in the Asia-Pacific region, after the US. China is Australia's largest trading partner (as it is for many countries in the region, such as Japan and South Korea), the destination for around of third of Australian exports. Policy towards China has been generally bipartisan, seeking to maintain economic and diplomatic engagement with China, including joining the Chinese –founded Asian Infrastructure Investment Bank (AIIB) (after some equivocation), while opposing China's unilateral territorial claims to the South China Sea (Rimmer, 2015).

Relations between the People's Republic of China and Australia have been fairly stable since the Cold War, as both Labor and Coalition governments have maintained a 'one-China' policy since 1972. The China-Australia Free Trade Agreement (ChAFTA) finally entered into force in December 2015, after years of negotiations (Department of Foreign Affairs and Trade, 2019). However, relations during the Turnbull and Morrison LNP governments soon ran into some difficulties. In July 2018, Australia announced it would join Japan in a US-led infrastructure investment initiative for the Indo-Pacific region, widely perceived as a (far less well-funded) attempt to rival China's massive Belt and Road Initiative (South China Morning Post, 2018). In August 2018, Australia announced it would ban Chinese companies Huawei and ZTE from providing any technology for Australia's planned future 5G digital communications network, citing national security concerns (BBC, 2018). The erratic attitude of the Trump Administration towards China by this stage also threatened a tariff war, which would certainly adversely affect Australia; a belligerent speech by US Vice-President Mike Pence in October 2018 accused China of threatening a new Cold War (Smith, 2019).

Defence Minister Christopher Pyne sought to downplay these rising tensions. In a more conciliatory speech in Singapore addressing China's role in the region in January 2019, followed up by a visit to China, Pyne sought to maintain Australia's delicate geopolitical balance, of standing by its US ally, while hoping to placate its

most important trading partner (McCulloch, 2019b). However, this attempt at diplomacy had been somewhat prematurely undermined, since Pyne had begun his final East Asia tour with a visit to Tokyo, where he welcomed Japan's continual increases to its defence budget, which now includes upgrading the helicopter carrier *Izumo* to accommodate F-35B strike aircraft, and plans to acquire cruise missiles. Pyne also expressed the hope that Australia might soon finally conclude a Reciprocal Access Agreement with Japan, which could allow an even greater degree of cooperation between the ADF and Japan's Self-Defense Forces (SDF) (Sturmer, 2019).

Relations with China further cooled, when Australian immigration authorities revoked the residency visa of billionaire real estate developer Huang Xiangmo, after an adverse security assessment finding that the Chinese Communist Party-linked businessman had attempted to influence both the ALP and LNP, through organizing large donations to both parties, and lobbying prominent politicians (Bisley, 2019). Soon after, Prime Minister Morrison announced that the Federal Parliament had come under a cyber-hacking attack from a 'sophisticated state actor' – implying China (or possibly Russia); China denied any involvement (New Daily, 2019). Australian coal exports to China were then soon subject to seemingly arbitrary restrictions, with lower volume quotas and stricter customs inspections at Chinese ports suddenly being imposed. Such threatening developments therefore demonstrate the stark difficulties confronting present Australia-China relations, whichever party wins government (Bermingham, 2019).

### **Conclusions – Prospects for Australian Foreign Policy After the 2019 Election**

As the 2019 election campaign commenced, the ALP remained ahead of the LNP in opinion polling, 52%-48%, on a two-party preferred basis. The Coalition has been behind Labor in nearly every opinion poll since it has been in government from 2013, hence the narrowest of victories which kept the LNP in power in the 2016 election (Beaumont, 2019). A Shorten Labor government was therefore perceived more likely, depending on the outcome of the election campaign (in its second week at the time of writing). Foreign policy had little focus in the 2019 election, dominated as usual by domestic policies, such as tax rates, renewable energy and climate change, health and education, and overall costs of living. A more aggressive and effective campaigner than Turnbull, Morrison made winning the election more of a challenge for Shorten and the ALP (Martin, 2019).

Nevertheless, one of the prime reasons for the lingering dissatisfaction with the LNP among the electorate was the leadership instability which dogged its time in government, especially the replacement of Turnbull with Morrison, which dramatically exposed the factional and personal tensions within the ruling Coalition parties. The political demise of Turnbull similarly had an adverse impact on the foreign policy continuity of the LNP government (Megalogenis, 2019). His long-serving Foreign Minister Julie Bishop also stepped down in August 2018 (replaced by then Defence Minister Marise Payne), and went on to announce she would leave parliament at the 2019 election; Defence Minister Pyne (formerly Defence Industry Minister) also announced in the closing session of the 45<sup>th</sup> Parliament in March 2019 that he would not recontest his seat.

Should Labor be returned to office, given the broadly bipartisan position both parties take towards foreign policy, whether interpreted through either a Liberal or Realist perspective, any future changes are unlikely to be dramatic. Provision to the Pacific will continue to be the highest priority for Australia's ODA program. The US alliance will be maintained, and the ADF's advisory missions in Iraq and Afghanistan will likely continue, as long as those armed conflicts endure. Managing relations with China will remain the most challenging bilateral diplomatic relationship. The most substantial foreign policy change is likely to come if Labor reverses recognition of Jerusalem as the capital of Israel.

Should a Shorten Labor government come to pass, the greatest difference may come in the structural, institutional process. A more unified Cabinet would be in a better position to deliver greater certainty and consistent direction to Australian foreign policy. Such attention will be earnestly required across a range of security, economic, and environmental issues. The values and philosophy of Australian foreign policy, drawn from the philosophy of its political parties, will continue to be tested as they cope with ever more complex and challenging regional and international diplomacy.

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***Facing the Face of Death in Serenity: Learning from Abrahamic Religion***

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**Abstract**

You and everyone you've ever known someday will die with a certainty. Death is a topic which relevant to us, and yet it isn't pleasant to talk about. Western societies embrace individualism that promotes the personal autonomy of the dying. IOM defined a "good death" as "one that is free from avoidable suffering for patients." Suffering is a state of undergoing pain, distress, or hardship. There are 3 types of sufferings: physical, mental, and spiritual. Is it then realistically possible to have a death that is free from suffering? According to research conducted by Pew Research Center on Religion, Abrahamic Religion counted as the largest religion totaling 55.3 % of the world population. Its followers believe that God created mankind in His own image. As life is precious, holy and sacred, only God has the authority to give and take life. Augustine of Hippo, a fourth-century philosopher believed as creations there is a natural longing to join the Creator. For that humans have to go through physical death before being able to join God eternally in spirit. When we have faith as a foundation to be based on, we accept physical death as a way to join our Creator. Thus, we are able to free ourselves from distress and hardship. We can peacefully undergo the process and look forward to the moment we join our Creator perpetually. So, can we face death in serenity and embracing the future with God in peace and joy? Yes, we can and should.

Keywords: good death, death, after life, resurrection, dying, suffering, God, Abrahamic Faith, serenity, peaceful

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## Introduction

Mom had ovary cancer. She was misdiagnosed with TB and was treated for about 2 years prior finally founding out that she had ovary cancer stage 4. The doctor hesitated to tell the truth of her stage condition. That from medical analysis, mom had only few months to live. She was dying and it was only a matter of time before she returned to join her Creator. Instead of telling us the hard fact , her doctor used more words that seems misleading her and our family further away from the heartbreaking truth. The doctor then advised us that we should try chemo and ‘leave and let God decide the result’.

Not knowing that she had no more chance to prolong her good life , with the support of the family, she agreed to do chemo. The next 5 (five) months after she found out about her ovary cancer were spent in and out of hospital. She lost all her hair, she lost all her confident and the most important thing, and she lost “quality time” that she could have spent with the family even though it will be just a good few short months. She suffered a great deal of physical, emotional and mental pains.

Watching her through those sufferings were heartbreaking and traumatic for the family. To this day, 17 years later, on some days near her birthday or death anniversary, I often thought of her and wish that she could have had ‘End of her journey’ in serenity, less sufferings and more peaceful manner.

She is not the only one that had the life journey ended that way. Amongst us here, there are many sons, daughters and family members that probably had the same thought and wish like I do when we think of our beloved family member that has passed in similar circumstances.

Pew Research Center released report on Global Religious Future Project in 2017, which analyzes religious change and its impact on societies around the world. Reporting in Between 2015 and 2060, the world’s population is expected to increase by 32%, from 7.3 billion to 9.6 billion. Christians were the largest religious group in the world in 2015, making up nearly a third (31%) of Earth’s 7.3 billion people. Muslims were second, with 1.8 billion people, or 24% of the global population. Jews, with 10 million people or 0.01% of the global population. The three religions of Abrahamic Faith count 55.5 %, more than half of the global population. Thus the perspective and beliefs of the believer of the Abrahamic Faith matter because their number is significant and continue to grow with the improvement in health sector and living standard worldwide while annual global death count is declining.

Institute of Health Metrics and Evaluation (IHME) released data in 2016 on number of death by cause of death. 53 million people died globally in 2016, the biggest cause is cardiovascular diseases at 32.26%, second cause is cancer at 16.32 %. In most cases, the cancer was found at later stage and therefore the death is approaching months away from the diagnosis. But usually there are still few months before the final end of life is there. Thus, it can be prepared in the most suitable ways for the dying ones, that will not only ease them from suffering, pain, and guilt of leaving their loved one but also making them going in their final journey in serenity, peace and to certain extend: joyfulness.

## **I. A Good Death According to Western Society**

The Institute of Medicine (IOM) in 2007, published its definition of “a good death” which defined as “one that is free from avoidable suffering for patients, families and caregivers in general accordance with the patients’ and families’ wishes.”

Western societies embrace individualism that promotes the personal autonomy of the dying, including avoiding suffering for the patients, families and caregivers. When the patients are well aware of their diagnosis and prognosis thus able to make their own choices about how and when they shall live and die.

Euthanasia is allowed in 5 (five) countries: the Netherlands, Belgium, Colombia, Luxembourg and Canada. Physician-Assisted Suicide (PAS) is legal in Switzerland, Germany, Japan, the American states of Washington, Oregon, Colorado, Vermont, Montana and California, and in Washington, DC. But in most countries in the world, both Euthanasia and Physician-Assisted Suicide are illegal. To kill another person deliberately is murder or manslaughter, even if the other person asks you to kill them.

Death is not always painful. Some people die without any pain at all. But others have a lot of pain. But with terminally ill case, for example with cancer, up to 90 percent of people experience pain at some point in their journey, and up to 35 percent of patients describe their pain in the last week of life as severe or intolerable. The amount of pain you experience can vary depending on your diagnosis. People dying from cancer have severe pain and suffer greatly, and not just physically but emotionally as well.

Physical suffering / great pain can accentuate other symptoms such as shortness of breath and anxiety. Emotional suffering can leave patient short-tempered and unable to concentrate, in turn making it difficult to have meaningful conversations with your loved ones and health care provider who assist the patients during those moments. Spiritual suffering causes the dying ones to feeling alone and empty. Those three types of suffering rob them of their last good moments here on earth with their loved ones. For those left behind, the memory of the dying process will linger for years to come. If that time was marked by sufferings and pain, it can result in prolonged grieving.

## **II. Death According to Abrahamic Religion**

### **II. 1. Death According to Jewish**

In Judaism, death is not a tragedy and life is valued above almost all else. Because life is so valuable, it is not permitted to do anything that may hasten death, not even to prevent suffering. Euthanasia, suicide, and assisted suicide are strictly forbidden by Jewish law. The Talmud states that you may not even move a dying person's arms if that would shorten his life. Where death is certain and imminent, and the patient suffers then Jewish law does permit one to cease artificially prolonging life. Thus, in certain circumstances, Jewish law permits "pulling the plug".

Death is the natural process of human life. Death becomes a transition to the afterlife. This time of transition is seen as a sacred event. If man is created in the image of God, the soul will be back to God the creator. The godly soul will return to its origin, namely God the divine source (Jaffer, 2016). Because of that, the death is understood

as the segregation between the physical and the spiritual part of human body. Those two parts are conjoined during the time of conception. While the physical returns to the earth, the spiritual one starts the journey to the next life.

## **II.2. Death According to Christianity**

From the understanding of Judaism and Christianity, God created mankind in His own image. He exhaled His breath into man. Therefore, it gives life an infinite value to humans as an hour, a day or a week of life is representing as much value as many months or years.

We inherited God's image and breath. We are created. God as The Creator owns our life and we are thus not the ruler of our own life and death. Our life is sacred therefore we have a task to guard this (our) precious life. Furthermore, from the Holy Bible, it is stated within The Fifth of God's commandment: "Do not kill".

The Bible statement on Life is clear, "The LORD has given, and the LORD has taken away; blessed be the name of the LORD," (Job 1:21). We are forbidden to take people life and we cannot take our own life because only God has the authority over human life.

The Christians believe that death is the climax of their terrestrial life. The life of human is limited by time. Death is normal for the human life because his life is not boundless. Only God is limitless and eternal.

Death for Christians leads them to meet the Lord. The mundane life is only temporary. It is not everlasting. They have a great hope in death because they believe that through the death, the Christians will be reunited with the Lord. "We should be cheerful because we would rather leave these bodies and be at home with the Lord (II Corinthians 5:8)" St. Teresa of Avila wrote, "I want to see God and in order to see him, I must die." To be one with the Lord, a man must be away from his body. In the death experience, the soul of human is separated from the body. The soul will be reunified with the body on the day of resurrection of the dead (Catechism 1005).

## **II.3. Death According to Islam**

Inna lillahi wa inna ilayhi raji'un (Arabic: رَاجِعُونَ إِلَيْهِ وَإِنَّا لِلَّهِ إِنَّا) is a part of a verse from the Qur'an which translates to "We belong to God and to Him we shall return."

For the Muslims, The Qur'an explicitly states that divinity not only shapes our end, but determines the moment and type of our demise (Qur'an 56: 57–62; Cheraghi et al., 2005). Islam respects the individual's pathway to God and does not wish to intrude on a relationship that is ultimately controlled by divinity. The Qur'an makes it very clear that the afterlife is more important than present life, at least in terms of one's eternal destiny, for one will be judged and rewarded there according to one's deeds in this life. Once death has taken an individual, that person belongs to God and the other world. Popular notions of God's workings will often pointedly refer to sickness as a test (Cheraghi et al., 2005), with the ultimate aim is to make the person more religious. Hence, even quite ordinary Muslims will view a life-limiting illness through the prism of their personal relationship with God.

### III. Resurrection According to Abrahamic Religion

#### III.1. Resurrection According to Jewish

The idea of resurrection is related to two types of character of human in the Jewish belief (Ryan & McGinley, 2012). There is distinctive destiny of afterlife between the just and the wicked. They will accept the fate according to their demeanor and deportment in the world. The wicked will not have any expectation for viability. They will be shattered and demolished. Their existence will be dissolved. "Those enemies are now dead and can never live again. You have punished them -- they are destroyed, completely forgotten" (Isaiah 26:14). But the just will be viable and find hope and assurance in their afterlife. "Your people will rise to life! Tell them to leave their graves and celebrate with shouts. You refresh the earth like morning dew; you give life to the dead" (Isaiah 26:19). The just will enjoy their afterlife. In the next life, they will be delighted, cheerful, and content.

Like the Isaiah Apocalypse, the book of Daniel sees the wicked and the just in the similar pathway. The book of Daniel is written during the Babylonian Exile (597 BCE). The writer hoped for the independency from molestation and torment. Besides that, the writer expected for the relieved situation from the sting of death. It is seen as the ultimate exile (Ryan & McGinley, 2012). "Many of those sleeps in the dust of the Earth will awake, some to eternal life, others to reproaches, to everlasting abhorrence (Daniel 12:2)."

After the end of the Babylonian Exile, the prophet of Ezekiel contemplated about the word of God in resurrection of the human body (Ryan & McGinley, 2012). "The Lord said, 'Ezekiel, son of man, can these bones come back to life?' I replied, 'Lord God, only you can answer that'" (Ezekiel 37:13). Ezekiel associated the idea of resurrection to the return the Jews from Babylon. He described the resurrection as a coming home to the eternity and perpetuity with God.

The Jewish belief on resurrection is also can be based on the experience of their ancestor in the second BCE. Antiochus IV Epiphanes was the Greek ruler over the Syria. He ordered the Jews to follow his *hityavnut* policy as the hellenization or assimilation of Greek culture in every aspect of Jewish life (Ryan & McGinley, 2012). The Jews was not allowed to worship Yahweh. Only Zeus was praiseworthy. Under Judas Maccabeus leadership, they made a revolt. Many of them became the martyr of faith. The event generated hope for an afterlife. The Jews expected a resurrected bodily life in the world to come. "But the King of the universe will raise us from the dead and give us eternal life, because we have obeyed his laws (2 Maccabees 7:9)." Based on the Book of Maccabees, the Jewish find their strong belief for the afterlife.

#### III.2. Resurrection According to Christianity

The Christians believe on resurrection mainly because of the experience of Jesus Christ the Risen Lord. The first disciples wrote it in their writings. They experienced the visions of the Risen Lord over a period of forty days (Ryan & McGinley, 2012). "For forty days after Jesus had suffered and died, he proved in many ways that he had been raised from death. He appeared to his apostles and spoke to them about God's

kingdom “(Acts 1:3). The resurrection of Christ is the principal component for the Christian faith. Therefore, Christians believe that all human beings will be resurrected.

As the Lord, Jesus himself has the authority over the death. “I am the one who raises the dead to life! Everyone who has faith in me will live, even if they die. And everyone who lives because of faith in me will never really die. Do you believe this? (John 11:25-26)”

Paul as the disciple of Jesus had the same experience. After five to eight years after the death of resurrected of Jesus, he had an attested fact of the risen Jesus. “Finally, he appeared to me, even though I am like someone who was born at the wrong time. (I Corinthians 15:8) Paul explained on how our bodies will be when are raised to life. Our physical bodies will be altered into spiritual bodies.

There was also Mar Jacob of Serugh, the Syriac homilist who wrote about the resurrection (Ryan & McGinley, 2012). He lived in the late fifth and early sixth century CE. He composed the poem about the Seven Sleepers of Ephesus. It narrated how the Roman emperor Decius persecuted the Christians. In Ephesus, the emperor forced the Christians to make a sacrifice to gods. There were seven boys who did not want the sacrifice. They hid in a cave. They slept over night. Mar Jacob of Serugh wrote that the Lord saw the faith of the dear lambs and . . . took their spirits and raised them up above, to heaven, and left a watcher to be guarding their limbs. Because the kids felt hungry, one of them bought a food. When got into the city, he felt surprised. He found many crosses. He brought the coin from two centuries old. The people were also surprised because of the coin and his presence. Finally, the boy led the Christians to the cave where he and his friends had slept since two hundred years ago. They continued the role to be witnesses to the reality of the resurrection. “For your sake has Christ the Lord awoken us so that you might see and hold firm that the resurrection truly exists.”

The idea of resurrection of the body is similar which can be quoted from the Catechism of the Catholic Church. The resurrection of the flesh means not only that the immortal soul will live on after death. But that even our mortal body will come to life again (Catechism 990).

### **III.3. Resurrection According to Islam**

The prophet of Muhammad may had been aware of and informed about the story of the Seven Sleepers (Ryan & McGinley, 2012). The story had been retold in the oral tradition. The Christians lived in Arabia spread the story orally. The prophet of Muhammad re-experienced this vision when he had a disputation with the Meccan countryman about the hour of judgment and the resurrection of the dead. “Thus did we bring them [the Companions of the Cave] to their [the unbelievers’] attention so that they might know God’s promise is true and that there is no doubt about the hour [of judgment], even though they hold various opinions about this matter (Quran 18:21).”

There are many Quranic verses about the resurrection of the dead. God show the people how he would resurrect the dead. “How can you disbelieve in Allah when you

were lifeless and He brought you to life; then He will cause you to die, then He will bring you [back] to life, and then to Him you will be returned.” (Surah Al-Baqarah 2:28)

More than that, God shows them how he brings some animals back to life. In Surah Al-Baqarah 2:260 “And [mention] when Abraham said, "My Lord, show me how You give life to the dead." [ Allah ] said, "Have you not believed?" He said, "Yes, but [I ask] only that my heart may be satisfied." [ Allah ] said, "Take four birds and commit them to yourself. Then [after slaughtering them] put on each hill a portion of them; then call them - they will come [flying] to you in haste. And know that Allah is Exalted in Might and Wise."

## Conclusion

None of us wants to die but a well-rounded life should have a beginning, middle, and an end. There will always be sorrow and grief. But each one of us should be able to say, in that next place: "I had a good death in serenity". It is rational to fear death. Particularly if death comes through illness, our body has lost its appetite for living. Our own death gives grief to people we loved. It is natural that we feel sad for them, and for the loss of so many things we hold dear must be painful. While we cannot stop or take the physical pain of the dying one we can lessen their emotional and spiritual pain, offer emotional support and spiritual accompaniment in order for the dying one to be fulfilled spiritually and ready for the final journey.

The question of why some suffer at death and others do not could be summed up in one statement: "God is sovereign." That is not just a trite and easy statement. When Jesus healed a man born blind, the disciples questioned Him. "‘Rabbi, who sinned, this man or his parents, that he was born blind?’ ‘Neither this man nor his parents sinned,’ said Jesus, ‘but this happened so that the work of God might be displayed in his life’" (John 9:1-3). God allows some to suffer so that "the work of God might be displayed." In other words, God allows some to suffer to bring glory to His name and others not to suffer for the same reason. It is His sovereign will that determines each circumstance. Therefore, we can safely say that no suffering is without a purpose in the plan of God.

Saint Augustine of Hippo is a fourth century philosopher whose groundbreaking philosophy infused Christian doctrine with Neoplatonism. He is famous for being an inimitable Catholic theologian and for his agnostic contributions to Western philosophy. He believed as creations there is a natural longing to join the Creator. For that humans have to go through physical death before being able to join God eternally in spirit.

Therefore, however a believer dies; it is but a transition to "face to face" with the LORD. Once that transition has been made, all of the sorrow and pain of the suffering will end. "He will wipe every tear from their eyes. There will be no more death or mourning or crying or pain, for the old order of things has passed away" (Revelation 21:4).

The relinquishment of life in the final phase is possible and can be a time of peaceful acceptance, knowing that we have so much to look forward when we join our Creator

in eternal life, calm and peaceful which contrast with the tensions and frustrations of the battles to survive in life. Therefore the believers have great hope in death because it reunites them with God.

The face of the Creator alone will abide. All things are return to God by means of a recapitulation spoken of, with as abundance of imagery, in all holy and sacred books of Abrahamic Religions. Death for believer of Abrahamic Faith is leading to life eternal with the ultimate good who is God.



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